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

Re: **Notice of Ex Parte – CG Docket Nos. 03-123 and 10-51**
Purple Communications, Inc.

Dear Ms. Dortch:

Purple Communications, Inc. hereby responds to the ex parte filed on July 24, 2013, by CaptionCall, LLC, a subsidiary of Sorenson Communications, Inc.,[1] regarding the petition filed by Purple on July 8, 2013.[2] In its petition, Purple requested that the Commission clarify footnote 122 to its June 10, 2013 Order,[3] which states that "[c]alls that are completed using a technology that does not provide both inbound and outbound functionality are not compensable from the TRS Fund." Purple requests clarification that this statement does not apply when users access IP CTS through web and wireless services. Purple emphasized that, absent this clarification, it would be forced to shut off IP CTS service provided via web or wireless technologies because inbound IP CTS calls over web or wireless technologies cannot be captioned without some intermediary step such as a separate 10-digit number and call flow for this specific function.

CaptionCall urges the Commission to deny Purple's petition because it believes that using different technologies and call flows for inbound and outbound calls to/from the same customer, and resulting in automatic captioning of inbound IP CTS calls over web or wireless technologies, satisfies footnote 122.[4] However, those technologies referenced by Sorenson as supporting inbound calls are <u>not</u> the same technologies used by the customer to place the outbound call. Moreover, the

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[1] *See* Letter from John T. Nakahata, Counsel, CaptionCall, LLC, to Marlene H. Dortch, Secretary, FCC, Notice of Ex Parte, CG Docket Nos. 10-51 and 03-123 (filed July 24, 2013) ("CaptionCall Ex Parte").

[2] *See* Petition of Purple Communications, Inc. for Expedited Clarification or Partial Reconsideration or, Alternatively, a Waiver, CG Docket Nos. 10-51 and 03-123 (filed July 8, 2013).

[3] *Structure and Practices of the Video Relay Service Program, et al.*, CG Docket Nos. 10-51 and 03-123, Report and Order and Further notice of Proposed Rulemaking, 28 FCC Rcd 8618 (rel. June 10, 2013).

[4] *See* CaptionCall Ex Parte at 1, Exhibit A, ¶¶ 6-9.

automatic captioning of inbound calls by using the technologies referenced by Sorenson is potentially inconsistent with the Commission's "default-off" requirement.[5]

Purple takes no position as to whether such technologies are functionally equivalent, or satisfy the Commission's "default-off" requirement. Purple points out, however, that they are clearly different technologies, and there are different call flows on the inbound and outbound calls. Purple requests immediate clarification on whether the June 10, 2013 Order operates to prohibit captioning through existing web and wireless technologies.

Respectfully submitted,

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[5] *See* 47 C.F.R. § 64.604(c)(10)(i).