



December 11, 2018

**Via Electronic Mail, Hand Delivery, and ECFS**

Mr. Eliot Greenwald  
Deputy Chief, Disability Rights Office  
Consumer and Governmental Affairs Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Request for Confidentiality — CG Docket Nos. 03-123 & 10-51

Dear Mr. Greenwald:

Pursuant to Sections 0.457 and 0.459 of the Commission's rules,<sup>1</sup> Sorenson Communications, Inc. ("Sorenson") respectfully requests that the Commission withhold from public disclosure and accord confidential treatment to the portions of the attached letter that are marked as confidential. The marked information, which contains granular statistics about ten-digit numbers that have been ported from Sorenson, constitutes confidential commercial information under Exemption 4 of the Freedom of Information Act ("FOIA").<sup>2</sup>

The marked information qualifies for protection under FOIA Exemption 4, because it is (1) commercial information (2) that is confidential.<sup>3</sup> The information is commercial because it pertains to ten-digit numbers that have been ported away from Sorenson, which plainly "pertain[s] or relat[es] to or deal[s] with commerce."<sup>4</sup> It is confidential because it is being submitted voluntarily and is "of a kind that would not customarily be released to the public."<sup>5</sup>

In support of this request and pursuant to Section 0.459(b) of the Commission's rules, Sorenson hereby states as follows:

**1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH**

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<sup>1</sup> 47 C.F.R. §§ 0.457 and 0.459.

<sup>2</sup> 5 U.S.C. § 552(b)(4) (providing that the public-disclosure requirement "does not apply to matters that are . . . (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential").

<sup>3</sup> 5 U.S.C. § 552(b)(4).

<sup>4</sup> *Am. Airlines, Inc. v. Nat'l Mediation Bd.*, 588 F.2d 863, 870 (2d Cir. 1978).

<sup>5</sup> *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

**CONFIDENTIAL TREATMENT IS SOUGHT (SECTION 0.459(B)(1))**

Sorenson seeks confidential treatment for the portion of this letter specifically marked as confidential. The marked paragraphs reveal granular information about ten-digit numbers ported away from Sorenson, including the number of customers who have ported away from Sorenson over various time periods and the length of time between verification of the user's identity and the actual port.

**2. DESCRIPTION OF THE CIRCUMSTANCES GIVING RISE TO THE SUBMISSION (SECTION 0.459(B)(2))**

Sorenson is voluntarily submitting this letter to seek the Commission's assistance in resolving a problem with the processing of ports for Video Relay Service.

**3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED (SECTION 0.459(B)(3))**

The information in this letter merits confidential treatment because it constitutes confidential commercial information. Sorenson does not disclose this information publicly, and competitors could use this information to unfairly target users or otherwise compete with Sorenson.

**4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION (SECTION 0.459(B)(4))**

The VRS market is highly competitive throughout the United States.

**5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM (SECTION 0.459(B)(5))**

Disclosure would result in competitive harm because it would offer competitors insights about Sorenson's churn.

**6. IDENTIFICATION OF ANY MEASURES TAKEN TO PREVENT UNAUTHORIZED DISCLOSURE (SECTION 0.459(B)(6))**

Sorenson does not make this information publicly available, nor has it authorized its employees to release this information to the public.

**7. IDENTIFICATION OF WHETHER THE INFORMATION IS AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE OF THE INFORMATION TO THIRD PARTIES (SECTION 0.459(B)(7))**

Sorenson has not previously disclosed the information publicly.

Pursuant to 47 C.F.R. § 0.459(e), I request that the Commission return the attached letter without consideration if the request for confidentiality is denied.

Sincerely,

A handwritten signature in black ink that reads "Mark Davis". The signature is written in a cursive, flowing style.

Mark D. Davis  
*Counsel for Sorenson Communications, LLC*

Attachment



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**Via Electronic Mail and ECFS**

Mr. Eliot Greenwald  
Deputy Chief, Disability Rights Office  
Consumer and Governmental Affairs Bureau  
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445 12th Street, SW  
Washington, DC 20554

Re: CG Docket Nos. 03-123 & 10-51

Dear Mr. Greenwald:

I write to request your help in solving a problem with the way that ports are processed by the Administrator of the Telecommunications Relay Service (“TRS”) User Registration Database (“URD”). The problem arises because the Administrator updates the default provider for a ten-digit number (“TDN”) before the port actually occurs. This sometimes occurs days, weeks, and in some cases months before the port occurs. As a result, there is often a significant gap during which Sorenson is still the default provider for TDN, but Sorenson is no longer associated with that number in the URD. This results in a number of problems, including that Sorenson is unable to update its user’s information (such as address) in the URD even though it is still the user’s default provider. It also interferes with Sorenson’s ability to assign the user additional<sup>1</sup> telephone numbers without treating the user as a brand-new user. In the worst case, it could create long term confusion in the URD on who was the default provider for a TDN at any given time.

As you know, users of Video Relay Service (“VRS”) have the right to change their default provider by requesting to “port” the number to another provider. When a user requests a port, the winning provider must verify the user’s eligibility by collecting that user’s personal information and submitting that information—together with the telephone number to be ported—to the Administrator of the TRS-URD. The winning provider is required to implement the user’s change of default provider within 60 days of receipt of the Letter of Authorization (LOA) from

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<sup>1</sup> The Administrator refers to these as “subsequent” telephone numbers.

the user.<sup>2</sup> However, the provider may provide service to the new user only if the Administrator confirms the user's identity.

Generally, providers verify a user's eligibility through the TRS-URD *at the beginning* of the porting process<sup>3</sup> (Otherwise, the provider might not be able to provide service when the port is complete.) But porting does not happen instantaneously. To complete a port, the VRS provider submits a porting request to its numbering provider (usually a local exchange carrier), which processes the request. The numbering provider will then provide the date on which the port will occur. This date, which is known as the "firm order commitment date" or the "FOC date," is generally 3 to 10 days in the future. But in some cases, FOC dates can be more than a month in advance based on scheduling by the winning provider.

Sorenson has learned that as soon as the Administrator confirms that a porting user is eligible for service, it sends the losing provider a notice that the provider's URD record for that telephone number is terminated and updates the URD to indicate that the winning provider is the default provider for that ten-digit number. This timing does not match the actual date of the port—which is the FOC date, i.e., when the TDN is moved by the winning provider's carrier. And the mismatch in timing creates a number of problems.

First, it prevents the user's current provider (the losing provider) from updating the user's information in the URD if the user moves or otherwise asks to update information before the port has completed. This is true even though Sorenson is still the default provider for that user's ten-digit number and has the responsibility to update the URD record. Second, it hampers Sorenson's ability to assign the user additional telephone numbers if the user requests them before the port is complete. Typically, when an existing user requests an additional number, Sorenson can assign the new number without performing additional eligibility verification (because the user is already registered in the URD). In order to assign the new number, Sorenson simply submits a URD request to *associate* a new TDN with the user's existing URDID. However, when Rolka reports that the record for that telephone number is terminated, Sorenson can no longer do this. Sorenson must submit the record as if the user were a brand new user, requiring Rolka to reverify the user's identity. Third, in some cases, a provider initiates a port and verifies the porting user's eligibility, but the port never happens—either because the user or the winning provider cancels it. When that happens, Sorenson no longer is associated with its user in the URD, and the URD reflects an incorrect default provider for that user. Moreover, today there is no published process by the Administrator for correcting this state.

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<sup>2</sup> 47 C.F.R. §64.631(d). The rule also permits 60 days from third party verification of the intent to change default providers, but as far as Sorenson is aware, no provider uses third party verification.

<sup>3</sup> Indeed, the Administrator's URD filing instructions provide that for a porting user, the "registration request should be submitted by the acquiring provider as soon as the user has submitted the LOA, data elements and their consent for data submission to the URD for processing." Rolka Loube, *Internet Telecommunications Relay Services Video Relay Service Registration Database Filing Instructions* at 12.

All these problems are exacerbated when a provider has a long period between submitting a user for verification and the FOC date. Sorenson has been seeing periods well beyond 60 days between the time it loses access to a customer record in the URD and the actual FOC date on which the port is completed.

**\*\*BEGIN CONFIDENTIAL\*\***

**\*\*END CONFIDENTIAL\*\***

Sorenson has attempted to resolve the problem informally with the URD Administrator but has not been successful. The obvious solution to this problem is for the Administrator not to update its records until the FOC date—the date the port actually occurs. Rolka could accomplish that by updating its records to reflect a port (1) only *after* the TRS Numbering Directory indicates that the port has completed or (2) only after the winning provider notifies the Administrator that the port is complete. Sorenson does not believe that either option requires any change in the TRS rules. The Bureau could simply direct the Administrator to make this change.

Please let me know if you have any questions or would like to discuss this matter further.

Sincerely,

A handwritten signature in black ink that reads "Mark D. Davis". The signature is written in a cursive, flowing style.

Mark D. Davis  
*Counsel for Sorenson Communications, LLC*