

November 14, 2013

VIA ELECTRONIC FILING (ECFS)

Marlene H. Dortch, Esq., Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: **EX PARTE PRESENTATION**
*Misuse of Internet Protocol (IP) Captioned Telephone Service;
Telecommunications Relay Services and Speech-to-Speech Services for
Individuals with Hearing and Speech Disabilities*
CG Docket Nos. 13-24, 03-123

Dear Ms. Dortch:

On November 12, 2013, the undersigned counsel for Hamilton Relay, Inc. (“Hamilton”) met with Karen Peltz Strauss, Gregory Hlibok, Eliot Greenwald, Elaine Gardner, and Robert Aldrich of the Consumer & Governmental Affairs Bureau, and David Schmidt, Diane Mason, and Andrew Mulitz of the Office of the Managing Director, regarding various compliance issues related to the permanent rules for Internet Protocol Captioned Telephone Service (“IP CTS”) adopted on August 26, 2013 in this proceeding. Dixie Ziegler, Vice President of Hamilton, and Anne Girard, Director of Marketing for Hamilton, participated in the meeting by telephone.

During the meeting, Hamilton sought clarification on the permitted distribution of web and mobile IP CTS accounts in situations where the user has paid \$75. Staff confirmed Hamilton’s understanding that Section 64.604(c)(11)(i) authorizes an IP CTS provider to provide two web or mobile accounts to a user in situations where the user has paid \$75 or acquired equipment through a governmental program. In addition, staff confirmed that Section 64.604(c)(11)(i) is intended to be reciprocal, in that if a user pays \$75 for a web or mobile account, the user can receive one free IP CTS phone. Staff also confirmed Hamilton’s understanding that a governmental program may distribute to a user a non-IP-based captioned telephone, such as the CapTel 840, which would permit the IP CTS provider to offer free mobile/web IP CTS software to that user.

We also discussed the marketing limitations imposed by the new IP CTS rules which prohibit a nonprofit organization that employs audiologists or other hearing health professionals

from having a joint marketing arrangement with an IP CTS provider. We also discussed the possibility that an audiologist could impermissibly profit from the sale of an IP CTS phone even if the phone were acquired by the audiologist for \$75 from a provider and sold for \$75 by the audiologist, due to the ability of the audiologist to charge related fees such as office visit charges in connection with the sale of the IP CTS equipment. Commission staff confirmed that such an arrangement would be prohibited.

Hamilton also requested clarification as to the documentation required to confirm that pre-March 7, 2013 users paid \$75 or more for their IP CTS equipment or received it from a governmental program.

Finally, Hamilton requested that the Commission offer consumers further guidance on why the last four digits of the user's social security number must be provided during the registration process, and why the registration certification must be made under penalty of perjury.

This filing is made in accordance with Section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1). In the event that there are any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

/s/ David A. O'Connor

Counsel for Hamilton Relay, Inc.

cc (via e-mail): Participants