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January 14, 2013

VIA ELECTRONIC FILING

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

Re: **Ex Parte Presentation, 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 11, 2013, Commission staff asked Consumer Groups¹ to comment on Hamilton Relay, Inc.'s proposal that was filed with the Commission on January 10, 2013.²

In particular, Consumer Groups understand that under the proposal a bifurcated eligibility standard would apply to new IP CTS users, such that:

(a) any consumer who accepts a free or *de minimis* cost IP CTS telephone must provide a certification from a third-party or independent professional in order to be eligible to use IP CTS. Conceptually, the certification would affirm the consumer's need for IP CTS to obtain functionally equivalent telephone service.

(b) any consumer who purchases an IP CTS telephone for more than a *de minimis* cost would self-certify, because the user has already demonstrated through his or her purchase that the IP CTS telephone is needed.

The Consumer Groups do not oppose Hamilton Relay's proposal so long as there is no mention of a dB eligibility threshold and the bifurcated certification requirement expires in 180 days.

The Consumer Groups request that in the notice of proposed rulemaking the Commission issues with the emergency order, the Commission, at a minimum, seek

¹ "Consumer Groups" include the Telecommunications for the Deaf and Hard of Hearing, Inc. ("TDF"), 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").

² See Letter from Dave A. O'Connor, counsel for Hamilton Relay, Inc., to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123 (filed Jan. 10, 2013).

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comment on whether the interim third-party certification eligibility requirement should be included in any permanent rules and whether any evidence exists to make this requirement permanent. Consumer Groups also request that the emergency order direct the TRS Fund administrator to collect and analyze data to determine the source of growth in IP CTS; to share aggregate, redacted data about the growth in IP CTS with the Consumer Groups; and to incorporate IP CTS growth projections in the next TRS contribution factor, which will be issued prior to expiration of the 180-day interim rule.

We thank the Commission for asking for our input on Hamilton Relay's proposal. In addition, we look forward to submitting comments on the notice of proposed rulemaking and working with the Commission in its evaluation of any permanent requirements.

Please contact me should you have any questions.

Respectfully submitted,

/s/ Philip J. Macres

Philip Macres

Counsel for TDI

Attachments

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