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Our File No.: 4889010001

September 3, 2009

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: CC Docket Nos. 03-123 & 98-67
WC Docket No. 05-196
RM-11065
CG Docket No. 05-231
ET Docket No. 99-254
GN Docket Nos. 09-47, 09-51, & 09-137
Notice of Ex Parte Communication

Dear Ms. Dortch:

On September 3, 2009, Claude L. Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), Rosaline Crawford, Director, Law and Advocacy Center of the National Association of the Deaf (“NAD”), and the undersigned counsel for TDI, met with Sherrese Smith, Chairman Genachowski’s Legal Advisor for Media, Consumer and Enforcement Issues.

During the meeting, TDI and NAD discussed and explained the positions taken in the Comments and Reply Comments filed by Consumer Groups¹ in response to the Commission’s May 14, 2009 Public Notice and Notice of Proposed Rulemaking, FCC 09-39 (“NPRM”). Among other things, TDI and NAD discussed whether the current VRS rates should be changed and how the Commission should address the VRS rates in a new NPRM to be issued for the next rate period. The Consumer Groups asked that the Commission not modify the VRS reimbursement rate for the 2009-2010 rate period, citing the critical need to provide incentive and long-term stability for the TRS industry. To change the rate during a third year of a three-year period would prove to be counterproductive. The Commission should be mindful that when it makes a three-year

¹ Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), Association of Late-Deafened Adults, Inc. (“ALDA”), National Association of the Deaf (“NAD”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”) and Hearing Loss Association of America (“HLAA”) (collectively, the “Consumer Groups”).

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reimbursement rate decision, the industry responds with business/operational plans, allocation of resources, and research/development initiatives that are implemented during the three-year period. Through stability in the TRS industry, consumers would experience high quality and efficient relay services.

TDI and NAD also suggested that the Commission hold a summit to address continuing issues with the iTRS 10-digit numbering system. The Consumer Groups believe that having a summit of all stakeholders--industry, consumers and consumer groups, and the Commission--would benefit all parties by bringing continuing problems and potential solutions to the forefront and allowing the stakeholders to discuss in an open forum.

TDI and NAD also described other issues that were important to their groups including, (1) their Petition for Rulemaking on closed captioning quality standards, (2) captioned telephones, (3) NG911 issues, (4) support of the Twenty-first Century Communications and Video Accessibility Act (H.R. 3101); (5) Consumer Groups' participation in the FCC workshop on the development of a National Broadband Plan (NBP) and people with disabilities; and (6) the need to integrate consideration of disability access issues into all aspects and actions of the FCC, including but not limited to development of the NBP..

Very truly yours,

_____/s/
Eliot J. Greenwald
Brett P. Ferenchak

Cc (by e-mail): Sherrese Smith (FCC)
Claude L. Stout (TDI)
Rosaline Crawford (NAD)