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November 8, 2012

VIA ELECTRONIC FILING (ECFS)

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

RE: **EX PARTE PRESENTATION**
*Telecommunications Relay Services and Speech-to-Speech Services for
Individuals with Hearing and Speech Disabilities*
CG Docket No. 03-123

Dear Ms. Dortch:

On November 5, 2012, Dixie Ziegler, Anne Girard, and Philip Hupf of Hamilton Relay, Inc. (“Hamilton”), and the undersigned on behalf of Hamilton, met with Karen Peltz Strauss and Robert Aldrich of the Consumer & Governmental Affairs Bureau, Greg Hlibok and Eliot Greenwald of the Disabilities Rights Office, and Richard Hovey and Andrew Mulitz of the Wireline Competition Bureau.

During the meeting, Hamilton provided additional details about its pending Petition for Interim Waiver (“Waiver Petition”)¹ in connection with its Internet Protocol Captioned Telephone (“IP Captel”) service for hard of hearing individuals. The Waiver Petition notes that the incoming telephone number (i.e., the Captel phone number) cannot be reported in the Call Detail Record (“CDRs”) for calls originating from IP Captel phones; rather, only the IP address of the IP Captel phone can be reported.² Hamilton discussed the possibility of also capturing the electronic serial number (ESN) of each IP Captel phone each time the phone connects to the IP Captel service. Given that the ESN is unique to the individual phone, Hamilton suggested that the ESN can and should be used as a substitute for reporting incoming telephone numbers in the CDRs for IP Captel phone calls, particularly because the ESN information can be analyzed in conjunction with the user’s IP address and other CDR information.

¹ Hamilton Relay, Inc. and Sprint Communications, L.P., Petition for Limited Waiver, CG Docket Nos. 10-51, 03-123 (filed July 25, 2012).

² *Id.* at 1-2.

Hamilton noted that the ESN proposal is also set forth in the IP Captioned Telephone Best Practices Policy (the “Policy”) submitted by Ultratec, Inc. in this docket.³ Hamilton filed comments in support of the Policy⁴ and urged the Commission to seek formal comment on the Policy. Clear rules regarding IP Captel service are very much needed and should be applied on a prospective basis.⁵

We also discussed the recent Rolka audits of relay providers. Hamilton noted its support for the audits and its appreciation of the audit process generally. Hamilton strongly supports continued Commission enforcement of current rules. Audits and enforcement actions should be the focus in order to root out bad actors and practices, rather than penalizing the TRS Fund as a whole or lowering reimbursement rates for all providers. The Commission therefore urgently needs to adopt clear rules for IP Captel and begin enforcing them quickly in order to avoid the problems that have plagued IP Relay and Video Relay Services.

This filing is made in accordance with Section 1.1206(b)(1) of the Commission’s rules, 47 C.F.R. § 1.1206(b)(1). 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

Counsel for Hamilton Relay, Inc.

cc (via e-mail): Participants

³ Ultratec, Inc., Ex Parte presentation, CG Docket No. 03-123, at 10-11 (filed Sept. 21, 2012).

⁴ Hamilton Relay, Inc., Comments of Hamilton Relay, Inc. in Support of IP CTS “Best Practices” Policy, CG Docket No. 03-123 (filed Nov. 1, 2012).

⁵ For example, to the extent the Commission adopts “acceptable use” warning label requirements on IP Captel phones, such labeling requirements could only be applied on a prospective basis because existing Captel phones in the field could not be retrofitted to include new labeling requirements. As Hamilton has noted, however, some IP Captel phones currently are sold pre-loaded with an Acceptable Use warning screen. *See id.* at 1-2.