

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

In the Matter of	)	
	)	
Telecommunications Relay Services and	)	
Speech-to-Speech Services for	)	CG Docket No. 03-123
Individuals with Hearing and Speech Disabilities	)	
	)	
E911 Requirements for IP-Enabled Service	)	
Providers	)	WC Docket No. 05-196
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**COMMENTS OF SPRINT NEXTEL CORPORATION**

Sprint Nextel Corporation (“Sprint Nextel”), on behalf of the Telecommunications Relay Services (“TRS”) operations of its subsidiary, Sprint Communications Company L.P., hereby respectfully submits its comments on various issues raised in the *Further Notice of Proposed Rulemaking* (“*FNPRM*”), issued June 24, 2008 in the above-captioned proceedings.<sup>1</sup>

**A. PERIPHERAL 911 ISSUES**

**1. Call Termination**

Under the current rules governing the provision of TRS services, a Communications Assistant (“CA”) “may not terminate the call for any reason, even if a 911 call is waiting in queue.”<sup>2</sup> The Commission has asked parties to address whether this “call completion rule should be modified so that if a CA is handling a non-emergency relay call and identifies an incoming

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<sup>1</sup> The *FNPRM* was issued as part of the *Report and Order* (FCC 08-151) in which the Commission “adopte[d] a system for assigning users of Internet-based Telecommunications Relay Services (TRS) specifically Video Relay Service (VRS) and Internet Protocol (IP) Relay Services, ten-digit telephone numbers linked to the North American Numbering Plan (NANP).” *Numbering Report and Order* at ¶ 1 (footnotes omitted).

<sup>2</sup> *FNPRM* at ¶ 106 citing 47 C.F.R. § 64.604(a)(3)(i).

911 call, the CA may terminate the existing call to answer the 911 call immediately.”<sup>3</sup> Such modification, the Commission says, would help facilitate the rapid deployment of first responders in an emergency.

Sprint Nextel believes that answering emergency calls from users of Internet-based TRS services as quickly as possible and connecting the callers to the appropriate PSAP should always be a top priority. However, there are no data in the record to suggest that the speed at which a CA answers a 911 call today is a major problem; nor are there any data in the record demonstrating that a call termination requirement would increase the speed at which emergency personnel could be deployed to such an extent so as to outweigh the problems that such a requirement would likely generate. Indeed, once it became public that providers are to answer a 911 call immediately even if it meant terminating an ongoing call, using 911 to reach a provider of Internet-based TRS services may for some become the preferred dialing method even if there is no emergency.<sup>4</sup> Even if the CA is allowed to terminate such non-emergency calls, the damage would have already occurred since the previous caller would have had his/her conversation ended so that the CA could answer the 911 call. And, although the terminated call may not have involved an “emergency,” it could have been extremely important to the Internet-based TRS services user. For example, the terminated call could have involved a conversation between a patient and her doctor about the symptoms the patient was experiencing from drugs that the doctor had prescribed. Or the call could have involved a conversation between a dying mother and her son who knew that he would not be able to reach her bedside before his mother passed

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<sup>3</sup> *Id.*

<sup>4</sup> Because hearing individuals often call 911 in non-emergency situations, many communities have had to implement campaigns instructing their citizens to use 911 only in cases of actual emergencies and to dial another N11 number, *e.g.*, 311, for non-emergencies.

away. In short, while the intent is commendable, until there is a demonstrable problem with the speed at which CAs answer 911 calls from users of Internet-based TRS services and unless there is no other way to address the problem, Sprint Nextel does not believe its CAs should be placed in the position of having to terminate current calls in order to answer 911 calls.

## **2. Registered Location Information**

The Commission decided not to require a central database for the registered location information of Internet-based TRS services users.<sup>5</sup> It reached this decision even though it recognized that should an Internet-based TRS services user “place[] an emergency call through an Internet-based TRS provider other than the TRS user’s default provider” the alternative provider would not have access to the caller’s registered location information.<sup>6</sup> But the Commission determined that a registered location database was not necessary because it “expect[ed] that most, if not all, emergency calls will be dialed via an Internet-based TRS user’s default provider” that obviously will have the caller’s registered locations.<sup>7</sup>

Given the Commission’s rejection of a centralized database housing the registered location information of users of Internet-based TRS services and its expectation that such users will invariably call their default providers, it is somewhat unclear why the Commission would ask for comments “on ways in which Registered Location information might be made available to alternative relay providers for the purpose of routing emergency calls.”<sup>8</sup> In Sprint Nextel’s view, it would be a waste of resources to establish a mechanism that would enable an Internet-based TRS services provider to obtain the registered location information of users who are

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<sup>5</sup> *Numbering Report and Order* at ¶ 54.

<sup>6</sup> *Numbering Report and Order* at ¶ 86.

<sup>7</sup> *Id.*

<sup>8</sup> *FNPRM* at ¶ 107

registered with another provider in order to handle the an emergency calls from these users. As the Commission has found, such providers are highly unlikely to receive emergency calls from users registered with another provider. On those rare occasions when an Internet-based TRS services provider receives an emergency call from such user it can attempt to obtain the necessary information manually as is being done today or it can advise the caller to dial his chosen provider.

**B. RECOVERY OF COSTS RELATED TO NUMBER ACQUISITION AND PORTABILITY.**

The Commission has found that “Internet-based TRS providers may seek compensation from the [TRS] Fund for their actual reasonable costs of complying with the new requirements adopted in the foregoing [*Numbering Report and Order*].”<sup>9</sup> Included in the list of such recoverable costs are providers’ initial outlays to build the infrastructure necessary to comply with the requirements; the costs associated with ongoing maintenance of that infrastructure; and apparently the costs incurred for “the substantial consumer outreach efforts [that] will be needed to ensure a seamless transition to a ten-digit numbering system and to ensure the successful implementation of the Registered Location requirement ....”<sup>10</sup> The Commission decided, at least for the present time, to exclude from this list the “costs directly related to consumers’ acquiring a number or to the costs associated with number portability.”<sup>11</sup> The Commission’s decision here appears to be based on the fact that “these costs generally are borne by voice telephone users.”<sup>12</sup> However, the Commission has asked for comments as to whether it should reverse its decision here and enable Internet-based TRS providers to recover the costs they incur

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<sup>9</sup> *FNPRM* at ¶ 147.

<sup>10</sup> *Numbering Report and Order* at ¶ 90.

<sup>11</sup> *FNPRM* at ¶ 147.

<sup>12</sup> *Id.*

in enabling the users of Internet-based TRS service to acquire and port numbers from the Interstate TRS Fund.

Sprint Nextel supports the Commission's decision to exclude the costs of number acquisition and number portability from the costs otherwise recoverable from the TRS Fund. Sprint Nextel's position here is based on the fundamental economic and regulatory principle that the costs associated with providing services should be paid by the cost causer; on the fact that voice telephone users, including VoIP users, bear these costs either through special surcharges or in the rates they pay for the services they receive; and, on the fact that, as the Commission points out the language of Section 225 of the Act, 47 U.S.C. § 225, "contemplate[s] that TRS consumers would pay *some* costs associated with making a 'telephone call,' just not those additional costs attributed to the use of a relay service to facilitate the call."<sup>13</sup>

Moreover there is simply no justification for requiring that wireline and wireless carriers and their customers continue to pick up the costs associated with number acquisition and number porting. The reason for exempting Internet-based TRS services users from paying any of the costs associated with the Internet-based TRS services was based on the fact that providers had no way of identifying such users so as to bill them for the calls they were making. Under the FCC's newly mandated numbering system for Internet-based TRS that reasoning disappears.<sup>14</sup> As the Commission notes, "Internet-based TRS users will now have a default provider – *e.g.*, the provider from which they obtained their number or a provider to which they ported their number

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<sup>13</sup> *FNPRM* at ¶ 148, emphasis in original.

<sup>14</sup> If the Commission adopts Sprint Nextel's position here, no limits need be placed on the quantity of telephone numbers "an Internet-based TRS user should be entitled to obtain from an Internet-based TRS provider." *FNPRM* at ¶ 111. Because numbers will not be a free good, over-consumption of such numbers by Internet-based TRS users is unlikely and thus number exhaust issues are unlikely to be of major concern.

– that provider can pass the costs of acquiring the number, or of porting the number, to the consumer.”<sup>15</sup>

## C. REGISTRATION ISSUES

### 1. Registration Period

Sprint Nextel agrees with the Commission that “there must be a registration period to allow existing Internet-based TRS users to register with a default provider, provide their Registered Location, and obtain their new ten-digit NANP telephone numbers.”<sup>16</sup> Sprint Nextel recommends the registration period be of sufficient duration to allow potential users of Internet-based TRS services the time to understand the program and perhaps become comfortable with providing some of the personal information that will be required.

The Commission also seeks comments on whether it should prescribe “a cut-off date upon which any Internet-based TRS user who has not registered with a default provider will lose the ability to use Internet-based TRS until they register with a default provider.”<sup>17</sup> Sprint Nextel takes no position at the present on whether there should be cut-off date for registration.<sup>18</sup> Nonetheless Sprint Nextel believes that it is unrealistic to expect that every provider will deny an unregistered caller the opportunity to make an Internet-based TRS phone call. This is so because the time the CA or Video Interpreter spends explaining to the caller why he or she cannot make a phone call using VRS or IP Relay and the steps the caller has to take in order to use make such calls in the future is not compensable. Moreover, it is possible that some providers will relay the call regardless of the FCC’s rules in order to create good will and perhaps influence the caller’s

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<sup>15</sup> *FNPRM* at ¶ 149.

<sup>16</sup> *FNPRM* at ¶ 109.

<sup>17</sup> *Id.*

<sup>18</sup> As set forth below, Sprint Nextel does believe that the registration requirements adopted by the Commission may help reduce somewhat the incidence of IP Relay Fraud.

ultimate choice of providers.<sup>19</sup> Providers that obeyed the ban and refused to relay the call from an unregistered user would therefore be penalized.

## **2. Verification of Registration.**

The Commission believes that its decision to require the “registration of Internet-based TRS users with a default provider and provision of a Registered Location [will help] reduce the misuse of IP Relay by persons seeking anonymity to make fraudulent credit card purchases and engage in other wrongdoing.”<sup>20</sup> Sprint Nextel shares the Commission’s belief that a regime that imposes barriers to misusing IP Relay service can help curtail “the abuse of IP Relay for fraudulent purposes.”<sup>21</sup> However, any benefits in this regard will be *de minimis* unless providers are required to verify the information provided by the registrant.

There are a number of ways to verify a registration. One way would be for the user of Internet-based TRS services seeking a 10-digit number to provide information similar to the types of information that carriers request of their new voice customers so that the carriers can conduct credit checks. Another way is in-person registration where the person must present a valid government-issued ID, *e.g.*, driver’s license or passport. The Commission should not prescribe one verification method and instead leave it to each IP Relay provider to design and implement its own verification method.

## **D. USE OF TOLL FREE NUMBERS**

The Commission points out that nothing in its *Numbering Report and Order* will impact the option that Internet-based TRS users currently enjoy of “us[ing] toll free numbers issued or

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<sup>19</sup> The fact that some VRS providers continue to evade the financial incentives proscription suggests that a ban on relaying the calls of non-registered users will be difficult, if not impossible, to enforce.

<sup>20</sup> *Numbering Report and Order* at ¶ 94.

<sup>21</sup> *FNPRM* at ¶ 118.

assigned by Internet-based TRS providers or other carriers.”<sup>22</sup> It does, however, ask “whether these Internet-based TRS users should be subject to a fee for use of a toll free number, as are hearing users.”<sup>23</sup> There is simply no justification for allowing Internet-based TRS users desiring to use personal toll-free numbers terminating at their devices to obtain such numbers and service free of charge, thereby forcing customers of wireline and wireless carriers to subsidize the service. This is especially the case given the fact that Internet-based TRS users will soon be able to obtain 10-digit toll free numbers as mandated by the Commission’s *Numbering Report and Order*.<sup>24</sup>

#### **E. SIGNALING**

In previous submissions in this proceeding, Neustar proposed that the Commission require standards-based signaling between TRS providers using the Session Initiation Protocol (SIP).<sup>25</sup> The Commission declined to adopt Neustar’s proposal because its decision to adopt “a central database provisioned with IP addresses for VRS users obviate[ed] the immediate need for inter-provider signaling.”<sup>26</sup> The Commission, nonetheless, has asked for comments on “NeuStar’s underlying objective of transitioning to SIP-based end devices.”<sup>27</sup>

Sprint Nextel does not believe that the Commission should prescribe any inter-provider signaling technology. There are several signaling technologies that provide similar if not better functionality and each provider should be free to choose the signaling technology that best meets

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<sup>22</sup> *FNPRM* at ¶ 111 and *Numbering Report and Order* at fn. 72.

<sup>23</sup> *Id.*

<sup>24</sup> The Commission also asks whether “using toll free numbers for Internet-based TRS, [will have] any impact the use of such numbers may have on the provision of 911 service.” *Id.* The answer is no as long as the Internet-based TRS service provider has the correct location information.

<sup>25</sup> *FNPRM* at ¶ 112

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

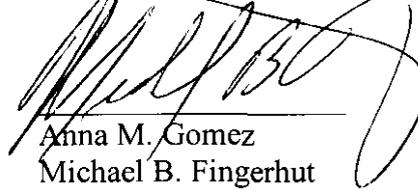
it needs. Of course the use of different inter-provider signaling technologies may make it difficult for providers to meet the Commission's interoperability mandate. But rather than imposing an inflexible signaling rule, the Commission should allow the providers to develop a method to ensure that the use of different technologies allow for interoperability.

**F. CONCLUSION**

Sprint Nextel respectfully asks that the rules and polices adopted by the Commission addressing the issues set forth in the FNPRM be consistent with Sprint Nextel's position as set forth above.

Respectfully submitted,

~~SPRINT NEXTEL CORPORATION~~



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**CERTIFICATE OF SERVICE**

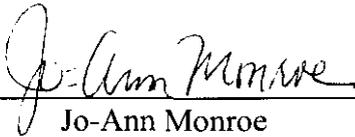
I, Jo-Ann Monroe, do hereby certify that on this 8th day of August, 2008, I caused copies of the foregoing "Comments of Sprint Nextel Corporation" to be served by electronic-mail to the following:

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