

**Before the
Federal Communications Commission
Washington, DC 20054**

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

REPLY COMMENTS OF AT&T INC.

AT&T Inc. (“AT&T”), on behalf of its telephone companies, files these reply comments in response to comments filed by other parties in the foregoing dockets.¹

INTRODUCTION

In response to the Further Notice of Proposed Rulemaking (“FNPRM”) released in the foregoing docket, numerous parties filed comments proposing solutions to issues associated with implementing a uniform ten-digit telephone number system for Internet-based Telecommunications Relay Service (“TRS”).² In general, commenters responded as follows regarding the issues on which AT&T will reply in these comments:

- Commenters oppose modifying the current call completion rules to allow a communications assistant (“CA”) to terminate an ongoing non-emergency TRS call in

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 As used in these comments, Internet-based TRS includes Video Relay Service (“VRS”) and Internet-Protocol Relay Service (“IP Relay”), and not IP captioned telephone service (“IP CTS”).

order to answer an incoming 9-1-1 call immediately, but differ on whether and how to facilitate the transfer of the 9-1-1 call to an appropriate Public Safety Answering Point (“PSAP”) if a CA is unavailable to answer the 9-1-1 call.

- Commenters differ on whether the Commission should set a deadline for Internet-based TRS users to register with a default provider, after which users would lose the ability to use Internet-based TRS without registering. Some commenters also advocate a process for the Commission to periodically gather data from Internet-based TRS providers on the progress of efforts to register users.
- Commenters generally favor the continued use of toll-free numbers for Internet-based TRS providers, while recognizing the impediment to using the numbers for dialing 9-1-1.
- Commenters agree that Internet-based TRS users who use multi-line telephone systems (“MLTS”) should be able to receive ten-digit numbers, but differ on whether MLTS owners should assign such numbers from MLTS number ranges.
- Commenters support the idea of a secure Internet-based TRS numbering system, but discourage the Commission from adopting the NeuStar security proposal.
- Commenters favor implementing rules to discourage slamming, but differ on the types of rules that are needed.
- Commenters generally favor application of the CPNI rules to TRS providers

AT&T briefly addresses each of these issues below.

DISCUSSION

9-1-1 Calls Should Not be Transferred Between Internet-based TRS Providers; CAs Should Assist in More Than an Interpreter Capacity, if Needed

The Consumer Groups³ and National Emergency Number Association (“NENA”) propose that default providers transfer 9-1-1 calls to an alternate Internet-based TRS provider if the default provider does not have a CA available to handle the call.⁴ AT&T believes that it is premature to impose this obligation on Internet-based TRS providers.

³ Consumer Groups include Telecommunications for the Deaf and Hard of Hearing, Inc., Association of Late-Deafened Adults, Inc., National Association of the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, California Coalition of Agencies Serving the Deaf and Hard of Hearing, and Hearing Loss Association of America.

⁴ See Comments of Telecommunications for the Deaf and Hard of Hearing, Inc., Association of Late-Deafened Adults, Inc., National Association of the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, California

To implement a process whereby a 9-1-1 call is transferred to an available CA of another Internet-based TRS provider, Internet-based TRS providers would need to develop a system to exchange information in real-time that will assess the CA availability of each provider. While such a system may be technically feasible, it would be difficult to develop, test, and implement the system within the December 31, 2008, effective date for implementing the ten-digit numbering system. Further, there is insufficient evidence that there is a problem with delayed answering of 9-1-1 calls over Internet-based TRS or that such a problem is of sufficient severity to justify the time and resources that Internet-based TRS providers will expend in developing, testing, and implementing the system. The time and resources are better spent complying with the ten-digit numbering mandates set out by the Commission in the 10-Digit Report, Order, & FNPRM by December 31, 2008.

AT&T supports the comments of Sorenson Communications, Inc. advocating that the Commission recognize the ability of CAs during a 9-1-1 call to deviate from their traditional (and legally required) role as only an interpreter to facilitate the communication of important information to emergency personnel.⁵ The Commission has previously recognized that CAs may occasionally need to deviate from their traditional role to facilitate the proper handling of an Internet-based TRS call.⁶ Allowing CAs to communicate observed and uninterpreted

Coalition of Agencies Serving the Deaf and Hard of Hearing, and Hearing Loss Association of America, page 3-4; Comments of the National Emergency Number Association (“Comments of Consumer Groups”), page 3.

⁵ FCC Rule 64.604(a)(2)(ii) prohibits a CA from intentionally altering a relayed conversation and, except where not illegal, requires CAs to relay all conversation verbatim unless otherwise requested by the relay user. 47 C.F.R. § 64.604(a)(2)(ii).

⁶ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order 21 FCC Rcd 6733, para. 10 (2006); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, and E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123 and WC Docket No. 05-196, Report and Order, 23 FCC Rcd 5255, FN 65 (2008).

information to emergency personnel to assist the Internet-based TRS user similarly facilitates the proper handling of the 9-1-1 call and is in the public interest.

The Commission Should Not Impose Additional Information Gathering Obligations

CSDVRS, LLC and Consumer Groups propose that the Commission require Internet-based TRS providers to periodically provide data to the Commission on the progress of default registrations.⁷ AT&T disagrees with these proposals. The Commission should not impose new regulatory reporting obligations on Internet-based TRS providers. At this point, the utility of this information is uncertain. Knowing how many Internet-based TRS users have registered does not demonstrate the progress of registration unless one also knows the number of unregistered Internet-based TRS users. There is no way to confidently determine that number.

Further, requiring progress reports necessitates the development of automated reporting systems. The time and money that Internet-based TRS providers will spend developing, testing and implementing these systems are better spent complying with the mandates set for a December 31, 2008 effective date. A count of records in the TRS Numbering Directory (“TND”) database may be sufficient for this purpose and likely will be a feature of the selected database vendor.

Toll-free Numbers Should be Associated with a Ten-Digit Number and the Usage Costs Should Not be Recoverable from the Interstate TRS Fund

Commenters favor allowing the use of toll-free numbers with Internet-based TRS, but have recognized the difficulties of providing full 9-1-1 capabilities for users that only have toll-

⁷ Comments of CSDVRS, LLC, page 6 (“CSDVRS . . . recommends that each VRS provider be required to submit its number of new registrations quarterly to the FCC”); Comments of Consumer Groups, page 6-7 (“The Consumer Group’s current agreement is conditioned on the Commission undertaking a periodic review of the actual registrations resulting from outreach and education efforts of the Commission and Internet-based TRS providers.”).

free numbers⁸ If the Commission allows the continued use of toll-free numbers for Internet-based TRS, it should also require Internet-based TRS users who elect to use the toll-free number to obtain a ten-digit geographically appropriate number that is associated with their IP address in the central database, which will be tied to the toll-free number. The Commission should also clarify that toll-free usage charges incurred by an Internet-based TRS provider for individually-assigned toll-free numbers are not recoverable from the Interstate TRS Fund.

MLTS Owners Should Not be Required to Assign Ten-Digit Numbers

The Consumer Groups propose that MLTS owners assign ten-digit NANP numbers to consumers with hearing or speech disabilities who live or work in an environment with a MLTS.⁹ AT&T submits that MLTS owners need not assign ten-digit numbers within the MLTS number range, as the hearing or speech impaired users do not need a MLTS number to use Internet-based TRS. When a hearing or speech impaired user makes an Internet-based TRS call from a location within a MLTS, the voice portion of the call does not terminate on the MLTS. Instead, like all other Internet-based TRS calls, it will terminate at the default provider's call center where the CA is located. Consequently, such Internet-based TRS users do not need a MLTS number in order to receive and place Internet-based TRS calls.¹⁰

Further, mandating that a MLTS owner assign a MLTS number to a hearing or speech impaired user raises substantial concerns about the disposition of the number when the user stops

⁸ Comments of AT&T, Inc., page 12; Comments of CSDVRS, LLC, page 8; Comments of GoAmerica, Inc., page 11; Comments of Consumer Groups, page 10.

⁹ Comments of Consumer Groups, page 13.

¹⁰ MLTS owners may elect to assist the user in obtaining a ten-digit number outside of the MLTS number range, or to procure the number for the user, but there is no compelling need for a MLTS owner to assign the user a MLTS number.

living or working where the MLTS is located.¹¹ Would the MLTS number have to be ported to a default relay provider? Would the calls to the MLTS number have to be call forwarded from the MLTS to a default provider? Both of these approaches involve added complexity and cost, and thus, the Commission should not require MLTS owners to assign numbers from the MLTS for Internet-based TRS.

AT&T Opposes NeuStar’s Security Proposal and Submits That Security Issues Warrant Further Study After Implementation of the Ten-Digit Number System

The Internet-based TRS numbering system should be sufficiently secure to protect the privacy of user information and the confidentiality of call content. However, AT&T agrees with the majority of the other commenters that the Commission should reject NeuStar’s proposal to require device registration, closed firewalls, and close the network such that default Internet-based TRS providers accept calls only from their own registered users, from the public switched telephone network, or from another Internet-based TRS provider.¹² There is insufficient information about how the ten-digit number system will work with Internet-based TRS, the central database and associated issues to implement such drastic security measures at this time.

The implementation of ten-digit numbering does not necessitate the overhaul of security with Internet-based TRS. Internet-based TRS users have already benefited from internet-based security programs and procedures. Further, Internet-based TRS providers will continue to assist Internet-based TRS users in securing their computers and network systems for use with Internet-based TRS. If security problems arise in the future despite these efforts, then the Commission can explore additional security measures. AT&T agrees with the comment of Sorenson Communications that “[o]nce the system is in place and users have access to NANP numbers and

¹¹ See Comments of the Association for Information Communications Professional in Higher Education, page 2.

¹² See Comments of CSDVRS, LLC, pages 14-16; Comments of GoAmerica, pages 18-19; Comments of Consumer Groups, pages 17-18.

E911 services, then providers can work with the Commission to address . . . improving security.”¹³

The Commission Should Not Impose Slamming Rules on Internet-based TRS Providers

Those few commenters that addressed the issue of slamming supported the adoption of rules to protect Internet-based TRS users from unauthorized default provider changes. AT&T agrees that a default provider should not be changed without the Internet-based TRS user’s express authorization. However, AT&T believes that extensive slamming rules applicable to telecommunications are unnecessary in the context of Internet-based TRS.

The Commission adopted slamming rules for telecommunications carriers as a solution to address the problem of companies changing a consumer’s carrier of choice without the consumer’s authorization.¹⁴ Prior to adopting the slamming rules, the Commission developed a substantial record of complaints from consumers about slamming behavior by telecommunications carriers. In contrast, there is no record to support the application of all telecommunications carrier slamming rules on Internet-based TRS providers. Extending all of the slamming rules to Internet-based TRS providers would be a solution without a problem to resolve.

The Consumer Groups likewise recognize that the nature of Internet-based TRS might make it unlikely that Internet-based TRS will experience the slamming problem that plagued the telecommunications business and led to the need for slamming rules:

¹³ Comments of Sorenson Communications, Inc., page 11.

¹⁴ Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers’ Long Distance Carriers, CC Docket No. 94-129, Second Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 1508, 1510, para. 1 (Dec. 23, 1998).

The TRS situation is different due to the relatively small universe of certified TRS providers and TRS users, which should make policing and enforcement much easier than in the telephone carrier context. . . . [T]he Consumer Groups cautiously suggest that TRS providers may heed the experience of telephone carriers and may not engage in unauthorized changes of preferred providers. Based on this optimistic outlook, the Consumer Groups suggest that consumers not be subjected to the confusing and burdensome process of third party verification at this time. If it later turns out that there are slamming complaints in the TRS context, the Commission retains the authority to revisit the issue and institute a third party verification requirement at that time.

Although these Consumer Group's comments pertain to their opposition to third party verification rules, which AT&T also opposes, the same reasoning suggests that minimal slamming rules should be imposed.

For the foregoing reasons, AT&T proposes that, if necessary, the Commission adopt basic slamming rules for Internet-based TRS that prohibit an Internet-based TRS provider from changing an Internet-based user's default provider without express authorization from the user, require that the Internet-based TRS user obtain such authorization through electronic, verbal, written or sign language communications, and be able to verify that authorization, if requested. If it later turns out that Internet-based TRS providers are changing the default provider of Internet-based users without express authorization, the Commission retains the authority to revisit the issue and institute additional slamming rules.

The Commission Should Ensure the Privacy of Customer Information.

The commenters generally support application of the CPNI rules to TRS providers. AT&T recognizes the importance of protecting customer records and in this regard has, as a common carrier, implemented a number of privacy-related procedures to safeguard its customer information. AT&T agrees that TRS providers should be required to protect the privacy of customer information and, specifically, supports Commission action to ensure that TRS

providers do not inappropriately use TND database information or customer records, or disseminate such information to third parties.

AT&T urges the Commission to carefully consider whether application of the CPNI rules is necessary in the TRS context. As the FNPRM correctly recognizes, there are existing privacy and confidentiality requirements in place to safeguard TRS customer profile information which could be extended to customer registration information. The Commission has also adopted restrictions to prevent unfair and deceptive marketing practices for TRS services. Additional privacy requirements, like the existing CPNI rules, accordingly may add little privacy value, particularly when weighed against the significant complexity involved in administering those rules.

CONCLUSION

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

Respectfully submitted,



Robert Vitanza
Gary L. Phillips
Paul K. Mancini

AT&T Inc.
1120 20th Street, N.W.
Suite 1000
Washington, D.C. 20036
(202) 457-3076 – phone
(202) 457-3073 – facsimile

Its Attorneys

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