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January 11, 2013

**VIA ELECTRONIC FILING**

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

Re: **Notice of Ex Parte Communications, Telecommunications Relay Service and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123**

Dear Ms. Dortch:

On January 10, 2013, Tamar Finn and the undersigned of Bingham McCutchen LLP had a telephone call with Kris Monteith, Acting Chief of the Consumer and Governmental Affairs Bureau, to discuss the Internet Protocol Captioned Telephone Service (“IP CTS”) item currently on circulation.

The Consumer Groups<sup>1</sup> reiterated the points in their January 7, 2013 *ex parte* letter that opposes Dr. McBride’s recommendation in her January 2, 2013 Declaration.<sup>2</sup> Consumer Groups emphasized they only support interim emergency rules that: (a) prohibit referral fees associated with IP CTS; and (b) immediately require IP CTS telephone providers to take all technically feasible and commercially reasonable steps to set the default position of such telephones at “captions off,” whether it be through a software or hardware fix. Purple Communications, Inc. and Hamilton likewise support having “captions off” on IP CTS devices.

In addition, Consumer Groups’ voiced their support for emergency interim rules that focus on consumer education instead of having a dB loss threshold eligibility requirement or a third-party certification by a qualified professional. Such educational rules could ensure that: (1) IP CTS users fully understand the source of the funds and purpose for the service; (2) the person receiving any IP CTS equipment will use the phone and service

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<sup>1</sup> “Consumer Groups” supporting this letter include the Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), Association of Late-Deafened Adults, Inc. (“ALDA”), Hearing Loss Association of America (“HLAA”), National Association of the Deaf (“NAD”) and Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”).

<sup>2</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).

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appropriately; and (3) the person receiving the phone has been fully instructed on how to turn the captions on and off.

As to this latter point, Consumer Groups explained that for example, each IP CTS telephone may have a different process to turn captions on and off. Not only that, if the default is off, one would need to know how to turn it on. Moreover, a user may decide even in the middle of a conversation that he or she does not need to keep it on, so the user needs to know how to turn captions on and then off during the middle of a telephone call. We explained that IP CTS providers could educate consumers during the existing self-certification process.

During the call, Consumer Groups also extended their appreciation to the Commission for seeking the Consumer Groups' input on these issues and emphasized that the issues are very complicated and have serious implications for IP CTS users.

Please contact me should you have any questions.

Respectfully submitted,

*/s/ Philip J. Macres*

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