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December 24, 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 December 20, 2013, the undersigned counsel for Hamilton Relay, Inc. (“Hamilton”) participated in a conference call with Robert Aldrich of the Consumer & Governmental Affairs Bureau. Also on the call for Hamilton were Dixie Ziegler, Vice President of Hamilton, and Anne Girard, Director of Marketing. John Nakahata and Chris Wright were on the call on behalf of Sorenson Communications, Inc. Monica Desai and Lydia Yomogida were on the call on behalf of Purple Communications, Inc., and Scott Freiermuth was on the call on behalf of Sprint Corporation.

During the call, Commission staff provided informal guidance to IP CTS providers in light of the D.C. Circuit’s December 6, 2013 order (“Order”). In the Order, the court issued a stay of the rule adopted by the Commission prohibiting compensation to IP CTS providers for minutes of use generated by equipment consumers received from providers for free or for less than \$75.<sup>1</sup>

As a result, Commission staff indicated that Section 64.604(c)(11)(i) has been stayed by the court, and that no other FCC rule had been stayed by the court. In addition, staff indicated that the interim payment rule announced on January 25, 2013, which was in effect from March 7, 2013 to September 29, 2013, is now back in effect until further notice. That rule allows providers to sell IP CTS equipment for less than \$75 provided the user supplies an independent

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<sup>1</sup> Sorenson Communications, Inc. v. FCC, Order, No. 13-1122 (D.C. Cir. Dec. 6, 2013).

third party certification demonstrating that the use of IP CTS is necessary for that particular individual.

Additionally, Commission staff stated that the new user registration/certification rules will become effective upon approval by the Office of Management and Budget and publication of that approval in the *Federal Register*. These registration/certification requirements will apply to users registering for the service commencing on the date of such publication, and will also apply to those users who were using IP CTS prior to March 7, 2013, and who must register during a 180-day period following such publication.

Finally, Commission staff discussed the different regulatory status of IP CTS software and mobile applications, as compared to IP CTS equipment, and noted that the third party certification requirements under the interim IP CTS rules do not apply to software or mobile applications. As a result, the interim rules allow providers to distribute software and mobile applications for less than \$75, provided users register for the service and self-certify as to their need for the service, but without the need for obtaining third party certification.

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): Robert Aldrich