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August 26, 2013

VIA ECFS

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

Re: Notice of *Ex Parte* Presentation, CG Docket Nos. 13-24 & 03-123

Dear Ms. Dortch:

On August 22, 2013, Claude Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”) and Chair, Deaf and Hard of Hearing Consumer Action Network (“DHHCAN”); Lise Hamlin, Director, Public Policy Advocacy, Hearing Loss Association of America (“HLAA”); Cheryl Heppner, National Advocacy Director, Association of Late Deafened Adults, Inc. (“ALDA”) and Vice-Chair, DHHCAN; and Linda Kozma-Spytek, Research Audiologist, Gallaudet University Technology Access Program (“TAP”) (collectively, the “Consumer Groups and TAP”) along with the undersigned of Bingham McCutchen LLP on behalf of TDI met with Dave Grimaldi, Chief Counsel and Legal Advisor to Commissioner Clyburn; Kris Monteith, Acting Chief, Consumer and Government Affairs Bureau (“Bureau”); and Karen Peltz Strauss, Greg Hlibok, Robert Aldrich and Eliot Greenwald of the Bureau to discuss the draft order regarding Internet Protocol Captioned Telephone Service (“IP CTS”) that the Consumer Groups and TAP understand the Commission is considering in the above-referenced proceedings.¹

During the meetings, we expressed our appreciation for the Commission’s cooperative work with Consumer Groups and TAP on this issue and pledged to continue working together to ensure IP CTS remains available to consumers who need and use the service to achieve functional equivalency in their communications. We praised the Commission for declining to impose

¹ See *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 & 03-123, Order and Notice of Proposed Rulemaking, 28 FCC Rcd 703 (2013) (“*Interim IP CTS Order*”).

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quantitative dB hearing loss threshold requirements. We reiterated that Consumer Groups and TAP would prefer the Commission base its decisions on record evidence that a sufficient quantity of IP CTS misuse exists to support any default captioning-off rule. We also discussed the importance of continued research and monitoring to ensure consumers do not experience technical difficulties with default-off, the importance of ensuring consumers receive education about IP CTS services, and the need to ensure low income consumers have access to IP CTS where the cost of a phone could deter them from using the service. Because not all states have equipment distribution programs, Consumer Groups and TAP want to ensure that all consumers who would benefit from using IP CTS -- those with hearing aids or cochlear implants and those without -- have the capability to enjoy functionally equivalent phone service regardless of their income status.

Respectfully submitted,

/s/ Tamar Finn

Tamar Finn

Counsel for TDI

cc (via email):

Dave Grimaldi
Kris Monteith
Karen Peltz Strauss
Greg Hlibok
Robert Aldrich
Eliot Greenwald