



June 26, 2015

**BY ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123; *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51

Dear Ms. Dortch:

On June 24, 2015, Grant Beckmann and Michael Maddix of Sorenson Communications, Inc., (“Sorenson”) and Randy Sifers and I on behalf of Sorenson met with Gregory Hlibok, Darryl Cooper, Eliot Greenwald, Roger Holberg, and Caitlin Vogus of the Disability Rights Office and David Schmidt of the Office of Managing Director. This letter summarizes the points that were made in that meeting.

As the industry prepares for the launch of the Telecommunications Relay Service User Registration Database (“TRS-URD”), it is important for the Commission to address expressly the way providers should register VRS numbers that are assigned to entities rather than to particular individuals. Although the Commission has long been aware of the existence of videophones assigned to entities (for example, the public videophone in the basement of the FCC), its rules have been silent as to how to register these videophones, and whether or what kind of certifications must be collected. As providers prepare to submit registration information to the TRS-URD, it is imperative for the Commission to clarify how the TRS-URD will account for these videophones, what data must be collected, and, if this is not consistent with current practice, to allow providers sufficient time to make any necessary changes and to collect the necessary data.

**Public Phones.** Sorenson currently permits an entity to be the registered user of a videophone in two instances. The first category, known as “public phones,” are videophones located in public spaces such as the basement of the FCC, libraries, schools, hospitals, or an airport and are for the use of the general public. Because public phones are not for the use of one specific individual, Sorenson registers these phones in the name of the entity that hosts the videophone—for example, the Federal Communications Commission or Gallaudet University. Moreover, because it is not feasible physically to limit access to public phones to eligible users, Sorenson places signs around each phone advising that access is restricted to individuals who have a medically recognized hearing or speech disability necessitating the use of VRS. In addition, before each Relay call, Sorenson requires the user electronically to self-certify

eligibility using the self-certification language prescribed by the Commission.<sup>1</sup> Of course, if a VRS Interpreter determines that a caller does not use American Sign Language or is not deaf or hard-of-hearing, she will terminate the call and mark it as noncompensable. In this way, Sorenson prevents public phones from being misused by ineligible users.

Ensuring that deaf Americans continue to have access to phones in public spaces is an important part of the Commission's mandate to ensure functionally equivalent telecommunications service for deaf Americans. When hearing Americans are in public places, they typically have access to a wide variety of "public phones" ranging from courtesy phones in hotel lobbies and rooms, hospitals or airports to payphones, and they may also ask for permission to place calls from local business owners. Public videophones serve this same purpose for deaf Americans and are a necessary part of making available functionally equivalent service.

Indeed, Congress has recognized the importance of ensuring that phones are widely available in public spaces. When Congress passed the Telecommunications Act of 1996, it specifically directed the Commission to "promote the widespread deployment of payphone services to the benefit of the general public."<sup>2</sup> Consistent with that directive, public telephones have been and continue to be an important tool for ensuring that ordinary Americans have access to telephone service wherever they are. While consumers increasingly rely on cellular telephone as their primary means of communication on the go, publically available pay telephones continue to be an important backstop in areas where cellular reception is unavailable; for vulnerable populations such as inmates, for whom public phones may be the only link to the outside world;<sup>3</sup> and for everyone in times of emergency, when cellular service may be overloaded or unavailable.<sup>4</sup> Of equal note, even deaf and hard of hearing individuals with mobile devices (which are still cost prohibitive for many) find the cost of bandwidth and battery life consumption prohibitive for calls of any length, with the result being that they need more access to public facilities than hearing individuals. It is also important to note that the screen size of most mobile devices make them difficult to use for important conversations. The Commission's

---

<sup>1</sup> The electronic self-certification reads: "By clicking the 'Accept' button below, you hereby certify that you have a hearing or speech disability and need VRS to be able to communicate with other people. You understand that the cost of VRS calls is paid for by contributions from other telecommunications users to the TRS Fund. You further attest by clicking that 'Accept' button that you are eligible to use VRS."

<sup>2</sup> 47 U.S.C. 276(b)(1).

<sup>3</sup> *Rates for Interstate Inmate Calling Services*, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-113, 28 FCC 14,107, 14,109 ¶ 2 (2013).

<sup>4</sup> Boyette, Chris. *Is the Pay Phone Making a Comeback?*, CNN (Dec. 20, 2012 2:22 PM), <http://www.cnn.com/2012/12/20/tech/innovation/pay-phone-comeback/>.

payphone regulations have therefore ensured that payphones continue to be available. Indeed, as of June 10, 2014 there are nearly 9,000 pay telephones in New York City alone.<sup>5</sup>

In adopting its policy to ensure “the widespread deployment of payphone services,”<sup>6</sup> Congress also has made abundantly clear that deaf, hard-of-hearing, and speech-impaired individuals should have access to telecommunications relay service from public phones. The Telecommunications Act of 1996 specifically contemplates the provision of telecommunications relay service through public phones,<sup>7</sup> and the Americans with Disabilities Act (“ADA”) similarly requires the Commission to ensure that telecommunications relay service is “functionally equivalent” to the telephone service available to hearing Americans,<sup>8</sup> which, of course, includes access to public telephones.

**Company Phones.** The second category of phones that Sorenson registers to an entity are “company phones,” which are the equivalent of a “business line” in the hearing world. Sorenson registers “company phones” in the name of the relevant entity. And because company phones are located in areas where the entity controls access, Sorenson often requires the entity receiving a “company phone” to fill out an “entity registration form” acknowledging limitations on the use of the phone and agreeing to take reasonable steps to limit access to the phone to eligible individuals. This serves as the equivalent of a self-certification for the entity.

The classic example of a company phone is a phone at the financial-aid office of a university for the deaf or a phone in a dormitory at a school for the deaf. These phones often do not have a single primary user, and because the particular users may change frequently, it is important for the *entity* rather than any particular individual to retain control of the number. If the Commission required a university’s financial-aid phone manned by deaf students and employees to be registered to a particular individual rather than the entity, the telephone number could be ported by the individual without the entity’s approval.

This example also demonstrates why it would be impractical to require users of a company phone to supply login credentials before taking or receiving a call. Because a front desk may be staffed by multiple employees simultaneously, it is impossible to know in advance which employee will answer the next call, and it is also impossible to know whether the employee who initially answers the phone will be the employee who handles the call. Moreover, requiring employees to enter login information before answering a call would cause significant delay and would likely lead to missed calls, resulting in service that is not functionally equivalent.

---

<sup>5</sup> *Frequently Asked Questions: Public Pay Telephones*, NYC INFORMATION TECHNOLOGY & TELECOMMUNICATIONS (June 26, 2015), <http://www.nyc.gov/html/doitt/html/faq/payphone.shtml#2>.

<sup>6</sup> 47 U.S.C. 276(b)(1).

<sup>7</sup> 47 U.S.C. § 276.

<sup>8</sup> 47 U.S.C. § 225(a)(3), (b)(1).

Of equal value is highlighting the general need to make it easier for public and private entities to hire deaf and hard-of-hearing individuals, including providing support for point-to-point Relay services. If public and private entities are to hire deaf and hard-of-hearing individuals, it is clear that their employers need a clear path to providing access to Relay. For example, at a Postal Service sorting facility where many deaf employees often work, the Postal Service may need to provide access in an employee lounge to accommodate the needs of deaf and hard-of-hearing employees.

**Request for Clarification.** As the industry prepares for the launch of the TRS-URD, it is crucial for providers to understand how the Commission wants them to handle company and public phones. For example, if the TRS-URD will not accept the names of companies, it is imperative for the Commission to make this known well in advance so that providers may reregister company and public phones in the names of individuals or take these devices out of service. For the reasons explained already, however, Sorenson requests that the Commission clarify that an entity may be the registered user of a videophone. Specifically, the Commission should clarify that:

- Providers may register public phones to an entity and may satisfy the self-certification requirement by requiring the user to self-certify eligibility before each Relay call.
- Providers may register company phones to public and private entities that employ and support the deaf and hard-of-hearing, and for these phones providers may satisfy the self-certification requirement by obtaining a written certification from the entity certifying that it will take reasonable steps to limit access to eligible individuals.
- The TRS-URD will accept company names as the registered user for VRS numbers.
- Providers need not collect a Social Security Number or date of birth for entity registrations; in lieu of Social Security Number, providers may collect a tax identification number.

Ms. Marlene H. Dortch

June 26, 2015

Page 5 of 5

At the meeting, the staff requested that Sorenson provide statistics about the number of company or public phones in existence and the number of minutes associated with these phones. Sorenson will provide this information in a separate filing.

Sincerely,

A handwritten signature in blue ink that reads "Randall W. Sifers".

Mark D. Davis  
Randall W. Sifers

*Counsel for Sorenson Communications, Inc.*

cc: Gregory Hlibok  
Darryl Cooper  
Eliot Greenwald

Roger Holberg  
Caitlin Vogus  
David Schmidt