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	)	
	)	
E911 Requirements for IP-Enhanced Service	)	WC Docket No. 05-196
Providers	)	

REPLY 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 COALITION OF AGENCIES SERVING THE DEAF AND HARD OF HEARING; AND HEARING LOSS ASSOCIATION OF AMERICA

August 25, 2008

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SUMMARY

Telecommunications for the Deaf and Hard of Hearing, Inc. ("TDI"), Association of Late-Deafened Adults, Inc. ("ALDA"), National Association of the Deaf ("NAD"), Deaf and Hard of Hearing Consumer Advocacy Network ("DHHCAN"), California Coalition of Agencies Serving the Deaf and Hard of Hearing ("CCASDHH") and Hearing Loss Association of America ("HLAA") (collectively, the "Consumer Groups"), hereby issue reply comments on issues raised by commenting parties on the matters opened by the FCC in its June 24, 2008 Further Notice of Proposed Rulemaking ("FNPRM") on Internet-based Telecommunications Relay Service ("TRS") numbering issues. Since the Consumer Groups filed extensive and comprehensive comments earlier in this proceeding, these reply comments are limited to a few issues as raised by other parties during the proceedings. Specifically, the Consumer Groups provide further comment on issuance of multiple telephone numbers and recommendations for recapturing numbers not in use, integration of the rules with multi-line telephone systems, availability of ten-digit numbers for IP Captioned Telephone Services, suggestions for preventing IP Relay fraud, recommendations regarding consumer privacy and the Do-Not-Call database, and video communications equipment and software.

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Telecommunications for the Deaf and Hard of Hearing, Inc. ("TDI"), Association of Late-Deafened Adults, Inc. ("ALDA"), National Association of the Deaf ("NAD"), Deaf and Hard of Hearing Consumer Advocacy Network ("DHHCAN"), California Coalition of Agencies Serving the Deaf and Hard of Hearing ("CCASDHH") and Hearing Loss Association of America ("HLAA") (collectively, the "Consumer Groups"), hereby respectfully submit these reply comments in response to the Federal Communications Commission's ("FCC" or "Commission") Further Notice of Proposed Rulemaking ("FNPRM") in the above-referenced proceeding.[1] As noted in its previously filed comments, it is important that the FCC continue to strengthen its regulations and move towards functional equivalency in telecommunications services for deaf

[1] *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities and E911 Requirements for IP-Enhanced Service Providers*, Report and Order and Further Notice of Proposed Rulemaking, FCC 08-151 (June 24, 2008) ("FNPRM").

and hard of hearing individuals. We applaud the work the Commission has undertaken so far to improve these resources and its provision for the assignment of ten-digit telephone numbers from the North American Number Plan ("NANP") to users of Internet-based Telecommunications Relay Services ("TRS") including Video Relay Services ("VRS") and Internet Protocol Relay Services ("IP Relay").

As seen by the comments filed in this proceeding, many organizations and service providers are preparing to comply with the FCC guidelines to register users and assign ten-digit telephone numbers by December 31, 2008. While that work is being undertaken, the FCC must continue to move forward on the various issues outlined in the FNPRM. The Consumer Groups provided extensive and comprehensive comments and recommendations on those issues in its opening comments.[2] As such, the Consumer Groups respectfully submit these reply comments in order to address a few distinct issues and recommendations raised by other parties to the proceeding. Notwithstanding the above, Consumer Groups also reiterate their *strong* opposition to the assessment of any and all fees on consumers for services such as ten-digit numbering and access to 9-1-1 services, which are intended to move consumers closer to functionally equivalent telecommunications services.

A. Eligibility for Multiple Telephone Numbers

The Consumer Groups reiterate their support for regulations allowing TRS users to apply for and use multiple telephone numbers in a method similar to those provided to voice telephone users. As previously noted, the use of these numbers will greatly increase access to 9-1-1

[2] 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 Coalition of Agencies Serving the Deaf and Hard of Hearing, and Hearing Loss Association of America, Docket Nos. 03-123 and 05-196, filed on August 8, 2008 ("Consumer Groups Comments").

services and more reliable routing of emergency telephone calls.[3] Some commenters expressed concern that the assignment of multiple numbers may result in failure by consumers to utilize all numbers for their communication needs, and therefore waste limited numbering resources. As such, the Consumer Groups do not object to suggestions made by GoAmerica, Inc. for the reclaiming of unused numbers.[4] Assuming that call data will be available to the default provider, Consumer Groups recommend that ten-digit telephone numbers may be recaptured by the default provider when there is sufficient evidence that the number has been unused for a period of one (1) year. This extended time period will reduce administrative burdens on providers and provide for a more realistic time frame based on actual usage by consumers. For example, some IP text-relay users will utilize the service only when using mobile communications devices. As such, a lapse of 120-days or more may occur between relay calls placed by the user, yet the purpose and necessity for the service and assigned telephone number remains valid and necessary. Such limited, but important, use patterns are sufficiently common to warrant extending the recapture period to one year.

Additionally, any such authorization to recapture NANP numbers must first provide for regulations and requirements to notify and verify non-use with the TRS customer. The Consumer Groups recommend a three-point notification process. First, notification must be made through written notice sent by First-Class mail to the user's registered address. The notification must include a postage paid response card that will allow the user to provide his or her response without additional cost. Second, the service provider must be required to notify the user of possible discontinuance of the number through either point-to-point video or text

[3] Consumer Groups Comments at 7-8.

[4] Comments of GoAmerica, Inc., Docket Nos. 03-123 and 05-196, filed on August 8, 2008.

communications depending upon the type of service associated with the telephone number.[5] Such an attempt will be satisfied when a provider: (a) communicates directly with the user; (b) leaves a video or text message for the user; or (c) makes three attempts to complete either option (a) or (b) for a minimum of one week. Finally, to ensure that the user receives the notification, the service provider must be required to send notification through any alternative method, such as to an e-mail address or other type of text message address if it has been provided by the user. Moreover, a 30-day response period must be provided to allow the user sufficient time to review and respond to the notification. Just as voice telephone service users are provided both notification and an opportunity to respond prior to service being cut-off for non-payment or other reasons, this three-pronged notification requirement is necessary to ensure that the affected TRS user does not improperly lose access to his or her communications services.

B. Multi-Line Telephone Systems

In its original comments, the Consumer Groups argued for regulations that would allow the assignment of ten-digit telephone numbers for deaf, hard of hearing and speech impaired individuals using multi-line telephone systems ("MLTS").[6] While such provisions may be achievable, the Consumer Groups understand that the assignment of NANP numbers to TRS users with the associated registration may pose unique and challenging technical issues for MLTS. Therefore, the Consumer Groups support the recommendation of the Association for Information Communications Technology Professionals in Higher Education ("ACUTA") to develop a working group of experts and advisors to formulate guidelines and work together with the FCC to identify and overcome possible technical hurdles in order to implement an integrated

[5] For example, if the user is registered for a text service, notification should be sent in the form of a text message. Alternatively, if the user is registered for a video service, notification should be delivered by means of point-to-point video communications.

[6] Consumer Groups Comments at 13-14.

communications systems for use by deaf and hard-of-hearing individuals on university and college campuses.[7] However, to ensure that the working group's proposals meet the needs of all users, the Consumer Groups consider it imperative that deaf and hard of hearing consumer representatives be included in the working group.

C. IP Captioned Telephone Service

The Consumer Groups reiterate their support for the inclusion of IP captioned telephone services ("IP CTS") as eligible services that may assign and use ten-digit telephone numbers and understand that there are technical challenges and problems to be overcome before such access can be granted. However, the Consumer Groups do object to recommendations made by Ultratec, Inc. to use a two-step registration process for IP CTS users. In its comments, Ultratec recommended that "(1) all individuals be required to register to use or try out IP CTS, but that (2) only individuals who wish to continue to using the service apply for and be permitted to receive a telephone number."[8] As Ultratec explained:

> IP CTS providers have discovered that some individuals initially register with WebCaptel and try to call, but do so with no intent to return to the service. It would seem wasteful to automatically distribute numbers to every person who registers merely to try out the service, if not all of these individuals actually have an interest in using this particular brand of relay service on an ongoing basis.[9]

While Ultratec's purpose behind the two-step process appears to be an effort to avoid alleged wastefulness of limited numbering resources, the Consumer Groups take issue with Ultratec's analysis and proposed two-step registration process. First, requiring TRS users to follow a two-step registration process would be unduly burdensome. Such a regulation would place unnecessary additional requirements upon IP CTS users -- requirements that are not placed

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[7] Comments of Association for Information Communications Technology Professional in Higher Education, Docket Nos. 03-123 and 05-196, filed on August 8, 2008.

[8] Comments of Ultratec, Inc., Docket Nos. 03-123 and 05-196, filed on August 8, 2008.

[9] *Id*. at 5.

upon voice telephone service users, who can use a one-step registration process. Thus, a two-step registration process would not be functionally equivalent. In addition, a two-step registration process would defeat the purpose of the TRS numbering proceeding because it would delay the assignment of ten-digit numbers and the resulting benefits. Instead, Consumer Groups suggest that consumers be permitted, but not required, to use or try out IP CTS prior to registering for and obtaining a ten-digit number. In other words, on a temporary basis, consumers should be permitted to place IP CTS relay calls immediately through the assignment of a "guest" number or identification. Similarly, because the registration process may require some time, unregistered and all new users who register with a default IP CTS provider and provide their registered location and apply for a ten-digit telephone number, should be permitted to place IP CTS calls immediately using a "guest" number or identification.

D. IP Relay Fraud

The Consumer Groups strongly object to the recommendations made by Sorenson Communications, Inc. ("Sorenson") that would result in limitations or restrictions on financial transaction calls made by TRS users. Specifically, Sorenson suggests that instead of developing methods to verify registrations of legitimate users, the FCC instead should allow providers to "refuse to relay calls involving financial transactions or credit card usage unless the IP Relay caller has registered with that provider as the caller's default provider."[10]

First, granting service providers the authority to decide which calls do or do not contain financial transactional information and granting permission to terminate such calls undermines

[10] Comments of Sorenson Communications, Docket Nos. 03-123 and 05-196, filed on August 8, 2008 ("Sorenson Comments").

the entire TRS system and the rights of its users. A Communications Assistant ("CA") is the equivalent of a dial tone, and a CA must relay the entire and complete conversation.[11]

Second, such provisions would not comply with functional equivalency requirements of Section 225 of the Communications Act.[12] Voice service users do not have their telephone calls screened and potentially interrupted if they involve a financial transaction, and TRS users should not be subject to such scrutiny or restrictions. In addition, any requirement for the TRS user to utilize his or her default provider for all communications involving or that may potentially involve financial transactions would be contrary to the public policies established by the FCC in its order on interoperability.[13] As part of that order, the FCC established that TRS users are not required to always use a particular provider and should have full and complete use of all alternative service providers.[14] To limit users to the default provider under any circumstance, including for a class of communication content, would undermine the FCC's previous decision and policies.

As discussed in the Consumer Groups' comments, there are several different methods that could be used to reduce or prevent fraud. First, fraud can be limited or prevented through the verification of the initial user registration. This original registration can be verified through the use of processes similar to credit checks or verification through the mail system to the registered address. In addition, fraud prevention can take place when the user places a non-emergency call and the fact that the number of the user is registered is verified by the service

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[11] *See* 47 C.F.R. § 64.604(a)(2)(ii).

[12] 47 U.S.C. § 225.

[13] *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).

[14] *Id*. at ¶ 1 ("All VRS consumers should be able to place a VRS call through any of the VRS providers' service, and all VRS providers should be able to receive calls from, and make calls to, any VRS consumer.").

provider by checking the numbering database. These methods, as recommended by the Consumer Groups and other commenters, would work to limit fraud unlike the anti-consumer recommendations of Sorenson, which would do nothing to prevent fraud and instead would result in useless, burdensome and totally unacceptable restrictions on TRS users.

E. Consumer Privacy

The FCC's decision to assign ten-digit NANP telephone numbers and provide for registration of TRS users was based on the functional equivalency need to be able to easily call TRS users as well as to improve emergency communications services, reduce fraud and other important factors. As a result of the number assignment process, TRS users must be able to enjoy regulatory anti-slamming and consumer privacy protections enjoyed by voice service telephone users. In addition, the FCC acknowledged that the assignment of ten-digit telephone numbers would allow TRS users to register their numbers with the Do-Not-Call registry and thereby prevent unsolicited telemarketing calls.[15] This idea was supported by Sorenson in its comments.[16]

However, simply making the Do-Not-Call registry available is not sufficient. Just as the telephone numbers of wireless users are automatically registered with the Do-Not-Call database so that wireless customers need not pay for unwanted and unsolicited telemarketing calls, the Consumer Groups strongly recommend that the FCC provide for all ten-digit numbers registered by TRS users to be automatically added to the Do-Not-Call database so that the TRS Fund need not pay for unwanted and unsolicited telemarketing calls to TRS users.

[15] *See* FNPRM at ¶ 22, n.71.
[16] Sorenson Comments at 16, n.34.

F. Video Communications Equipment and Software

In its Comments, Sorenson alludes to and urges the Commission to address "particular situations that are likely to arise as the *Numbering Order* is implemented"[17] in regard to video communications equipment and software. As Penn Pfautz, AT&T National Access Management, explained in a message posted on the E911 listserv on August 20, 2008:

> I think what the Commission has done in the order . . . is to essentially adopt a cell phone model. In the US there are two different standards for the radio interface for cell phones: GSM and CDMA. Any customer of any carrier is entitled to move from one carrier to another and to take their telephone number with them. But if you have a GSM phone and want to move to a CDMA network you have to get a new phone. Usually the carrier you want to move to will give (or give you a discount on) a new phone that will work on their network. The same holds for going from CDMA to GSM.
>
> So in order that a relay user can choose their default relay provider but that the default provider must handle the updates to the central directory, the Commission has placed the responsibility on the chosen provider to make sure user's IP address is kept updated. That is not exactly what AT&T had originally proposed but it's a rational approach. The default provider must ensure the user's equipment can send the default provider updates. If this can be done by reprogramming the user's existing equipment, great. If [it] can be done by giving the user some module as proposed by CSD VRS originally (e.g. a home router) or software for their PC, also cool. But if neither of these is an option, the provider is probably going to have to get the user new equipment. It will be the provider's business decision whether to give such equipment to the user or ask them to procure it, just as is the case with the cell phone companies. (It's also the case that if you change from one VoIP provider to another you'll probably have to get a new terminal adaptor.) So you can see how the Commission could conclude that what they ordered constitutes functional equivalence whereas relying on a user's old relay provider to update the central database in some cases would be a departure from the way things are done for the hearing user.
>
> I agree that henceforth new equipment ought to be able to be reprogrammed when users switch providers and this could be part of the migration to SIP. Such a migration probably isn't feasible in time to meet the December 31st deadline.

Consumer Groups question the appropriateness of the cell phone analogy in the context of Internet-based video communications. Even though such communication operates using H.323 or SIP technology, this distinction should not have any impact on directing user routing

[17] *Id.* at 5-7.

information. The analogy to VoIP providers more accurately describes the mechanics of Internet-based video communications. The distinction between VoIP and video communications lies with the location of the "terminal adaptor" or "router" which provides updated routing information to the provider. With VoIP, a user can choose any telephone equipment (analog or digital, voice or TTY) available on the market. When the user changes VoIP providers, only the "terminal adaptor/router" is changed. With video communications, a user can and should be able to choose any video communications equipment available on the market, including equipment that is built into or may be connected to a consumer's PC, laptop, PDA, or cell phone. However, in the case of video communications equipment currently marketed by most VRS providers, the "terminal adaptor/router" is "built in" and cannot be changed to redirect the routing information to any provider other than the provider of the equipment. Therefore, when a user wants to select a default VRS provider that is not the provider of the user's video equipment, the user currently has the choice of obtaining new software or a new "terminal adaptor/router," or obtaining an entirely new video communications system.

Consumer Groups urge the Commission to allow all consumers and providers to do what needs to and can be done – including enabling the use of software or "terminal adaptors/routers" – to ensure that routing information is directed to the user's default provider. This is necessary to maximize consumer choice of existing and future video communications equipment and to ensure functional equivalency to PSTN and VoIP users, and to avoid unnecessary limitations such as those imposed by incompatible cell phone technologies. At the same time, Consumer Groups urge the introduction of video communications equipment that can be programmed for use with any VRS provider the consumer may choose as a default provider.

Conclusion

The comments filed in this proceeding clearly demonstrate the need for the Commission to continue to push forward in developing clear regulations for the implementation of ten-digit numbering for TRS users in a way that supports functional equivalency in the communications services provided to deaf and hard of hearing individuals. For the reasons stated herein, the Consumer Groups respectfully request the adoption of its recommendations made in its original comments and the additional suggestions provided in these reply comments.

Respectfully submitted,

/s/

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