

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 Enabled Service Providers)	WC Docket 05-196
)	
To: The Commission)	

REPLY TO OPPOSITION TO PETITION FOR CLARIFICATION

GoAmerica, Inc. (“GoAmerica”), by its counsel, hereby replies to Sorenson Communications, Inc.’s Opposition to the Petition for Clarification on Default Provider Obligations in Ten Digit Numbering Order (“Opposition”) filed August 25, 2008, and shows the following.

CSDVRS on August 15, 2008, petitioned the Federal Communications Commission (“FCC” or “Commission”) to clarify the obligations of default providers under FCC Rule Section §64.611(a)(2), 47 C.F.R. §64.611(a)(2) and paragraph 42 of the Report and Order and Further Notice of Proposed Rulemaking¹ which adopted the rule. This section governs the obligations of the default provider with respect to routing inbound and outbound relay calls.

Specifically, §64.611(a)(2) provides that “Upon a user’s registration, the VRS or IP Relay provider shall route and deliver all of that user’s inbound and outbound calls

¹ *Telecommunications Relay Services*, FCC 08-151 (2008) (“Numbering Order”).

unless the user chooses to place a call with, or receives a call from, an alternate provider.” CSDVRS raised the concern that “the FCC’s emphasis on having a default provider handle virtually all inbound and outbound call for their registered users may have the unintended effect of giving default providers the impression that they may make it difficult for relay consumers to access alternative providers by dialing around.” CSDVRS Petition at 2. CSDVRS pointed out that consumers need the ability to dial around without undue obstacles that might impede such calls. *Id.* at 3. CSDVRS further pointed out that the Numbering Order appears to conflict with the guarantee of full VRS interoperability. *Id.* at 4. *See Telecommunications Relay Services*, FCC 06-57 (2006). CSDVRS therefore asks the Commission to confirm that “notwithstanding the selection of a default provider, each and every VRS provider has an obligation to ensure that it is as easy for a VRS user to place an outbound call to competing providers as it is to place a call [through] the user’s default provider.” CSDVRS Petition at 7.

Sorenson opposes the CSDVRS Petition. Sorenson points out that today a VRS user must decide which provider to use and then manually select that provider via a speed dial list or by dialing the provider for each call. Sorenson Opposition at 3. Sorenson states that the system contemplated by the Numbering Order will eliminate the user’s decision and manual selection of provider and will thus change the manner in which the end user experiences interoperability. *Id.* at 4. That will, of necessity, states Sorenson, change the end user’s “experience with interoperability.” *Id.*

Sorenson’s discussion of the issue highlights a serious issue presented by the Numbering Order and the interplay of the various sections of FCC Rule §64.611. As

literally written, GoAmerica does not have a problem with Section 64.611(a)(2). However we are concerned how that section interacts with FCC Rule §64.611(e)(2). That subsection provides that “All CPE issued, leased, or otherwise provided to VRS or IP Relay users by internet-based TRS providers must be capable of facilitating the requirements of this section.”

We are also concerned that the Numbering Order and the rules adopted pursuant thereto may misapprehend the functionality of the existing base of videophones and text devices which various providers – including Sorenson – have supplied to consumers, and especially the functionality of that equipment if the consumer exercises his or her right to effect a preferred provider change from the provider that supplied the equipment. Specifically, the Numbering Order and Section 64.611 could be construed to contemplate that existing and future equipment provided by Internet based TRS providers would automatically route outgoing calls through the provider that originally supplied the device (the original default provider) and then upon a preferred provider change, be required to be re-configured to automatically route calls through the new preferred provider.

That is not, however, how current videophones and other devices work -- either the equipment currently distributed by providers or for that matter any video equipment currently on or expected to soon reach the market. Rather, as Sorenson correctly states, the consumer now must make a choice of providers in each instance. Current equipment distributed by providers generally affords the consumer a shortcut to route through the provider distributing the equipment via a speed dial entry or a button on the main page, such as the SVRS button on Sorenson’s VP-200 as well as to route to alternative

providers. Thus, currently, the consumer has the option easily to route the outgoing call through any provider he or she chooses. These dialing features, along with other core and enhanced features of the equipment, are hard wired into the device (or embedded in proprietary firmware), and generally can only be changed, if they can be changed at all, by an end point modification. Thus, notwithstanding who may have supplied the equipment, the consumer is free to route his or her call through any provider, either manually or via his own speed dial entry in accordance with the FCC's requirement of equipment interoperability.

Nevertheless, the Numbering Order and FCC Rule 64.611(e) could be read (an Sorenson appears to so read them), that as of December 31, 2008, to require that the device be reconfigured to *automatically* route an outgoing call through the default provider's network, and upon a change of preferred provider be reconfigured again to *automatically* route an outgoing call through the *new* default provider's network. To the extent that is even possible, it would require a hardware or software end point modification to the various video devices currently deployed in consumers' homes and business. For a great many devices this would have to be performed on site by a highly skilled technician. Such modifications would likely serve to seriously delay implementation of the Numbering Order as well as the opportunity for preferred provider switches. Moreover, they would introduce several new issues that the Numbering Order appears not to contemplate, most notably the degradation of the functionality that consumers currently enjoy.

These new issues include: Assuming the original equipment provider is initially

chosen as the default provider and initially modifies the device to automatically route outgoing calls through its network, what happens if the consumer desires to change default providers? Who would be responsible for making that modification? If it is the original provider of the equipment, who is going to pay that provider for the costs involved in losing a customer? For how long would that original provider be required to make modifications to legacy equipment? What happens if there is a switch to a third, fourth or fifth provider by the consumer down the road? How is the former provider to know the communication protocols used by the new default provider in order to reconfigure the device, assuming it can be re-configured at all? If the new provider is required to make the modifications, how would the new provider even know how to go about this task? And what happens if the attempted modification breaks the device? Furthermore, what is to happen to the 100,000 plus existing devices if there is no way to effect these endpoint modifications? Are they to be immediately trashed on December 31, 2008 and consumers left high and dry?

Aside from the difficulty of effecting the original endpoint modifications, the situation becomes completely unworkable when there is a preferred provider switch. At the very best, a consumer switching his default provider while retaining equipment supplied by his former default provider, would receive some type of end point modification from the former provider which would simply redirect the equipment to call the new provider. Putting aside the fact that such a modification would not enable the equipment to update its IP Address to the new provider or route 10 digit number calls to

other videophone users,² this modification would not enable any of the enhanced features of the device which are resident within the former provider's service. Such enhanced features as the user's address book, call history log, and missed call notifications to name a few, will be lost. The result will be that as soon as the consumer realizes that all the enhanced features of the equipment no longer work, if the equipment even works at all due to the loss of its core features, the consumer will immediately switch back to the previous default provider.³ Plainly, after such a modification has been made, the equipment will not function in the manner contemplated by the Numbering Order.

Consideration of these and other potential issues raised in the August 15, 2008 Joint Provider Petition compel the conclusion that Section 64.611 should not be interpreted to require equipment providers to push software, firmware or hardware changes to the existing stock of video equipment, and certainly not in the case that the end user has chosen a different default provider. Nor, in line with CSDVRS's Petition should providers be allowed to degrade functionality of the equipment upon a preferred provider change. When a consumer chooses to switch preferred providers his or her CPE

² Thus while the videophone would be able to talk to the new provider on a video basis, it would lack the ability to talk to the new provider on a call routing basis. *See* Petition for Reconsideration and Clarification by CSDVRS, LLC, GoAmerica, Inc., Viable, Inc. and SNAP Telecommunications, Inc. (August 15, 2008) (hereinafter "Joint Provider Petition") which explains that the supplying provider must maintain management of the device in order to ensure that the device updates the central routing database with its IP Address or URL as well as resolve a 10 digit number to an IP Address.

³ As the current dominant provider – which has distributed an estimated 100,000 plus videophones -- that would appear exactly what Sorenson wants, to inhibit consumers from using another default provider with the videophones it has distributed. This would effectively prevent porting of numbers unless consumers received a new videophone from their new providers. Since today there are only three different providers supplying equipment, this would effectively destroy most Internet-based TRS competition and consumer choice.

should continue to work in the same basic manner as it works today. Inbound calls from hearing persons will in fact be routed automatically by the default provider based upon how the call is routed from the PSTN to the Internet-based TRS provider. Outbound calls (from the videophone) to the default provider will be supported based upon the choice of the user. This will vary slightly based upon what type of equipment the consumer uses utilizes, but in general the process will probably look like what the typical Dlink 1000 videophone caller does today, enter the DNS address of the chosen provider for his or her call (either manually or through a speed-dial function), connect with that provider (the new default provider), and when he or she reaches the video interpreter, provide the interpreter with the number to call.

It is likely that in some cases a consumer's choice of a new default provider will include acquisition of a new videophone from new default provider with functionality tailored to the new provider's service. However, it is critical for the Commission to clarify that providers are not responsible for making end point modifications in the existing stock of distributed end user devices – all of which have previously been configured to meet the requirements of interoperability, and are not allowed to degrade functionality of that equipment upon a preferred provider change.

Respectfully submitted,

GOAMERICA, INC.

By _____/s/_____

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CERTIFICATE OF SERVICE

I, George L. Lyon, Jr., hereby certify that I have served the preceding **REPLY TO OPPOSITION TO PETITION FOR CLARIFICATION** on the following persons via email this 5th day of September, 2008:

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