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

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

To: The Commission

REPLY COMMENTS OF GOAMERICA, INC.
ON FURTHER NOTICE OF PROPOSED RULEMAKING

GoAmerica, Inc., by counsel and pursuant to FCC Rule Section 1.415 et seq., submits its reply to the comments submitted on or about August 8, 2008, in response to the Commission's June 24, 2008 *Report and Order and Further Notice of Proposed Rulemaking,* FCC 08-151 ("*Report and Order*" or "*FNPRM*" depending on context) in this proceeding, and shows the following:

On balance the comments filed in response to the *FNPRM* support the positions GoAmerica has taken in this proceeding. To the extent there are minor disagreements with those positions, we will not burden the record with a detailed refutation. However, in certain respect, it is necessary for a clear record to respond and we do so below.

1. 911 Issues.

Several commenters raised issues concerning 911 requirements. CSDVRS states that it does not want the FCC to create a situation where alternative providers lack access

to Registered Location information. CSDVRS Comments at 4. The Consumer Groups seem to agree and propose inter-provider signaling, handoff of 911 calls to another provider with an available VI, and sharing of ALI and ANI information. Consumer Groups comments at 3-5. They also propose a shared database of Registered Location information. *Id. a*t 5-6. Sorenson supports prioritization of PSAP callbacks; it also suggests allowing interpreters to provide independent information to PSAPs such as the visual scene they observe, and requests confirmation that VCO users may speak for themselves. Sorenson Comments at 2-4. NENA supports routing of 911 calls to an alternate provider if a 911 call is pending. NENA comments at 3. It also supports the 911 related comments suggested by Sorenson. *Id.* at 6. Finally, NECA suggests the Commission should establish a minimum standard for VRS and IP Relay providers to connect to a PSAP. *Id.* at 7.

GoAmerica does not support switching calls from one provider to another if a communications assistant or video interpreter are not immediately available. First, despite CSDVRS's concern, the system is not currently contemplated to allow all providers access to the Registered Location information of all Internet-based relay users. Additionally, even if the relay provider to which a call is switched has the Registered Location information of the user, that does not mean that the alternate relay provider's 911 service provider has that information or will be able to support the call. Second, how will the initial relay provider know to which alternate relay company to send the 911 call and if that provider

has available VIs? GoAmerica does, however, support a voluntary (not mandatory)[1] exchange of information among providers and requests the Commission to allow such an exchange under the CPNI rules which will be adopted for Internet-based relay. Third, switching calls from one provider to another goes beyond functional equivalency. At this stage there is no record to support the need for this added functionality. Fourth, the existence of an alternative provider could serve as an incentive for providers not to fulfill their responsibility to have interpreters available to handle 911 calls. There should be no disincentive to do so.

Go America does not support any minimum speed of connection standard to the PSAP. Providers cannot control this aspect of the call as that is controlled by the PSAP's own staffing levels.

GoAmerica agrees with Sorenson's and NENA's suggestions that VIs should be allowed to report visual information that is observed during the course of a 911 call and that VCO callers should be able to speak for themselves on a call whenever possible. GoAmerica would also favor prioritization of PSAP callbacks if that is technically feasible. However, we have concerns whether this is in fact possible and believe further study is required.

2. Registration period issues.

---

[1]Inter-provider signaling is an idea that should be explored on an expedited basis, but at this stage it is premature. GoAmerica suggests the need for providers to implement the current numbering and 911 systems and get sufficient experience with those systems before adding additional complications.

CSDVRS argues for a 12 month registration period and states that providers should submit the number of new registrations on a quarterly basis to the FCC. CSDVRS Comments at 7-8. The Consumer Groups on the other hand propose a six month registration period after which service may be denied. Consumer Groups Comments at 6. AT&T suggests a three month registration period, followed by three more months of permissive calling without registration, during which time providers would undertake specified outreach effort. AT&T Comments 6. Sorenson, however, argues that there should be no cut off date and correctly points out that any cut-off date cannot be enforced for the same reasons GoAmerica pointed out in its comments, the need to allow dial around calls. Sorenson Comments at 5. *See* GoAmerica Comments at 5-6. GoAmerica continues to believe that although registration is a good thing, mandatory registration is contrary to functional equivalence. The infrastructure for relay access is not as widespread or accessible as the infrastructure for voice telecommunications. Combining that fact with a limitation that only registered users can use relay service, results in relay users having to log in (to verify they are a registered user every time they make a call outside their home or office such as at the airport or at a relative's house). Hearing people do not have to register or log in every time they make a call and neither should a relay user. Hearing persons can call from any telephone without registration and so should deaf and hard of hearing persons.[2]

---

[2] It is important to note that non-registered users or devices would not have a 10 digit number assigned to them and would not be able to receive calls from someone dialing a 10 digit number,

The Consumer Groups oppose consumers paying for costs of 10 digit numbers for the same reasons GoAmerica suggested. Consumer Groups Comments at 8; GoAmerica Comments at 39-40.

Ultratec does not support giving a 10 digit number to every person who registers for Internet-based captioned telephone service ("IP CTS") on the theory that often the consumer is only trying out the service; rather, Ultratec would distribute numbers only if the consumer requests a number. Ultratec Comments at 5. We understand Ultratec's concern, and it may have some degree of validity for IP CTS. However, if the user signs up to try the service and then cancels the service that is fine, but as part of the service the ability to call and be called via a 10 digit number is a key component. Therefore, users should receive a 10 digit number, even with a trial account, which could be disconnected after 30 days and the number then re-cycled if that is what is needed to conserve numbers.

Sorenson argues that providers should certify that their equipment is interoperable and meets the requirements of the rules—and that providers are responsible for their subcontractors' services as well if the subcontractor distributes equipment. Sorenson Comments at 6. GoAmerica agrees.

3. Toll Free Numbers.

CSDVRS argues that VRS providers should be allowed, but not required, to issue toll free numbers free of charge and submit the cost to the TRS Fund. CSDVRS

---

nor have automated e911 service from that device or location. These limitations need to be completely understood by non-registered users.

Comments at 9-10. The Consumer Groups oppose consumers paying for toll charges associated with 800 numbers. Consumer Groups Comments at 9. Sprint on the other hand opposes allowing consumers to use toll free numbers free of charge. Sprint Comments at 8. Sorenson asserts that users should be able to have a toll free number and a geographic number as long as with the same provider. Sorenson Comments at 9.

GoAmerican believes it is essential that each Internet-based relay user have a geographic number. If they want a toll free number on top of that, that is fine, but we do not believe it should be paid for by the Interstate TRS Fund.

4. Signaling.

Viable argues that URIs should be used for mapping VRS addresses in the central database. Viable Comments at 3. GoAmerica's position has consistently been that the central database should be flexible enough to support multiple addressing capabilities with the minimum of an IP address to ensure compatibility with existing devices, so as new technologies are supported in the industry they should not be hindered by the central database's capabilities. We support using URIs as an option where providers need URIs to appropriately route calls. Viable also suggests moving to Session Initiated Protocol ("SIP") and requiring standardized routing and signaling between providers. *Id.* at 5. As we have said, GoAmerica supports moving to SIP, but not on an FCC mandated basis. **5. Single Number for Multiple Services.**

Commenters take different approaches on the question of use of a single number

for multiple devices. CSDVRS suggests that providers should be allowed but not required to issue single telephone numbers to access multiple services. CSDVRS Comments at 12-13. The consumer groups urge, however, that functional equivalence requires customers with multiple devices on the same premises using the same service to be able to use the same number. Consumer Groups at 11. Sorenson argues that there should be a limit of one number per device, that each device should be associated with a single provider, and in any event that providers should only be compensated for the costs of providing one number per device. Sorenson Comments at 8-9.

GoAmerican stands by its previous comments that it may be problematic to have the same number assigned for different services as different services (IP Relay, VRS, IP CTS) are enabled based upon different technology, operational platforms and end points. In the Internet environment, each device has its own identifier (i.e., IP address or screen name) and therefore must have its own 10 digit telephone number. Otherwise the telephone network will not be able to route to the right device. As we said in our comments, it may be possible for a relay user's number to be set up to default to one device or particular service – e.g., a VRS videophone at home, but if a connection cannot be made, then route to another device on that service or another service, for example, a T-Mobile Sidekick® wireless device.[3] The Commission should not mandate that type of service, but should not prevent it either. *See* GoAmerica Comments at 13.

---

[3]Such functionality could be controlled from either the central numbering database or from the default provider.

6. Multiline Telephone Systems.

CSDVRS states that the failure of MLTS to allow use of 10 digit numbers should be considered non-compliance with the ADA. Comments at 14. And the Consumer Groups argue that the FCC should require that when an MLTS is upgraded substantially or newly installed it should have the capability to assign 10 digit numbers to Internet-based TRS users. Consumer Groups Comments at 13-14. As we previously suggested, there is not necessarily a connection between MLTS systems and Internet access. Since this issue appears to be a red herring, no FCC action is required with respect to MLTS. *See* GoAmerica Comments at 13-14. Nevertheless to the extent an MLTS operator serves to obstruct its users from using Internet-based relay, that should be considered a violation of the Americans With Disabilities Act as CSDVRS suggests.

7. IP CTS.

Ultratec expresses a concern with respect to the potential misuse of IP CTS and requests further study because hearing persons could abuse the service to obtain free long distance service. Ultratec Comments at 6-7. Its concern seems justified. Ultratec also expresses concern regarding point to point IP CTS, essentially distinguishing it from point to point video calling. *Id.* at 8-9. In essence, point to point video calling does not require interpreting because both parties can see each other and use sign language whereas point to point captioned telephone calling requires interpreting on both ends of the call. Ultratec also suggests additional data fields may be required for IP CTS. *Id.* at 10.

8. Security.

Viable supports the NeuStar concept of a closed network with inter-provider signaling. Viable Comments at 6. Although GoAmerica supports the idea of inter-provider signaling, that system will take some time to design and effectuate. At this point it appears going to a closed system will prevent dial-around calling. Therefore, GoAmerica does not currently agree with the closed network proposal.

9. IP Relay Fraud and Verification of Registration.

Sprint supports verification of IP-based Relay users. Sprint Comments at 7. The Consumer Groups oppose verification that would be burdensome or go beyond credit checks generally required of voice telephone users; they would support a post card verification requirement, however. Consumer Groups Comments at 18-19. AT&T proposes that providers send by mail a confirmation of registration to each Internet-based user who registers, and it opposes per call verification. AT&T Comments at 8-9. Sorenson suggests providers should be allowed to refuse an IP Relay call involving a financial transaction or credit card usage unless the IP Relay caller has registered as that provider's default provider. Sorenson Comments at 12. CSVRS maintains that providers should not be in a policing function, but suggests that for VRS verification can be accomplished using point to point video. CSDVRS Comments at 20.

Like the Consumer Groups, GoAmerica has no issue with a non-burdensome verification of registration and believes it would help to reduce fraud. Post card or point to point video verification are reasonable means of verification. However, we continue to oppose mandatory registration. Furthermore, Sorenson's suggestion that providers should

be able to refuse financial calls from unregistered users is totally contrary to the concept of functional equivalence.

10. Slamming.

CSDVRS extensively discussed the slamming issue.[4] It suggests that the right to market to an individual should cease as soon as the relay user declares the intent to port his or her number to a new provider. CSDVRS Comments at 24. That view should be rejected. We agree that use of CPNI information for marketing purposes should cease immediately upon porting of the number to another provider. Providers, however, should be able to market to whomever and however they choose as long as they do not use CPNI information to do so, and as long as they do not offer financial or other incentives to users to make calls. CSDVRS makes no such distinction, and that distinction is important. Providers should be able to compete freely in the marketplace for users. The FCC, having established a competitive market for Internet-based relay, should not enact impediments to providers freely competing.

With respect to other matters, CSDVRS (as well as the Consumer Groups, Consumer Groups Comments at 20) opposes allowing a freeze on default provider changes. CSDVRS Comments at 23-24. It also recommends confirmation using both the

[4] It is important to adequately define what is meant by "slamming" and what calls are impacted. Typically, this refers to the switching of a user's service – porting the user's number, which in the hearing world means both inbound and outbound calling automatically is switched, but in relay this is not the case. In relay, porting the number will only switch the incoming hearing to video calls automatically and the outbound will still be controlled by the user end device (i.e., videophone or computer). False or confused consumer generated complaints in this area could cause problems for providers; the long distance industry deals with this many times when one person in a home agrees to a switch and someone else claims they were slammed.

user's written or electronic signature authorizing the change and a declaration by the user confirming the intent to switch to a new provider that is captured by a video communication via point to point or VRS. *Id.* at 22. GoAmerica believes functional equivalence requires allowing consumers to place a freeze on their preferred provider as an option, not a requirement. With respect to verification, we believe CSDVRS's approach is reasonable, but should not limit how providers effect verification of a preferred provider switch.

GoAmerica also disagrees with portions of CSDVRS's proposed penalty provisions for relay slamming. As mentioned in our comments, we disagree with the proposed $40,000 fine for slamming because it exceeds the limits for non-common carriers. A $4,000 base forfeiture should be sufficient to deter this misconduct. CSDVRS also has a double count problem, where it suggests that if the provider has already been paid that the provider forfeit the amount back to the fund, pay a 50 percent penalty to the fund, and pay 100 percent of the amount of the billings to the chosen carrier. CSDVRS Comments at 24-25. This is a double penalty where the provider receives no compensation for handling the traffic and must pay out an addional 150 percent of the value of the slammed calls. This is an excessive and unwarranted penalty. Moreover, since the carrier who was switched from incurred no costs, it should not receive any payment. CSDVRS also suggests that call detail records submitted to NECA should include the relay user's phone number. CSDVRS Comments at 26. This raises a Section 705 issues and should be rejected.

CSDVRS also suggests that providers informed of an unauthorized change would notify the consumer and the consumer would have 30 days to file a complaint, while the alleged slamming carrier would have to respond within 5 working days. Those time frames are simply unfair and the Commission should adopt the time frames GoAmerica suggested in its opening comments.

11. CPNI Rules.

CSDVRS has a concern that consumers would be marketed to by multiple providers. CSDVRS Comments at 30-31. GoAmerica does not see that as a valid concern as long as only the serving provider is allowed to market based on CPNI. CSDVRS also suggest that opt-in authorization should be videotaped and kept for one year. *Id.* at 35. Although we have no issue with the holding period, there is no basis to require the degree of documentation CSDVRS suggests. It is unduly costly and unwieldy. Emails, letters, or web forms should suffice at the provider's option.

The Consumer Groups state that the FCC has appropriately prohibited providers from engaging in incentive programs and other marketing practices directed at increasing usage and encouraging users to place calls they might otherwise not make. Consumer Groups Comments at 29-30. They support contacting users for political or advocacy purposes if users have opted in to such contacts. *Id.* at 32. GoAmerica agrees and believes that result is mandated by the First Amendment. The Consumer Groups also oppose allowing providers to advocate on relay issues on the web pages that must be navigated to make a relay call because those web pages are the functional equivalent of dial tone. *Id.* at

33. Here we disagree. Consumers are free to ignore any message on the web page they see fit. Their dial tone is actually the connection to an interpreter, and we certainly agree that no advocacy or intercept message should intrude on that connection.

Sorenson argues that providers should not be able to offer incentives to encourage users to change default providers. Sorenson Comments at 16-17. That position should be soundly rejected. Sorenson has amassed the bulk of VRS users by offering the incentive of a free videophone, and even worse, locking that videophone down so it could not be used to call any other provider. It is the height of hypocrisy for Sorenson to now suggest that no incentive should be allowed to persuade a user to switch to another provider. Sorenson has set forth no public interest detriment of such incentives. For example, they do not promote unnecessary usage. They are not an unnecessarily expensive marketing tool. They are used extensively in the analogous long distance marketing situation. If the Commission wants to say that providers cannot bill the fund back for such incentives, so be it. But to suggest they cannot be used at all is unreasonable and unfair to the providers who have suffered from Sorenson's years of anticompetitive conduct in locking downs its videophones and contractual preventing dial-arounds.

12. Cost Recovery.

Sprint supports the FCC's exclusion of the costs of number acquisition and number portability from the TRS Fund. Sprint Comments at 6. AT&T appears to agree. AT&T Comments at 13. Sorenson argues that the TRS Fund should pay providers for assigning one number per device. Additional numbers should be borne by the provider or passed to

the consumer it argues. Sorenson Comments at 17. GoAmerica agrees with Sorenson on this issue for the reasons they state and for the reasons stated in our opening comments. *See* GoAmerica Comments at 39-40.

NECA submitted comments requesting clarification of the extent of call detail information it can obtain from providers. NECA Comments at 1-5. As stated above, submission of such information, absent a subpoena, would violate Section 705 of the Act, so NECA's request must be denied.

Respectfully submitted

GOAMERICA, INC.

By_____/s/_____
George L. Lyon, Jr.
Its Counsel

Lukas, Nace, Gutierrez & Sachs, Chartered
1650 Tysons Blvd., Suite 1500
McLean, Virginia 22102
202-828-9472

Kelby Brick
Vice President, Regulatory and Strategic Policy
2118 Stonewall Road
Catonsville, Maryland 21228
443-341-4139

August 25, 2008