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VIA ELECTRONIC FILING (ECFS)

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: **EX PARTE PRESENTATION**

Structure and Practices of the Video Relay Service Program
CG Docket No. 10-51

Dear Ms. Dortch:

On January 28, 2011, the undersigned on behalf of Hamilton Relay, Inc. (“Hamilton”) had a telephone conference with Karen Peltz Strauss of the Consumer & Governmental Affairs Bureau (“CGB”).¹ We discussed various points made in Hamilton’s September 7, 2010 and September 13, 2010 comments filed in response to the Commission’s May 27, 2010 *Notice of Proposed Rulemaking* (“NPRM”).² In particular, we discussed the following points:

- The Commission should ensure that any rules adopted as a result of the *NPRM* indicate specifically which rules apply to providers of Video Relay Service (“VRS”) only, which rules apply to providers of Internet-based Telecommunications Relay Services (“iTRS”) and which rules apply to TRS providers generally.

¹ The undersigned counsel contacted Ms. Strauss to obtain status information on various proceedings and to present arguments already reflected in Hamilton’s previously submitted filings in this docket, neither of which would have required an ex parte filing under current rules. Nevertheless, out of an abundance of caution this ex parte notification is being filed. For these reasons and to the extent necessary, Hamilton respectfully requests a waiver of the one business day time limit for ex parte filings set forth in Section 1.1206(b)(2) of the Commission’s rules, 47 C.F.R. § 1206(b)(2).

² *Structure and Practices of the Video Relay Service Program*, Declaratory Ruling, Order and Notice of Proposed Rulemaking, CG Docket No. 10-51, FCC 10-88 (rel. May 27, 2010) (“NPRM”).

- A “shot-clock” should be employed to restrict the timeframe for the TRS Fund Administrator’s review of providers’ data submissions, and an opportunity to appeal any adverse Administrator decision should be provided.
- Providers should be required to automatically capture the conversation time, to *at minimum* the nearest second, for each relay call submitted for payment from the Fund.
- The Commission should not require providers to submit any user data to the TRS Fund Administrator that would violate a user’s privacy or any data that could be construed as Customer Proprietary Network Information or its equivalent.
- The Commission should not require the public disclosure of any TRS provider cost or demand data due to the sensitive financial nature of such data and the potentially severe competitive impact that the release of such data may cause. Hamilton believes that improvements to the Commission’s auditing process would provide the public with a sufficient level of disclosure without subjecting providers’ sensitive cost data to scrutiny by competitors.
- Hamilton supports a rule that restricts Communications Assistants (“CAs”) from working in unmonitored workspaces, and such a rule should apply to TRS providers generally.
- Hamilton supports a rule requiring all TRS call centers (and not just VRS centers) to be located in the United States. World Trade Organization obligations would not prohibit such a rule, although the North American Free Trade Agreement may require the rule to be expanded to include members of that Agreement.
- Finally, although it is concerned about the potential for inconsistent state and federal whistleblower protection rules, Hamilton does not oppose Commission-specific whistleblower rules to the extent that such rules are not inconsistent with state rules and are designed to protect CAs and deter fraud in the relay system.³

In the event that there are any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

/s/ David A. O’Connor

David A. O’Connor

Counsel for Hamilton Relay, Inc.

cc (via e-mail): Karen Peltz Strauss

³ As noted in Hamilton’s comments on this issue, Hamilton suggests minor revisions to the proposed whistleblower rule, to the extent such a rule is adopted by the Commission. See Hamilton’s First Set of Comments at 5-6 (filed Sept. 7, 2010); *see also* Hamilton *ex parte*, at 2 (filed Oct. 6, 2010).