

Tamar E. Finn  
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January 8, 2013

**VIA ECFS**

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

**Re: CG Docket No. 03-123 - Notice of Ex Parte Communication**

Dear Ms. Dortch:

On January 4, 2013, the undersigned, on behalf of Telecommunications for the Deaf and Hard of Hearing, Inc. ("TDI"), spoke by telephone with Angela Kronenberg, Legal Advisor to Commission Mignon Clyburn and Priscilla Argeris, Legal Advisor to Commissioner Jessica Rosenworcel; and on January 7, 2013 had follow-up teleconferences with Ms. Kronenberg and Ms. Argeris and spoke by telephone with Christine Kurth, Legal Advisor to Commissioner Robert McDowell.

Ms. Finn argued that the FCC should not adopt an interim emergency rule imposing an IP CTS certification requirement because such action is not supported by any record evidence that IP CTS users are intentionally misusing or otherwise defrauding the service. Ms. Finn explained that TDI opposes as arbitrary and inconsistent with the Americans with Disabilities Act any IP CTS eligibility requirement that would require certification of hearing loss of a certain dB level (whether 40 dB or 70 dB).

Ms. Finn explained that the Consumer Groups propose the Commission take the following two steps:<sup>1</sup>

**Step One:**

- Prohibit referral fees; and

<sup>1</sup> See Letter from Philip J. Macres, counsel for TDI, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123 (filed Jan. 7, 2013 (listing the Consumer Groups and summarizing their proposal)).

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- Adopt a revised TRS Fund size and carrier contribution factor for the remainder of the 2012-13 Fund year.

**Step Two:**

Initiate a fast track comment cycle on possible rules/requirements associated with:

- Non-dB based certifications that certain states have adopted, *e.g.*, self and/or third-party certifications;
- Requirements that IP CTS providers educate consumers on proper use of the service; and
- Setting captions off as the default position on captioned telephones.

Sincerely,

/s/

Tamar E. Finn

*Counsel for Telecommunications for the  
Deaf and Hard of Hearing, Inc.*

cc: (via E-Mail)

Angela Kronenberg  
Priscilla Argeris  
Christine Kurth