Before the

Federal Communications Commission

Washington, DC 20054

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

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TABLE OF CONTENTS

Introduction 1

Discussion 3

The Commission Should Not Require the Termination of Non-Emergency Calls in Order to Answer Emergency Calls 3

The Commission Should Adopt a Timely Registration Period for Existing Internet-based Users Followed by a Limited Period of Permissive Calling Period 5

The Commission Should Require Verification of Registration Without Verification of Identity .. 8

Internet-based TRS Users Should Not be Precluded from Using Multiple Telephone Numbers .. 9

Internet-based TRS Users Should be Discouraged From Using Toll-Free Numbers, and Should Pay for Toll-Free Numbers Used 10

The Commission Should Not Mandate a Single Telephone Number for Multiple Services for Internet-based TRS Users 12

Functional Equivalency is Best Achieved by Allowing Internet-based TRS Providers to Recover Number Assignment and LNP Costs from Internet-based TRS Users 13

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AT&T Inc. ("AT&T"), on behalf of its telephone companies, hereby files these comments in response to the Further Notice of Proposed Rulemaking in the foregoing dockets.[1]

Introduction

In its Report and Order released June 24, 2008 ("Report & Order"), the Commission adopted a process for Internet-based Telecommunications Relay Service ("TRS") providers ("Internet-based TRS providers") to assign users of Video Relay Service ("VRS") and Internet-Protocol Relay Service ("IP Relay") (collectively "Internet-based TRS")[2] a ten-digit telephone number to ensure that voice telephone users can call users of Internet-based TRS ("Internet-based TRS users") in the same manner as they call voice telephone users and to help ensure that

[1] *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket 05-196, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 03-123, WC Docket 05-196 (FCC 08-151 (rel. June 24, 2008) ("10-Digit Report, Order, & FNPRM").

[2] IP captioned telephone service ("IP CTS"), another Internet-based form of TRS, is not covered in the 10-Digit Report, Order, & FNPRM, and thus, is not included within Internet-based TRS, as used in these comments

emergency calls placed by Internet-based TRS users are routed to the appropriate emergency services authorities (that is, the appropriate Public Safety Answering Point – hereinafter, "PSAP"). The process adopted by the Commission provides that in addition to assigning users a ten-digit telephone number, Internet-based TRS providers, among other requirements:

- must implement local number portability to the same extent as telecommunications carriers and VoIP providers;[3]
- must provide the capability for Internet-based TRS users to register with that provider as a "default provider" and gather location and contact information about the user during the registration process; and
- may seek compensation from the Interstate TRS fund for the costs of complying with the new Commission mandates.[4]

The Commission also directed the appointment of a neutral third party administrator to build, maintain and operate a central database to map the ten-digit telephone numbers assigned to Internet-based TRS users to the internet address of the computer or other internet capable device of those users.

Accompanying its Report & Order, the Commission released a Further Notice of Proposed Rulemaking ("FNPRM"), seeking comment on additional issues not resolved in the Report & Order that relate to the assignment and administration of ten-digit telephone numbers for Internet-based TRS. AT&T submits these comments pertaining to the following areas of inquiry in the FNPRM:

- the proper handling of 911 calls placed via Internet-based TRS;

[3] The Commission exempted Internet-based TRS providers from contributing to shared number administration and LNP costs.

[4] The Commissions excluded from compensable costs those costs relating to telephone number assignment and number portability.

- the period for existing Internet-based TRS users to register with a default provider;
- the process for verifying the validity of a TRS registration;
- the use of toll-free numbers with Internet-based TRS;
- the assignment of a single telephone number to an Internet-based TRS user to operate with multiple services; and
- whether number acquisition and porting costs should be passed on to Internet-based TRS users.

Discussion

The Commission Should Not Require the Termination of Non-Emergency Calls in Order to Answer Emergency Calls

Commission Rules prevent a communications assistant ("CA") who is conducting a TRS call from terminating the call for any reason, even if a 911 call is waiting in queue.[5] The Commission seeks comment on whether to modify this rule to allow a CA who is handling a non-emergency TRS call to terminate the ongoing call in order to answer an incoming 911 call immediately.

At this time, AT&T opposes modifying the call completion rule to allow CAs to terminate non-emergency calls of Internet-based TRS users to answer an incoming 911 call. There is insufficient evidence in the record to demonstrate that 911 calls made to Internet-based TRS providers are substantially delayed or that an otherwise compelling reason exists to modify the current call completion rule. Current FCC rules governing the operation of a relay center provide sufficient protection to minimize the chance that an Internet-based TRS user will experience substantial delays when making a 911 call.

[5] 47 C.F.R. § 64.604(a)(3)(i).

FCC rules require all TRS providers to ensure adequate staffing so that the probability that a TRS user receives a busy response due to CA unavailability is functionally equivalent to what a voice caller would experience using the public telephone network ("PSTN").[6] FCC rules also impose substantial speed of answer requirements on Internet-based TRS providers.[7] Further, effective May 21, 2008, Internet-based TRS providers must prioritize incoming emergency calls over incoming non-emergency calls, such as by moving the emergency call to the top of the queue.[8]

AT&T submits that no substantial delay exists in answering 911 calls made over Internet-based TRS. To the extent that a delay may occur, the FCC's new 911 call prioritization rule will likely reduce that delay and strengthen the incentive for Internet-based TRS providers to timely answer all calls, including emergency calls. These rules, and the penalties that accompany a failure to comply, encourage Internet-based TRS providers to respond to emergency calls quickly without the need for additional regulation.

Allowing a CA to terminate an ongoing Internet-based TRS call is an unnecessary disruption of the TRS call that potentially discourages the use of Internet-based TRS. The Commission has previously recognized that minimizing disruptions in a TRS call makes the call more functionally equivalent to voice telephone service.[9] On that basis, the Commission adopted the requirement that CAs remain with a VRS (and a TTY TRS) call for a minimum of

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[6] 47 C.F.R. § 64.604(b)(2)(i).

[7] 47 C.F.R. § 64.604(b)(ii), (iii).

[8] 47 C.F.R. § 64.605(a), renumbered 47 C.F.R. § 64.605(a)(2)(ii) in the 10-Digit Report, Order & FNPRM; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, and E911 Requirements for IP-Enabled Service Providers*, Report and Order, CG Docket No. 03-123, and WC Docket 05-196 (March 11, No. 05-196, Report and Order, 23 FCC Rcd 5255 (2008).

[9] *Telecommunications Relay Services and for Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, at para. 57 (February 17, , 15 FCC Rcd 5140 (2000).

ten minutes before transferring the call.[10] At this time, there is insufficient support in the record for altering this requirement and the call completion rule as it applies to Internet-based TRS calls.

The goal of Section 225 of the Communications Act and this Commission's TRS rules is to provide an individual with a hearing or speech disability the ability to communicate with a hearing individual in a manner that is functionally equivalent to the ability of an individual without either disability to use voice communication services.[11] AT&T submits that functional equivalency is best advanced by adherence to the current call completion rules and that adopting a rule to prioritize one TRS call over another TRS call, even an emergency TRS call, would undermine that goal by terminating on-going calls to permit prioritized emergency calls to be completed – a result that would not occur for a voice telephone user. AT&T notes, in this regard, that 911 calls routed over voice telephone networks occasionally receive a busy signal or are placed on hold if the lines are busy, which is functionally the same as when all CAs are busy.

The Commission Should Adopt a Timely Registration Period for Existing Internet-based Users Followed by a Limited Period of Permissive Calling Period

AT&T advocates that the Commission set a date certain for existing Internet-based TRS users to register with a default provider. The Commission adopted the requirement that Internet-based TRS users receive a ten-digit phone number to help Internet-based TRS users receive calls from voice telephone users and to help route emergency calls placed by Internet-based TRS users to the appropriate PSAP. These goals will not be fulfilled until all Internet-based TRS users are registered and associated with a ten-digit number.

[10] 47 C.F.R. § 64.604(a)(1)(v).

[11] 47 U.S.C. §225.

Yet, AT&T is also mindful of the need to thoroughly educate Internet-based TRS users of the registration deadline, the consequences of not registering, and the communications alternatives available to existing Internet-based TRS users who fail or refuse to register with a default provider. AT&T proposes the following general registration solution:

- *Registration Date*. The Commission should set a date by which existing Internet-based TRS users should register with a default provider. AT&T proposes a date that is 3-months from the effective date of the Internet-based TRS providers' obligations to assign ten-digit numbers, as currently set forth in the Report & Order.[12]
- *Education and Outreach.* Prior to the registration date, communications from Internet-based TRS providers should effectively educate existing Internet-based TRS users of the registration requirements.
- *Permissive Calling Period.*[13] After the registration date, Internet-based TRS providers should continue to complete the calls of unregistered and registered Internet-based TRS users for a specific period to allow a smooth transition for Internet-based TRS users. Specifically AT&T proposes a permissive calling period of 3-months from the registration date (i.e., 6-months from the effective date of the Internet-based TRS providers' obligations to assign ten-digit numbers). During this permissive calling period, Internet-based TRS providers will undertake the following additional efforts to encourage registration:

[12] AT&T anticipates that registration by internet will be the most efficient manner in which to obtain registration without the need for CA involvement, but does not advocate limiting the methods to register a default provider.

[13] A permissive calling period is comparable to the permissive dialing period that has worked well in NPA relief efforts—in both cases, consumers are given the flexibility to adapt to a new numbering scheme for their telecommunications service.

- send at least one notice, by electronic mail or US mail, to all existing, but unregistered, Internet-based TRS users[14] with whom Internet-based TRS providers have an ongoing relationship and a known street or e-mail address, reminding such users of the registration requirement and further educating them on the registration deadline, the consequences of not registering, and alternative TRS options if the Internet-based TRS user fails to register; and
- upon accessing the Internet-based TRS provider's website for each call, but prior to connecting with a CA,[15] the Internet-based TRS user would be linked to a screen advising the user of the requirement to register with a default provider, the manner in which to register, and the date when permissive calling ends.[16]

- *Registration Deadline.* The end of the permissive calling period will be the effective registration deadline, after which Internet-based TRS providers should cease completing the non-emergency calls of unregistered Internet-based TRS users.[17]

It is likely that the vast majority of existing Internet-based TRS users will register with a default provider before the registration deadline, either by registering with their existing Internet-

[14] Internet-based TRS providers have no system to confirm that a particular consumer has already registered with another Internet-based TRS Provider and the record is unclear as to whether such a process is contemplated. AT&T submits that if the Commission contemplates that Internet-based TRS providers will verify registration in that manner, those providers will need to perform "reverse look-ups" of consumers in the central database mandated by the Report & Order.

[15] Unless inquiry is solicited by the Internet-based TRS user, CAs should not participate in registering or educating the Internet-based TRS user, as doing so would disrupt Internet-based TRS calls and increase the number of TRS minutes (and consequently, the size of the TRS fund).

[16] Messages given to Internet-based TRS users during the call set-up process will jeopardize the ability of Internet-based TRS providers to meet the Commission's speed to answer rules. *See* 47 C.F.R. §64.604(b)(2)(ii) ("The ten seconds begins at the time the call is delivered to the TRS facility's network."). AT&T proposes that the Commission modify its speed of answer rules to begin the ten second period only after the call set-up process is complete on calls from unregistered users.

[17] AT&T proposes that Internet-based TRS providers continue to process 911 calls of unregistered Internet-based TRS users as prior to implementation of the order even after the end of the permissive calling period.

based TRS provider or with a new Internet-based TRS provider. Those Internet-based TRS users who fail to register with any default provider and cannot continue using Internet-based TRS are not without TRS service, as they may still utilize PSTN-based TRS, such as traditional TRS (with use of a TTY device), Speech-to-Speech TRS, or captioned telephone service.

The Commission Should Require Verification of Registration Without Verification of Identity

In order to reduce fraud, AT&T favors the verification of Internet-based TRS users during the process of registering with a default provider rather than conducting verification of detailed user information on each Internet-based TRS call. AT&T proposes that the Internet-based TRS provider send, by U.S. Mail, a confirmation of registration to each Internet-based TRS user who registers with that Internet-based TRS provider as its default provider based upon the address received during the registration process.[18] Internet-based TRS providers could cancel the registration (and withdraw the ten-digit number assigned) for all consumers whose confirmations are "returned to sender" due to an outdated or invalid address and for consumers who, in response to the confirmation, advise that they did not register with that Internet-based TRS provider as a default provider.

In the Report & Order and FNPRM, the Commission requires Internet-based TRS providers to register new Internet-based TRS users prior to initiating service and commits to adopting a similar plan for existing Internet-based TRS users.[19] Presumably, Internet-based TRS providers can meet these registration requirements only by implementing a per-call verification of registration process. For outbound TRS calls, this per-call verification would involve

[18] Alternative methods to confirm the identity of a registered user, such as access to private or public databases, are at least as effective as the confirmation letter, but are likely to be more time consuming, complicated, and expensive to implement.

[19] *10-Digit Report, Order & FNPRM*, para. 44, 45.

verifying that the Internet-based TRS user making the Internet-based TRS call had previously registered with some provider, such as by confirming the user's IP address or other internet address, or by requiring a reverse look-up as discussed in footnote 13.[20] AT&T submits that the process of user registration, post-registration confirmation, and per-call verification of registration will effectively discourage illegitimate IP Relay calls and meet the Commission's goal of reducing IP Relay fraud.

AT&T opposes the adoption of rules that force previously registered Internet-based TRS users to verify identity by providing detailed registration information, such as geographic location, during the call set-up phase for every Internet-based TRS call. A per-call identity verification requirement would subject Internet-based TRS users to the burden of repeatedly providing Internet-based TRS providers with identification information and inject unnecessary delays into the call-set-up process for users and providers.[21]

Internet-based TRS Users Should Not be Precluded from Using Multiple Telephone Numbers

The Commission should not limit or prevent Internet-based TRS providers from assigning multiple telephone numbers to registered Internet-based TRS users, as no evidence exists that such a limitation is warranted. While multiple numbers assigned to multiple devices has reduced the overall availability of NANP numbers, the Commission's numbering rules and other number conservation efforts have successfully reduced the immediate risk of number exhaust. It is not likely that allowing hearing disabled consumers to obtain multiple NANP

[20] Verification is not needed for incoming calls to an Internet-based TRS user, as incoming calls present no threat of IP Relay fraud and cannot be completed in the absence of prior registration and number assignment.

[21] A verification process that requires Internet-based TRS users to provide detailed information to verify identity on a per-call basis would likely prevent Internet-based TRS providers from meeting the Commission's speed to answer rules. *See* 47 C.F.R. §64.604(b)(2)(ii). AT&T proposes that if the Commission adopts such detailed verification of registration requirements, the ten-second speed of answer period should begin only after the call set-up process is complete.

numbers will significantly hasten number depletion, as even without regulation, disincentives exist to prevent Internet-based TRS providers and Internet-based TRS users from wasting numbering resources. Internet-based TRS providers are discouraged from assigning numbers to devices that are not intended for legitimate Internet-based TRS use because TRS enabled devices are not compensable from the Interstate TRS fund. Similarly, Internet-based TRS users are discouraged from obtaining numbers for devices they have no intent to use by the costs associated with the TRS enabled devices and the possible costs of obtaining a NANP number.[22]

Further, restricting the assignment of numbers to an Internet-based TRS user runs counter to the functional equivalency mandate in Section 225 of the Communications Act.[23] Voice telephone users are not restricted in the quantity of ten-digit numbers that may be assigned to them and, in fact, many voice telephone users are assigned numbers for multiple devices—home phone, wireless phone, fax machine, computer, etc. Similarly, Internet-based TRS users may desire to have multiple TRS devices, each with its own number, especially in families in which more than a single Internet-based TRS user resides.

Internet-based TRS Users Should be Discouraged From Using Toll-Free Numbers, and Should Pay for Toll-Free Numbers Used

Although the Commission does not preclude Internet-based TRS users from continuing to keep a toll-free number previously obtained from an Internet-based TRS provider in lieu of obtaining a geographically appropriate number, AT&T proposes that users who elect to retain their toll-free number should be required to pay for the use of that number, encouraging the

[22] Additionally, the inability of a user to operate more than one TRS enabled device simultaneously makes it unlikely that the assignment of multiple devices to a single Internet-based TRS user would significantly increase compensable minutes of use.

[23] 47 U.S.C. § 225.

transition away from the use of such numbers by Internet-based TRS users. These steps would make Internet-based TRS more functionally equivalent to voice telephone service.

As the Commission recognized in the NPRM, voice telephone users are charged a fee when they are assigned a toll-free number, whereas Internet-based TRS users were often provided a toll-fee number at no charge. Recently, some Internet-based TRS providers assigned toll-free numbers to Internet-based TRS users as a means to allow the completion of incoming calls to the user. In other words, toll-free numbers provided a means to make Internet-based TRS functionally equivalent to voice telephone service.

With the assignment of ten-digit numbers to Internet-based TRS users, toll-free numbers are not needed to make Internet-based TRS functionally equivalent to voice services, and in fact, now risk distinguishing Internet-based TRS users. To eliminate this distinguishing attribute of legacy Internet-based TRS processes, AT&T proposes that the Commission encourage the transition from toll-free numbers to ten-digit geographically appropriate numbers by requiring that all those who obtain toll-free numbers, including Internet-based TRS users, pay to use the toll-free number.

AT&T also advocates transitioning Internet-based TRS users away from using exclusively toll-free numbers due to concerns about the ability of E911 databases to effectively route 911 calls when those calls are associated with a toll-free number. By design, toll-free numbers operate as inbound numbers only. This characteristic of toll-free numbers is detrimental to efforts to deliver an outbound 911 call associated with a toll-free number.

Alternatively, AT&T recommends that all Internet-based TRS users who elect to retain a toll-free number also have a ten-digit geographically appropriate number associated with their IP address in the central database. In AT&T's assessment, the Commission's determination that

Internet-based TRS users should be assigned ten-digit numbers to help ensure that 911 calls are routed to the appropriate PSAP is equally compelling when it is applied to Internet-based TRS users who were previously assigned toll-free numbers.

The Commission Should Not Mandate a Single Telephone Number for Multiple Services for Internet-based TRS Users

AT&T agrees with the Commission's observation that "hearing users may not have one NANP number for multiple services, such as their home telephones and their portable wireless phones."[24] The Commission does not mandate a single telephone number for multiple services for voice telephone users. In order that Internet-based TRS users benefit from functionally equivalent service to voice telephone users, the Commission should apply the same policy and not mandate a single number for multiple Internet-based TRS services.

Internet-based TRS providers can implement call forwarding and other services to offer a one-number solution to users who have registered with that provider as their default provider. However, mandating that Internet-based TRS providers offer one number for multiple services is problematic unless all the services are served by a single TRS provider, as a given telephone number must route to one place in the PSTN. The Alliance for Telecommunications Industry Solutions ("ATIS") recognized this problem and deferred consideration of one-number service in the Industry Numbering Committee Numbering for Internet-Based Relay Services Report (Dec. 19, 2007).[25]

[24] *10-Digit Report, Order & FNPRM*, para. 113.

[25] ATIS-0300093, http://www.atis.org/inc/increp.asp.

Functional Equivalency is Best Achieved by Allowing Internet-based TRS Providers to Recover Number Assignment and LNP Costs from Internet-based TRS Users

In the Report & Order, the Commission determined that although Internet-based TRS providers could recover their reasonable costs of complying with the new ten-digit TRS numbering rules from the Interstate TRS Fund, they could not recover costs relating to number assignment or number portability. AT&T submits that Internet-based TRS providers should be allowed, at their election, to recover the costs of number assignment and number portability from Internet-based TRS users.[26]

Section 225 of the Communications Act and the Commission's TRS rules entitle consumers with a hearing or speech impairment access to telephone service, to the extent possible, that is functionally equivalent to voice telephone service at rates that are "no greater than the rates paid for functionally equivalent voice communication services."[27] As the Commission has recognized, Congress contemplated that TRS consumers would pay *some* costs associated with making a "telephone call."[28] It is not unreasonable for those costs to include the costs of number assignment and number portability. Voice telephone users generally bear the costs of number assignment and number portability.

Objections to passing through costs to Internet-based TRS users generally involve concerns about TRS costs that are higher than costs for equivalent voice service users. Number assignment and number portability costs should not be higher for an Internet-based TRS user than for a voice telephone user. As with a voice telephone user, an Internet-based TRS user's

[26] Some Internet-based TRS providers may elect to not bill users for number assignment and number portability costs, as the amount it would collect from users might not justify the billing costs.

[27] 47 U.S.C. § 225(d)(1)(D).

[28] *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, E911 Requirements for IP-Enabled Service Providers,*[28] *10-Digit Report* and, *Order* and Further Notice of Proposed Rulemaking, CG Docket No. 03-123, WC Docket 05-196, *& FNPRM*, para. 148 (June 24, 2008).

cost for service might include charges for the number (and associated fees) and for broadband Internet access. The amount of these charges should be comparable to, if not less than, similar charges incurred by hearing consumers who use VoIP services.

Allowing Internet-based TRS users to pass through number administration and number portability costs has the added advantage of limiting the burden on the Interstate TRS fund and facilitating number resource optimization by encouraging Internet-based TRS users to maintain only as many numbers as they need and discouraging non-hearing impaired consumers from using Internet-based TRS for purposes other than communicating with persons who are hearing-impaired.[29]

For the foregoing reasons, AT&T urges the Commission to consider this submission.

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[29] Hearing consumers need TRS numbers only for VRS peer-to-peer calls; for IP relay, non-hearing consumers can use existing instant messaging handles.