

Before the  
Federal Communications Commission  
Washington D.C. 20554

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

**REPLY COMMENTS OF CSDVRS, LLC  
ON ASSIGNING INTERNET PROTOCOL-BASED  
TELECOMMUNICATIONS RELAY SERVICE USERS  
TEN-DIGIT TELEPHONE NUMBERS LINKED TO THE  
NORTH AMERICAN NUMBERING PLAN**

CSDVRS, LLC (CSDVRS) submits these reply comments in the Federal Communications Commission's (FCC's) proceeding on assigning Internet Protocol (IP)-based telecommunications relay service (TRS) users 10-digit telephone numbers linked to the North American Numbering Plan (NANP).<sup>1</sup> CSDVRS submitted original comments in this proceeding on August 8, 2008.

**I. Communication Assistants Should Not Have Monitoring Functions**

Sorenson has recommended that relay calls involving financial transactions always be made through a user's default IP-based relay provider.<sup>2</sup> CSDVRS opposes this recommendation as one that is not only impractical, but would seriously violate

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<sup>1</sup> *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, E911 Requirements for IP-Enabled Service Providers, Report and Order and Further Notice of Proposed Rulemaking*, CG Dkt. No. 03-123; WC Dkt. No. 05-196, FCC 08-151 (June 24, 2008) (Numbering Order).

<sup>2</sup> Sorenson Comments at 12.

prohibitions against call monitoring and constrain the ability of users to enjoy full VRS interoperability. Starting with its very first rule implementing Section 225 of the Communications Act, the FCC has consistently and steadfastly acknowledged the transparent nature of relay services. Back in 1991, the Commission explained that “relay services are unique in that, in the present technological environment, they utilize human CAs who see and hear private conversations while acting as transparent conduits relaying conversations without censorship or monitoring functions.” Consistent with this principle are various FCC’s rules prohibiting providers from refusing any relay calls, disclosing or keeping records of relay call content, and intentionally altering any relayed conversation.<sup>3</sup>

There is good reason for these rules: originally, they were created as a direct response to prior practices by state relay systems – that grew up in the 1980s – which had imposed limitations on relay call content.<sup>4</sup> In establishing such prohibitions, Congress and the FCC has understood that in order to build user trust in the relay system, users must be fully confident that the calls that they make will not undergo any scrutiny by communication assistants (CAs) – who are merely acting as substitutes for dial tone service. To now establish a rule that requires calls containing financial transactions only to be processed through certain providers would be tantamount to creating a censorship function for CAs, who would have to make judgments (entirely on their own) about the

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<sup>3</sup> 47 C.F.R. §§64.604(a)(2); (3). These rules are in response to Congress’s directives at 47 U.S.C. §§225(d)(1)(E) and (F).

<sup>4</sup> For example, Massachusetts and Vermont used to restrict personal calls to ten minutes and business calls to twenty minutes, Arkansas limited business calls to fifteen minutes and disallowed personal or “chatty” calls and Wisconsin allowed CAs to cut off “long social calls.” National Center for Law and Deafness, “Summary of State Dual Party Relay Services,” (ed. July 1989, 1990, 1991).

content of each and every call that they handled. Under Sorenson's proposal, if a CA perceived an outgoing call to be related to a financial transaction, and the call was initiated by someone who had dialed around to reach that CA's relay service, the CA would be put in the untenable position of having to decide whether to drop or process that call.

Granting CAs this unbridled authority - to control which calls do and do not get processed - would far exceed their intended role as a transparent conduit. Indeed, having CA's "listen in" and assess each relay call in this manner would result in discrimination against individuals who need to use relay services to make their calls because hearing users face no such restrictions. Additionally, because Sorenson's proposed rule would eliminate the ability to dial around to alternative providers for these types of calls, it would violate the right of every VRS user to use any VRS provider for any call, a right that was clearly established in the FCC's interoperability ruling of 2006.<sup>5</sup>

## **II. Providers Should have Flexibility in Determining the Best Technical Solutions for Meeting the Numbering Directives**

CSDVRS opposes Sorenson's suggestion that the FCC prohibit systems that use unilateral dynamic routing information without the direct involvement of the user's relay equipment or software.<sup>6</sup> This suggestion - which would appear to require the linking of routing information *only* to equipment distributed by relay providers - would effectively nullify the ability of people who are deaf, hard of hearing or speech disabled to acquire

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<sup>5</sup> *In the Matter of Telecommunications Relay Services and Speech-to Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, CG Dkt No. 03-123, FCC 06-57 (May 9, 2006).

<sup>6</sup> Sorenson Comments at 6.

devices off the shelf from retail stores, in violation of the functionally equivalent mandates of Section 225 of the Act.

Under the FCC's Numbering Order, each default provider has a responsibility to provide consumers with ten-digit numbers that allow for easy inbound calling, provide for the effective handling of emergency calls, and have the added benefit of facilitating point-to-point dialing. The FCC should not mandate the technical methods by which a VRS provider must comply with these and other directives in the Order, so long as the Order's basic requirements are met. More specifically, the method of obtaining and maintaining an individual's IP address – whether it be through videophones or some other method – should not matter so long as it is secure, protects caller interoperability, and achieves the desired results.<sup>7</sup>

Flexibility in this manner is especially important in order to ensure that consumers can use mainstream videophone devices acquired from retail stores for VRS calls. Notwithstanding the distribution of videophone equipment by some providers, equipment distribution has never been a pre-requisite to the provision of relay services. As video communication proliferates among members of the general public, more and more

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<sup>7</sup> Indeed alternate methods of maintaining a real time correlation of the IP address and URL for provisioning to the central database – such as the distribution to relay users of an inexpensive software or hardware module – may be necessary in order to comply with the FCC's Numbering Order. As noted in the Petition for Reconsideration submitted by four VRS providers on August 15, 2008, only the provider that distributes a device has the capability of updating the database with routing information provided by the device, but the FCC's Order does not allow that provider to collect any of this routing information. Because the Order directs that only the user's new default provider be permitted to collect such information, and this provider does not have the ability to collect the information from the former provider's device, the new provider may need to turn to other methods to regularly update the database on its own.

affordable video communication devices – including those integrated into computers – will become available in retail establishments. It is in the best interests of consumers to establish a numbering system that allows them to purchase such video equipment off the shelf, secure in the knowledge that this will work as a VRS device. Put simply, every VRS provider must have the technical flexibility to become a default provider for VRS users who acquire video devices from *any* source, even if this means using unilateral dynamic routing information that does not depend on the user’s relay equipment.

### **III. The FCC Should Allow Consumers to Obtain 800 Numbers From Any Provider**

While the comments submitted in this proceeding differ as to the suggested terms by which toll free numbers could be provided to VRS users, no commenter has opposed the distribution of 800 numbers. However, CSDVRS does have concerns about some of the restrictions that providers have suggested putting on these numbers. In particular, Sorenson argues that consumers who receive both 800 numbers and 10-digit numbers should be required to receive both numbers from the same provider.<sup>8</sup>

CSDVRS strongly opposes any such restriction on the distribution of toll free numbers to VRS users. Consumers should be able to obtain 800 numbers and any other enhanced service from any provider, not just their default provider. Hearing telephone users are able to obtain 800 numbers without limitation; functional equivalency demands that VRS users similarly be able to obtain these numbers, along with other numbers, to suit their various purposes and settings. Because, as noted in our original comments, there are limitations with respect to the ability of toll-free numbers to handle 9-1-1 calls, we do agree,

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<sup>8</sup> Sorenson Comments at 9.

however, that toll free numbers should not act as a substitute for 10-digit numbers, i.e., these numbers should not create the default provider relationship.

#### **IV. Incentives to Choose or Switch Providers Should be Permitted as a Fair Marketing Practice**

CSDVRS agrees with GoAmerica that the FCC's prohibition against "no incentives to make calls" should not apply to nominal freebies, such as T-shirts and pens given out at conferences, which merely are designed to attract customers to a VRS provider's services.<sup>9</sup> The distribution of these inexpensive items amounts to a fair marketing practice, and the mere fact that they may encourage someone to register with one provider over another does not mean that they create an incentive to make calls that the consumer would not have otherwise made through a different VRS provider. Indeed, it makes little sense to allow the distribution of videophones – potentially valued at \$100-300 and without question the greatest incentive to register with a provider – but not to allow providers to give out T-shirts.

#### **V. Additional comments**

In addition to the above, CSDVRS wishes to make the following points in response to the comments submitted:

- CSDVRS opposes GoAmerica's suggestion that IP providers not have to remove all of a consumer's personally identifiable information after the consumer changes

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<sup>9</sup> GoAmerica Comments at 7-8. Thus, while we agree with Sorenson that financial incentives, such as T-shirts, gift cards, movie tickets and DVDs, should not be used to increase usage, we do not agree that the FCC should prohibit these incentives where they are used as marketing devices to encourage users to pick or change providers. See Sorenson Comments at 16-17.

providers.<sup>10</sup> Although GoAmerica suggests that this information might be needed by the first provider for 9-1-1 purposes when an emergency call cannot be completed through a new default provider, in fact it would be dangerous to rely on such information because the old provider has no way of knowing whether the consumer's location information is current.

- CSDVRS agrees with the National Exchange Carriers Association (NECA) that when requested to do so, providers should be required to submit call detail records, including originating and terminating number information, to ensure that all TRS calls and minute data are valid, and thus, protect the Interstate TRS Fund from waste, fraud, and abuse.<sup>11</sup>
- CSDVRS agrees with GoAmerica and Ultratec that where numbers have gone unused for extended periods of time, inquiring as to whether consumers still wish to keep those numbers may be appropriate.<sup>12</sup> Because IP-based relay users will be getting these numbers for free, they will have little incentive to return these numbers even if they discontinue their use. Reclaiming inactive numbers will help conserve numbering resources and eliminate unnecessary costs to providers and the Interstate TRS Fund. However, because numbers are tied to 9-1-1 services, no number should ever be disconnected unless (1) a consumer has either consented to its disconnection, or (2) notice has been given to the consumer that the number

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<sup>10</sup> See GoAmerica Comments at 39.

<sup>11</sup> See generally NECA Comments.

<sup>12</sup> See Go America Comments at 10 (reporting that the transfer of numbers from Verizon to GoAmerica revealed that 40% of numbers that had been given out to relay users had not been used or renewed); Ultratec Comments at 5.

may be disconnected and a specified period of time that is established by the FCC (at a minimum one year), has passed during which the consumer has not used that number.

Respectfully submitted,

/s/

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