

CHADBOURNE
& PARKE LLP

1200 New Hampshire Avenue NW, Washington, DC 20036
tel 202-974-5600 fax 202-974-5602

Dana Frix
direct tel (202) 974-5691
facsimile (202) 974-6791
dfrix@chadbourne.com

080000-01

Doc. No. 263097

RECEIVED-PPSC
08 MAR 21 AM 7:21

March 17, 2008

Via First Class Mail

**Re: Petition for Review - GoAmerica, Inc. v. Federal Communications
Commission and United States of America**

To whom it may concern:

Enclosed, please find a copy of GoAmerica, Inc.'s petition for review of the declaratory ruling in the November 19, 2007 Report and Order and Declaratory Ruling issued by the Federal Communications Commission in CG Docket No. 03-123. This petition is being served on you as a "party admitted to participate in the agency proceedings," pursuant to Rule 15(c)(1) of the Federal Rules of Appellate Procedure.

Very truly yours,



Dana Frix

Counsel to GoAmerica, Inc.

RECEIVED-PPSC
08 MAR 21 AM 10: 02
COMMISSION
CLERK

DOCUMENT NUMBER-DATE

02117 MAR 21 08

FPSC-COMMISSION CLERK

**UNITED STATES COURT OF APPEALS
FOR THE
DISTRICT OF COLUMBIA CIRCUIT**

GOAMERICA, INC.,)

Petitioner,)

v.)

FEDERAL COMMUNICATIONS COMMISSION and)
UNITED STATES OF AMERICA,)

Respondents.)
_____)

Case No. _____

PETITION FOR REVIEW

Pursuant to 47 U.S.C. § 402(a), 28 U.S.C. § 2342(1), 28 U.S.C. § 2344, and Rule 15(a) of the Federal Rules of Appellate Procedure, Petitioner GoAmerica, Inc. ("GoAmerica"), hereby respectfully petitions the Court for review of the declaratory ruling in the November 19, 2007 Report and Order and Declaratory Ruling issued by Respondent Federal Communications Commission (the "Commission"), which, among other things, improperly and without due process prohibits certain marketing practices and other contact with customers by providers of telecommunications relay services. *In the Matter of Telecommunications Services for the Hearing and Speech Disabled*, Report and Order and Declaratory Ruling, CG Docket No. 03-123, FCC 07-186 (rel. Nov. 19, 2007) (the "*TRS Marketing Ruling*"). A copy of the *TRS Marketing Ruling* is attached hereto as Exhibit 1.

GoAmerica petitions for review of, and relief from, the Commission's *TRS Marketing Ruling* on the grounds that the Commission: (1) circumvented the rule making procedures mandated by the Administrative Procedure Act, 5 U.S.C. § 553, by creating new telecommunications relay services rules under the guise of issuing a Declaratory Ruling; (2)


DOCUMENT NUMBER - DATE

02117 MAR 21 8

violated the First Amendment to the Constitution of the United States by improperly prohibiting otherwise lawful speech; (3) violated Title IV of the Americans with Disabilities Act by impeding the implementation of functionally equivalent telecommunications relay services to the extent possible and in the most efficient manner; (4) arbitrarily and capriciously violated its own precedent without explaining the basis for its prohibitions against certain marketing practices and other contact with customers by providers of telecommunications relay services; and (5) otherwise acted arbitrarily and capriciously and contrary to law.

GoAmerica is a provider of telecommunications relay services, and is therefore aggrieved by the Commission's ruling in the above-referenced *TRS Marketing Ruling*. The *TRS Marketing Ruling* was entered and became a final order, for purposes of judicial review, upon publication in the Federal Register on January 17, 2008, and this petition is filed within 60 days of such date of entry. GoAmerica respectfully requests that this Court hold unlawful, vacate, enjoin, and set aside the declaratory ruling in the Commission's *TRS Marketing Ruling* and order all such other relief as may be just and proper.

Respectfully submitted,



Dana Frix
Chadbourne & Parke LLP
1200 New Hampshire Avenue, N.W.
Suite 300
Washington, DC 20036
Telephone: (202) 974-5600
Facsimile: (202) 974-5602

Attorney for GoAmerica, Inc.

March 17, 2008

**UNITED STATES COURT OF APPEALS
FOR THE
DISTRICT OF COLUMBIA CIRCUIT**

GOAMERICA, INC.,)	
)	
Petitioner,)	
)	
v.)	Case No. _____
)	
FEDERAL COMMUNICATIONS COMMISSION and)	
UNITED STATES OF AMERICA,)	
)	
Respondents.)	
_____)	

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, GoAmerica, Inc. (“GoAmerica”) hereby submits its Corporate Disclosure Statement. GoAmerica is a publicly held corporation duly incorporated under the laws of the State of Delaware, and its primary purpose is to provide telecommunications relay services. GoAmerica has no parent company, and no publicly held corporation owns 10% or more of GoAmerica’s stock.

Respectfully submitted,



Dana Frix
Chadbourne & Parke LLP
1200 New Hampshire Avenue, N.W.
Suite 300
Washington, DC 20036
Telephone: (202) 974-5600
Facsimile: (202) 974-5602

Attorney for GoAmerica, Inc.

March 17, 2008