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March 14, 2003

BY HAND AND E-MAIL

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

**Re: *EX PARTE PRESENTATION --Telecommunications Relay Services And
Speech-to-Speech Services for Individuals with Hearing and Speech
Disabilities, CC Docket No. 98-67***

Dear Ms. Dortch:

On March 13, 2002, the undersigned along with Richard Juhnke, Vice President -- Federal Regulatory Affairs for Sprint, Paul Ludwick, Senior Product Manager for Sprint (via conference call) and Michael Baer, Senior Product Manager for Sprint (via conference call) met with the following staff members of the Consumer and Governmental Affairs Bureau: Margaret Egler, Tom Chandler, Pam Gregory, Cheryl King, Greg Hlibok, Janet Sievert and Erica Myers. At the meeting, Sprint discussed a number of pending matters involving Internet Relay (IP-Relay) and Video Relay Service (VRS). Specifically, Sprint inquired about the status of its pending petition for reconsideration of the Commission's *Declaratory Ruling* (FCC 02-121) released April 22, 2002 in the above-captioned proceeding in which Sprint asked the Commission to reconsider its decision that IP Relay providers enable users to avail themselves of pay-per-call services using the 900 prefix, and of one-line hearing carry over ("HCO") functionality; the need to extend the current waivers of certain of the TRS mandatory minimum standards for IP Relay and VRS; whether a State has a role in regulating the provision of IP Relay and VRS offered to residents in the State given that the Interstate TRS Fund is reimbursing the providers of these services; and why Sprint does not process 900 calls from customers who access Sprint's relay centers via 711. Sprint also discussed harassment of its CAs by users of IP-Relay and VRS and the steps that Sprint is taking to mitigate such harassment.

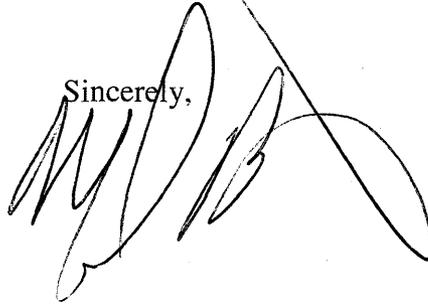
Marlene H. Dortch

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Sprint provided the staff with the attached documents to facilitate the discussion. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to be 'M. Dortch', written over the word 'Sincerely,'.

Attachments

c: Margaret Egler (by e-mail)
Tom Chandler (by e-mail)
Pam Gregory (by e-mail)
Cheryl King (by e-mail)
Janet Sievert (by e-mail)
Greg Hlibok (by e-mail)
Erica Myers (by e-mail)

Agenda

Internet Relay / Video Relay Discussion

3/13/2003
60 Minutes

Attendees:

FCC Staff

Mike Fingerhut

Paul Ludwick

Agenda topics

10	Sprint Internet Relay Reconsideration Petition	Sprint/FCC Staff
15	Internet Relay Waiver Extensions	Sprint/FCC Staff
15	Video Relay Service Waiver Extensions/Service Requirements	Sprint/FCC Staff
10	Internet/Video Relay Discussion (Ed Bosson email quoting FCC Staff)	Sprint/FCC Staff
10	Internet Relay Agent/Video Relay Interpreter Harrassment	Sprint/FCC Staff

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

In the Matter of)	
)	
Telecommunications Relay Services)	
And Speech-to-Speech Services for)	CC Docket No. 98-67
Individuals with Hearing and Speech)	
Disabilities)	
)	
Petition for Clarification of WorldCom, Inc.)	
_____)	

PETITION FOR LIMITED RECONSIDERATION

Sprint Corporation ("Sprint"), on behalf of the Telecommunications Relay Service ("TRS") operations of its subsidiary Sprint Communications Company LP ("Sprint Relay"), hereby respectfully requests that the Commission reconsider the *Declaratory Ruling* (FCC 02-121) released April 22, 2002 in the above-captioned proceeding in two respects.¹ First, Sprint asks that the Commission reconsider its decision that pay-per-call services *i.e.*, 900 services, be provided as part of TRS service via the Internet ("IP Relay"). *Id.* at ¶34. At the present time and for the foreseeable future, such services cannot be provided via IP Relay since the IP Relay provider is unable to pass the calling party's telephone number to the carrier providing the 900 service and without such information, the switches of such carrier will reject the call. Second, Sprint requests that the Commission reconsider its decision to require that IP Relay service

¹ WorldCom has filed a petition asking that the Commission reconsider its decision to grant waivers of certain of the minimum standards for one year only. WorldCom believes that such waivers be granted for an indefinite period of time. Sprint agrees and supports WorldCom's request. Thus, Sprint requests that the waivers being requested in this reconsideration petition not be time-limited.

include hearing carry over ("HCO") functionality. *Id.* at ¶32. The technology needed to provide HCO is the same as that needed to provide voice carry over ("VCO") and speech-to-speech ("STS") relay services and, as is the case with VCO and STS, such technology cannot be used to provide HCO at the present time. Because IP Relay providers cannot be expected to offer features and functions that are impossible to provide with current technology, waivers of these two minimum standards that Sprint asks the Commission to adopt on reconsideration are in the public interest. 47 CFR §1.429(b)(3).

Under Commission and court precedent, waivers of existing rules are not to be routinely granted. Such rules are considered valid and the applicant for a waiver "faces a high hurdle even at the starting gate." *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972). Such applicant must plead "the particular facts" that "make strict compliance" with the rule or rules involved "inconsistent with the public interest." *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). For its part, the Commission must take a "hard look" at the waiver request, *WAIT Radio* at 1157, and "consider all relevant factors." Only then and only if the Commission finds that "good cause exists" will the Commission grant a waiver of its rules. *Declaratory Ruling* at ¶28 citing *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 416 (1971); *see also*, 47 CFR §1.3.

Based upon this standard, the Commission has already determined that IP Relay providers, at least temporarily, do not have to meet certain minimum standards applicable to TRS service. In particular, the Commission had found that an IP Relay provider does not have to "provide location information to Public Safety Answering Points (PSAPs)." *Declaratory Ruling* at ¶30. Its decision here is based on the fact that an IP Relay provider does not have the necessary ANI information of the calling party to enable the IP Relay provider to furnish the

caller's location to the PSAP and therefore "it would be unreasonable to require IP Relay to provide information that it does possess..." *Declaratory Ruling* at ¶30.² The Commission also agreed to waive for one year the requirement that IP Relay offer VCO and STS service because "technological limitations make these services impossible at this point." *Id.* at ¶32. And, the Commission has waived the carrier of choice minimum standard in part because of "the difficulty in determining whether [an IP Relay] call is long distance." *Id.* at ¶31.³

In its comments, Sprint stated that it would also be impossible, given the state of technology, for IP Relay to offer pay-per-call services and provide HCO functionality. But the Commission saw "no reason why IP Relay cannot accommodate pay-per-call, or '900' number services." *Declaratory Ruling* at ¶33. Similarly, the Commission saw "no reason why IP Relay cannot be used for the text leg of an HCO call." *Id.* at ¶32. Such reasons are set forth below in perhaps greater detail than that presented in Sprint's comments.

A carrier offering 900 service requires that the ANI of the calling party be included in the signaling stream sent to its switch by either the calling party's local exchange carrier or, in the case of TTY-based TRS service, the TRS service provider. The carrier needs such information to bill the calling party on behalf of its 900 service content provider customer.⁴ If ANI is not included in the signaling stream, the 900 service carrier's switch will reject the call either by

² The waiver is for one year, although, as noted, WorldCom has asked the Commission to reconsider imposing any time limit.

³ The waiver is permanent as long as "IP Relay providers continue their policy of not charging customers for long distance calls." *Id.*

⁴ It may well be the case that, as the Commission states, certain pay-per-call content providers require the calling party bill the call to a credit card. *Declaratory Ruling* at ¶34. However, it is Sprint's understanding that many, if not most, pay-per-call content providers continue to avail themselves of the billing and collection services of the carriers providing 900 service.

returning a fast busy to the caller or by an announcement that the call cannot be completed as dialed.

The Commission recognizes that, unlike a TTY or voice call to a TRS center, "ANI information is not available in Internet connections." *Declaratory Ruling* at ¶30. Thus, the only way for the TRS provider to offer pay-per-call services through IP Relay would be to either insert the TRS center number in the signaling stream that is transmitted to the 900 service carrier's switch or ask the person accessing the relay center over the Internet to provide a phone number for inserting into the signaling stream. The first option would result in the TRS center being billed for the pay-per-call services offered by providers that avail themselves of the billing and collection services offered by the 900 service carrier with no opportunity to pass such bill onto the person using IP Relay to make the 900 call. The second option could increase the likelihood of fraud since the TRS provider would have no way to ensure that the telephone number given by the IP Relay user is accurate.⁵ Neither alternative can possibly be found to be in the public interest and accordingly there is good cause for waiving the pay-per-call requirement for IP Relay.

A waiver of the requirement that IP Relay provide HCO functionality is also justified for the simple reason that the provision of HCO requires the use of the same technology that is used to provide VCO. Both services require text messaging during one leg of the call. The only difference is the directional flow of such text. In the case of VCO, because the hearing-impaired individual can speak to but hear the response from the other party, the CA sends such response to

⁵ Asking that the IP Relay user provide a customer profile would not eliminate the possibility for fraud since it is difficult to ensure that the information provided by the IP Relay user is accurate. Moreover, a requirement for customer profiles reduces the convenience of using IP relay.

the hearing-impaired customer as a text message. In the case of HCO, because the hearing-impaired individual can hear but not speak to the other party, the hearing-impaired individual sends a text message to the CA who then reads it to the other party. Thus, the technological limitations that prevent the offering of VCO functionality through IP Relay apply equally to HCO functionality.

In sum, unless the Commission waives the requirement that pay-per-call service and HCO functionality be provided through IP Relay, Sprint and other providers of IP Relay will not be able to obtain compensation from the Interstate TRS Fund since they will not have met the minimum standards established by the Commission for the service. And, without compensation, such providers may have to curtail or discontinue their provision of IP Relay depriving potential users of the service the multitude of consumer benefits that the Commission expects from IP Relay. *Declaratory Ruling* at ¶¶ 7-9. Accordingly, Sprint respectfully requests that the Commission grant Sprint's reconsideration petition.

Respectfully submitted,

SPRINT CORPORATION



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Its Attorneys

July 11, 2002

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **PETITION FOR LIMITED RECONSIDERATION** of Sprint Corporation was sent by hand or by United States, first-class mail, postage prepaid on this the 11th day of July, 2002 to the parties on the attached list.


Christine Jackson

July 11, 2002

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November 18, 2002

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

Re: Clarification to Sprint's Petition for Limited Reconsideration of *Declaratory Ruling* (FCC 02-121) released April 22, 2002 in *Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67.

Dear Ms. Dortch:

On July 11, 2002, Sprint Corporation ("Sprint"), on behalf of the Telecommunications Relay Service ("TRS") operations of its subsidiary Sprint Communications Company L.P., filed a petition requesting that the Commission reconsider the above-referenced *Declaratory Ruling* in two limited respects. Specifically, Sprint asked that the Commission reverse its decision requiring pay-per-call services, *i.e.*, 900 services, to be provided as part of TRS service via the Internet ("IP Relay") as well as its decision requiring that IP Relay service include hearing carry over ("HCO") functionality. Sprint explained that at the present time and for the foreseeable future neither 900 pay-per-call services nor HCO functionality could be provided via IP Relay. Sprint's request was supported by all parties, including IP Relay providers, that filed comments on the petition. Of course, such support is hardly surprising since, based upon market tests conducted by Sprint, no provider of IP Relay is offering these features as part of its IP Relay offering.

In its Petition, Sprint also explained that, absent the grant of the Sprint's reconsideration petition, Sprint and other providers of IP Relay would not be able to obtain compensation from the Interstate TRS Fund since they could not certify to the Interstate TRS Fund Administrator that they were meeting the minimum standards established by the Commission for IP Relay. Indeed, Sprint, for one, has informed the Fund Administrator that it is not offering 900 pay-per-call service or one-line HCO functionality to its IP Relay users. Thus, it has yet to receive any compensation for its provision of IP Relay.

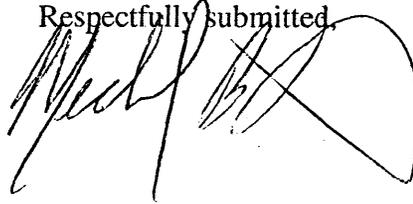
Nonetheless, Sprint assumed that once the Commission granted Sprint's petition, it would be compensated by the Fund Administrator for its provision of IP Relay during the period prior to the effective date of the Commission Order. Sprint's assumption here was based on the belief

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that because it is impossible to provide the two features at issue using IP Relay -- a fact first mentioned by Sprint in its July 30, 2001 comments on the issue of whether the Interstate TRS Fund should compensate IP Relay providers -- it would be unfair to penalize Sprint and other IP Relay providers that could not certify that they were meeting the minimum standards by denying them compensation on a retroactive basis and forcing them to absorb the costs of providing IP Relay during the past period.¹ Unfortunately, Sprint's assumption here may not be well-founded.

On October 30, 2002, Sprint representatives met with Commission staff to discuss Sprint's pending petition for reconsideration. A representative of the Interstate TRS Fund Administrator also participated in the meeting via conference call. See Sprint's *Ex Parte* Notification filed October 31, 2002 in this proceeding. The Fund Administrator representative informed the Commission that unless the Commission instructed otherwise, Sprint's retroactive payment would be limited to the three months immediately preceding the release of the decision. Thus, Sprint respectfully requests that if the Commission grants Sprint's unopposed reconsideration petition, it clarify that Sprint and other IP Relay providers that, like Sprint, have informed the Interstate Fund Administrator that they cannot offer 900 pay-per-call service and HCO functionality, are eligible to receive compensation for the entire past period in which such carriers offered IP Relay. As stated, this clarification is required as a matter of equity.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Meredith', written over the text 'Respectfully submitted,'.

c: Margaret Egler (by e-mail)
Tom Chandler (by e-mail)
Cheryl King (by e-mail)
Janet Sievert (by e-mail)
Greg Hlibok (by e-mail)
Erica Myers (by e-mail)
Parties on attached service list

¹ It would especially unfair if, unlike Sprint, some IP Relay providers informed the Interstate Fund Administrator that they were able to offer 900 pay-per-call services and HCO functionality as part of IP Relay and, therefore, have been receiving compensation for their provision of such service. Sprint, of course, has no solid evidence as to whether any other IP Relay provider as taken this approach and is currently being compensated by the Interstate Fund.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **LETTER IN CC DOCKET NO. 98-67** was sent by Electronic mail or by United States first-class mail, postage prepaid, on this the 18th day of November, 2002 to the parties on the attached page.


Christine Jackson

November 18, 2002

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* Send by Electronic mail

** Sent by U. S. First-Class mail

Existing Waivers for Internet Relay

<u>Internet Relay Issue</u>	<u>Sprint Proposal</u>	<u>Rationale</u>
Carrier of Choice (Equal Access to IXC)	Extend waiver for 2 years. Waive this requirement until such time toll charges are able to be passed along to end users.	Domestic rates vary according to jurisdiction. Until there is some form of internet location technology that is reliable, it is not possible to offer COC to Internet Relay consumers. However, it is possible to offer COC to International callers since International rates are postal and not distance sensitive.
Emergency Call Handling	Extend waiver for 2 years. Allow providers to use an alternative to support emergency calls.	Without systematic identification of the Internet Relay consumer, it is not feasible to automatically transfer emergency calls to the appropriate PSAP. Providers can use alternative solutions support emergency calls. Continue to warn consumers about the limitations of relying upon Internet Relay for emergency services.
Voice Initiated Calls	Extend waiver for 2 years.	Technology limitations. The market has not demanded these services.

Existing Waivers for VRS

<u>VRS Issue</u>	<u>Sprint Proposal</u>	<u>Rationale</u>
Carrier of Choice (Equal Access to IXC)	Extend waiver for 2 years. Waive this requirement until such time toll charges are able to be passed along to end users.	If no toll charges are applied there is no compelling reason to develop interconnectivity with carriers to complete VRS calls. Waiving this requirement would defer significant expense for VRS providers.
Automatic PSAP Connectivity	Extend waiver for 2 years. Allow VRS providers to use an alternative to support emergency calls.	Without automated knowledge of the location of the VRS end user, it is currently not feasible to automatically transfer emergency calls to the appropriate PSAP. VRS providers can use alternative solutions support emergency calls. Continue to warn consumers about the limitations of relying upon VRS for emergency support.
Processing Pay Per Call Services	Extend waiver for 2 years.	At this time, it is also technically infeasible to correctly bill these calls back to the end users.
85% of Calls Answered within 10 Seconds Daily	Implement service level requirement of 85/30, measured monthly. Monitor and re-visit the issue in 2 years to determine if a new measure is needed.	It is appropriate to increase the service requirements for VRS.
Spanish Service	Continue no requirement for Spanish VRS	Leave to market dynamics.
24/7 Service	Implement 24/7 service availability requirement.	It is appropriate to increase the service requirements for VRS.