

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Misuse of Internet Protocol (IP) Relay Service)	CG Docket No. 12-38
)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities)	CG Docket No. 03-123
		EXPEDITED ACTION REQUESTED

REQUEST FOR EXTENSION OF INTERIM WAIVER

Pursuant to sections 1.1, 1.3, and 1.41 of the Federal Communications Commission’s (“FCC’s” or “Commission’s”) rules,¹ Sprint Corporation (“Sprint”) requests an extension of the interim waiver of the requirement that providers of internet protocol relay service (“IP Relay”) handle 911 calls initiated by callers who have been registered, but not verified by an IP Relay provider.² The current waiver is set to expire on April 29, 2015, and Sprint hereby seeks an extension of the waiver until the Commission addresses this matter on a permanent basis. As explained below, a waiver remains in the public interest as it deters misuse of IP Relay to make fraudulent calls to 911 emergency services (a/k/a “swatting”). Stated differently, allowing the waiver to expire would endanger the safety of the public as the problem of “swatting” would inevitably resurface.

¹ 47 C.F.R. §§ 1.1, 1.3, 1.41. *See also* 47 U.S.C. § 225.

² *See, In the Matter of Misuse of Internet Protocol (IP) Relay Service; Telecommunications Relay Service and Speech-to-Speech Service for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 12-38 and 03-123, Order, (rel. April 29, 2014) (“Order”).

I. BACKGROUND AND INTRODUCTION

Sprint brought the issue of swatting to the Commission's attention in 2014.³ Sprint demonstrated to the Commission the ease by which unverified or "guest" registrants of IP Relay service can place (often untraceable) calls to 911 in an attempt to trick Public Safety Answering Points ("PSAPs") to dispatch emergency services based on false reports of emergency situations. Sprint supplied the Commission with information showing that bad actors were exploiting the guest registration exception on a fairly regular basis to make false 911 calls. Sprint also shared with the Commission that its investigations into these swatting calls revealed no legitimate 911 calls placed by non-verified or "guest" users. As stated then, and repeated here, Sprint cannot imagine any circumstance in which a guest user of IP Relay services, in a true emergency situation, would suddenly adopt a new way of calling 911.

After careful consideration of the matter, the Commission issued an Order on April 29, 2014 granting an interim waiver of the requirement that IP Relay providers handle 911 calls initiated by callers who have been registered, but not verified by an IP Relay provider. The Commission concluded that "allowing guest period use for calls to 911 has resulted, and is continuing to result, in the misuse of IP Relay and 911 services in a manner that endangers the safety of the public. For this reason, we waive for one year the requirement for IP Relay provider to handle calls to 911 prior to verification of the IP relay user."⁴

The Commission ostensibly limited the waiver period to one year because it believed

³ See, e.g., Letter from Scott R. Freiermuth, Counsel – Government Affairs, Sprint, CG Docket No. 03-123, March 18, 2014.

⁴ Order at ¶ 7.

an outstanding rulemaking concerning swatting and other registration/verification issues would be resolved before the waiver period would expire. Indeed, in its Order, the Commission stated that the one year period would “afford the Commission an opportunity to seek public comment on this matter and take final action on IP Relay registration and verification procedures pursuant to its open rulemaking on IP Relay matters.”⁵

Unfortunately, one year has come and gone and the Commission’s rulemaking remains open; as a result, the swatting matter has not been permanently addressed.

II. AN EXTENSION OF THE INTERIM WAIVER IS IN THE PUBLIC INTEREST

Waiver of Commission rules is permitted upon a showing of “good cause.”⁶ Specifically, the Commission may waive its rules where the particular facts would make strict compliance inconsistent with the public interest, taking into account, *inter alia*, considerations of “hardship, equity, or more effective implementation of overall policy on an individual basis.”⁷ Waiver is particularly appropriate where “special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.”⁸ In this case, the Commission previously found both these conditions were met and that good cause existed for waiving the rule which would otherwise require IP Relay providers to

⁵ Order at ¶ 1.

⁶ 47 C.F.R. § 1.3.

⁷ *Numbering Resource Optimization; Petition of California Public Utilities Commission for Waiver of the Federal Communications Commission’s Contamination Threshold Rule*, Order, 18 FCC Rcd 16860, ¶ 9 (2003) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972) (“*WAIT Radio*”); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990)).

⁸ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d at 1166 (referencing *WAIT Radio*).

permit registered but unverified users to place emergency 911 calls.

The Commission's judgment has proven to be correct as Sprint IP Relay has experienced, not just a reduction but, the complete *elimination* of swatting calls over the past year. The waiver, therefore, has removed a tremendous burden on Sprint, PSAPs, and law enforcement personnel. PSAP and law enforcement resources, in particular, are not being wasted as a result of the false alarm, swatting calls. Importantly, the waiver has reduced threats to safety of life and property. And, rather than focusing energy and resources investigating swatting incidents, these resources are being properly allocated to protect and serve the public. The waiver, therefore, has proven to be the correct decision and the absolute solution to swatting problem. In short, the public is clearly safer today with the waiver in effect.

Sprint can state unequivocally, that the failure to renew or extend the waiver will result in a rash of new swatting calls. Such a result is clearly antithetical to the public interest. As such, Sprint maintains that the public interest is best served by extending the current waiver until the Commission has an opportunity to address this matter on a permanent basis.

III. CONCLUSION

For the foregoing reasons, Sprint requests that the Commission extend the current waiver until the Commission addresses this matter on a permanent basis.

Respectfully submitted,

/s/ Scott R. Freiermuth

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