

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Nationwide Number Portability	)	WC Docket No. 17-244
	)	
Numbering Policies for Modern Communications	)	WC Docket No. 13-97
	)	

**COMMENTS OF CONSUMER GROUPS**

Telecommunications for the Deaf and Hard of Hearing, Inc., National Association of the Deaf, Cerebral Palsy and Deaf Organization, Association of Late-Deafened Adults, Inc., Deaf Seniors of America, and the Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing (“RERC”) (collectively “Consumer Groups and RERC”) submit these comments in response to the Notice of Proposed Rulemaking and Notice of Inquiry seeking comment on the implementation of complete nationwide number portability (“*Portability NPRM and NOI*”).<sup>1</sup> Consumer Groups and RERC applaud the Commission for asking important questions, not only about the technical aspects of how carriers will implement nationwide portability but also about how nationwide number portability might affect access to communications services by individuals with disabilities, including Video Relay and IP Relay services.<sup>2</sup> As the Commission moves forward to implement nationwide number portability, Consumer Groups and RERC urge that the Commission must ensure that individuals with

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<sup>1</sup> *In the Matter of Nationwide Number Portability, Numbering Policies for Modern Communications*, Notice of Proposed Rulemaking and Notice of Inquiry, 32 FCC Rcd. 8034 (2017) (“*Portability NPRM and NOI*”).

<sup>2</sup> *Id.*, 32 FCC Rcd. at 8051, ¶ 66.

disabilities are able to enjoy the benefits of nationwide number portability to the same extent that consumers without disabilities will.

**A. The Commission Must Ensure That VRS and IP Relay Service Users Enjoy the Consumer and Competition Benefits Enabled by Any Transition to Nationwide Number Portability.**

VRS and IP Relays service users share with hearing users of telecommunications services (including interconnected VoIP services) the desire for nationwide number portability. All consumers, including individuals with disabilities, have come to memorize and distribute their assigned 10-digit telephone numbers to friends, family, colleagues, acquaintances, employers, doctors, and many other contacts. Although VRS and IP Relay Service users can keep their numbers when switching providers today to the extent that local portability is available, VRS and IP Relay Service users face the same difficulties porting their numbers in the event that they move to a geographic area where the provider who “owns” their assigned number does not have a rate center. Just as hearing users of telecommunications would be entitled under a nationwide portability framework to keep their 10-digit telephone numbers when they switch carriers or modes of communication, functional equivalency requires that relay users are likewise be entitled to number portability nationwide.

Aligning VRS and IP Relay Service number portability requirements with those applicable to traditional voice services and interconnected VoIP is necessary to ensure compliance with the accessibility requirements in the Communications Act. More specifically, section 225(a)(3) of the Communications Act requires “functional equivalency” in telecommunications services for users with disabilities. In the event that hearing consumers, whether using wireless or wireline services, begin to enjoy the ability to port their numbers nationwide, TRS users must be afforded the same rights with respect to number portability. The Commission should seek to provide a transparent

process for the nationwide porting of numbers both between relay providers and from TTY/RTT or voice providers to relay providers (and vice versa). This should include not only those requirements that providers must follow between each other to verify and accomplish the port, but also between the winning provider and the VRS database administrator or other applicable relay-specific database to update the default provider associated with the customer. Establishing common nationwide number portability procedures for VRS and IP Relay Services would give consumers a clear picture of the amount of time that a service transfer should take and would give relay providers clear guidelines under which to operate when transferring customers.

Section 52.34 of the Commission's rules currently requires interconnected VoIP, VRS, and IP Relay providers to facilitate valid number portability requests without unreasonable delay or unreasonable procedures.<sup>3</sup> VRS and IP Relay providers must also provide consumers with advisories addressing the portability of 10-digit telephone numbers assigned to VRS or IP Relay users.<sup>4</sup> The Commission's rules, however, lack a finite timeline for VRS and IP Relay providers to port numbers. Accordingly, the Commission should develop a timeframe that should apply to the porting process for relay services similar to that imposed on voice services including interconnected VoIP. Relay customers should not be subjected to porting delays that extend beyond the one business day requirement that applies to traditional simple ports or the four business day porting interval for non-simple ports.<sup>5</sup> Consumer Groups would also support voluntary industry practices to reduce this interval even more.

The Commission also should not delay implementation of nationwide number portability by VRS and IP Relay Service providers while allowing wireless carriers and others the opportunity

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<sup>3</sup> 47 C.F.R. § 52.34(a).

<sup>4</sup> 47 C.F.R. § 64.611(g)(1)(ii).

<sup>5</sup> 47 C.F.R. § 52.35.

to adopt nationwide portability on a shorter implementation timeline.<sup>6</sup> If nationwide portability becomes a reality for some Americans, it should be a reality for *all Americans*, including individuals with disabilities, at the same time and to the same extent. Permitting traditional wireless service customers to experience the benefits of nationwide number portability while relegating VRS and IP Relay Service users to a longer transition would be contrary to the Commission's mandate to ensure that consumers with disabilities have access to functionally equivalent services.

Additionally, just as nationwide portability will enable small and regional wireless carriers to compete more effectively with nationwide wireless carriers that are largely able to port numbers anywhere today due to their presence in rate centers nationwide, nationwide number portability for VRS and IP Relay Service users will promote competition among relay providers.<sup>7</sup> Without the ability to port numbers to a new default VRS provider nationwide, there is a strong disincentive not to switch to a new VRS provider while hearing consumers will be entitled to port their number among any telecommunications service provider in the country. Consumers with disabilities should be able to experience the same benefits to competition that hearing users will experience after a transition to nationwide number portability. This includes the ability to retain their 10-digit telephone number regardless of where their service provider is located.

#### **B. A Transition to Nationwide Number Portability Must Not Negatively Impact Access to Emergency Services by Individuals with Disabilities**

The Commission seeks comment on how certain proposed rule changes in the move to nationwide number portability will interact with public safety and whether the changes will affect

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<sup>6</sup> *Portability NPRM and NOI*, 32 FCC Rcd. at 8046, ¶ 39 (seeking comment on whether to implement nationwide portability for a subset of entities using numbering resources before applying it to all entities).

<sup>7</sup> *Id.*, 32 FCC Rcd. at 8035, ¶ 3.

the handling of emergency calls, including their routing or the provision of necessary caller information.<sup>8</sup> The Commission's rules currently enable VRS and IP Relay users to register and obtain 10-digit geographic numbers that are routed directly and automatically to the appropriate Public Safety Answering Point ("PSAP")<sup>9</sup> and to have their 10-digit number and registered location information forwarded to the appropriate PSAP.<sup>10</sup> With a move toward non-geographic numbers, the Commission must ensure that VRS and IP Relay Service users have the capacity to make emergency calls that will be routed to the most appropriate PSAP, even if the PSAP is not the one associated with the user's registered location (which can happen with wireless relay calls).<sup>11</sup> Users with disabilities must be able to make emergency calls that are routed to the most appropriate PSAP from whether they are, whether at home, in the office or using a mobile device outside of the home. Any technical changes in the routing of calls must not interfere with the ability to efficiently and accurately route emergency calls.

Consumer Groups and RERC also note their concern as to how the nationwide number portability proposal will affect state TRS's ability to handle and bill calls. Although the *Portability NPRM and NOI* does not mention this point, the Commission should seek comment not just on IP-based relay services, but also on state-based relay services to ensure that there are no unintended consequences that negatively impact people with disabilities.

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<sup>8</sup> *Id.*, 32 FCC Rcd. at 8042, ¶ 24.

<sup>9</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities et al.*, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd. 11591, 11592, ¶1 (2008) ("*iTRS Order*").

<sup>10</sup> *iTRS Order*, 23 FCC Rcd. at 11621-22, ¶¶ 79-84.

<sup>11</sup> *See* Letter from Krystallo Tziallila, PS Dockets No. 11-153 and 10-255 (filed Dec. 14, 2011) (describing difficulties connecting to the appropriate PSAP through a relay service during an emergency).

## C. CONCLUSION

Consumer Groups are encouraged by the Commission taking action to implement the consumer-driven policy of nationwide number portability. As the Commission develops rules for implementing a nationwide portability framework, the Consumer Groups urge the Commission to ensure that VRS and IP Relay Service users are able to enjoy the same number portability benefits as do hearing consumers. Ensuring such functional equivalency will not only fulfill the requirements of the Communications Act but will foster competition among VRS and IP Relay Service providers that is lacking in today's marketplace due to limitations on number portability.

Respectfully submitted,

/s/ Claude L. Stout

Claude L. Stout, Executive Director  
Telecommunications for the Deaf and Hard of  
Hearing, Inc.  
8630 Fenton Street, Suite 121  
Silver Spring, MD 20910  
[estout@TDIforAccess.org](mailto:estout@TDIforAccess.org)

Howard Rosenblum, Chief Executive Officer  
Zainab Alkebsi, Policy Counsel  
National Association of the Deaf (NAD)  
8630 Fenton Street, Suite 820  
Silver Spring, MD 20910  
[howard.rosenblum@nad.org](mailto:howard.rosenblum@nad.org)  
[zainab.alkebsi@nad.org](mailto:zainab.alkebsi@nad.org)

Sharaine Roberts, President  
Association of Late-Deafened Adults, Inc.  
8038 MacIntosh Lane, Suite 2  
Rockford, IL 61107  
[ALDAPresident@alda.org](mailto:ALDAPresident@alda.org)

Mark Hill, President  
Cerebral Palsy and Deaf Organization  
12025 SE Pine Street, Apt. #302  
Portland, OR 97216  
[president@cpado.org](mailto:president@cpado.org)

Nancy B. Rarus, President  
Alfred Sonnenstrahl, Vice President  
Deaf Seniors of America  
5619 Ainsley Court  
Boynton Beach, FL 33437  
[nbrarus1@verizon.net](mailto:nbrarus1@verizon.net)  
[alfredsonny@gmail.com](mailto:alfredsonny@gmail.com)

Christian Vogler, PhD  
Rehabilitation Engineering Research Center on  
Technology for the Deaf and Hard of  
Hearing (DHH-RERC)  
Gallaudet University  
800 Florida Ave NE, TAP - SLCC 1116  
Washington, DC 20002  
[christian.vogler@gallaudet.edu](mailto:christian.vogler@gallaudet.edu)

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