

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

In the Matter of)	
)	
Telecommunications Relay Services and)	CG Docket 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)	

PARTIAL OPPOSITION TO PETITION FOR RECONSIDERATION

Communications Access Center; CSDVRS, LLC; GoAmerica, Inc.; Hamilton Relay, Inc.; and Snap Telecommunications Inc. (“Joint Responders”), by their respective counsel or officers, and pursuant to FCC Rule §1.429, submit their partial opposition to Sorenson Communications, Inc.’s August 18, 2008 Petition for Reconsideration and Clarification of the Commission’s June 24, 2008 *Report and Order and Further Notice of Proposed Rulemaking*, FCC 08-151 (hereinafter “*Numbering Order*”). For the reasons set forth below, the Joint Responders: (1) oppose Sorenson’s proposal to allow the continued use of proxy numbers; (2) agree with Sorenson that clarification on the deadline for full implementation of the emergency call handling requirements is justified; and (3) support in part Sorenson’s proposal to permit the continued use of administrative lines, but only in very limited circumstances described below.

I. Introduction.

This proceeding began some three and one-half years ago with the filing of a petition by the California Coalition of Agencies Serving the Deaf and Hard of Hearing

(“California Coalition”) seeking an FCC order requiring Sorenson to cease blocking the ability of consumers to use Sorenson supplied videophones to make and receive VRS calls through competing relay providers, and to make its equipment and system interoperable with other providers.¹

The California Coalition also raised objections to Sorenson’s use of a closed proprietary database of “proxy” or “alias” numbers that allowed its users to use their existing telephone number (or some other number) as a proxy for their Internet Protocol (“IP”) addresses. This arrangement permits Sorenson to determine automatically the IP address of a VRS user when a hearing person initiates a VRS call, but because it is a closed database that is not based on 10-digit numbers issued pursuant to the North America Numbering Plan (“NANP”), it neither allows for dialing to Sorenson users from the public switched telephone network (“PSTN”) through any relay provider other than Sorenson, nor dialing to Sorenson users by other video callers using non-Sorenson equipment (via point-to-point calling).

The California Coalition complained that maintaining such a restricted database, which permits access only by authorized users, effectively blocks communication access for VRS consumers. Not only does this practice discourage calls from hearing people whose calls may be inexplicably blocked when trying to use a provider other than Sorenson, it potentially subjects VRS consumers to substantial harm. Without the ability to receive incoming calls from the users of other providers, consumers are placed in

¹ California Coalition of Agencies Serving the Deaf and Hard of Hearing, *Petition for Declaratory Ruling on Interoperability*, CC Docket No. 98-67, CG Docket No. 03-123 (February 15, 2005) (“*Interoperability Petition*”).

jeopardy if they need to receive an emergency or urgent call and Sorenson's system is fully loaded or temporarily down. The California Coalition also pointed out that a closed system of proxy numbers denies consumers the benefits of full VRS competition.²

Sorenson vigorously defended its blocked equipment and closed system in numerous filings and ex parte presentations opposing the Interoperability Petition.³ The Commission, nevertheless, held that blocking consumer access to competing providers violated principles of functional equivalency and endangered consumers.⁴ In addition, the *Interoperability Order* sought comment on whether and how an open and global database of proxy numbers for VRS users may be created so that a hearing person may call a VRS user through any VRS provider without having to ascertain first the VRS user's current IP address.⁵ After extensive and universally favorable support for adopting a 10-digit number NANP numbering system, the Commission issued the *Numbering Order*.

One of the primary goals of the *Numbering Order* is to "further the functional equivalency mandate by ensuring that Internet-based TRS users can be reached by voice telephone users in the same way that voice telephone users are called."⁶ Additionally, the *Numbering Order* is designed to ensure that emergency calls placed by Internet-based TRS users are handled swiftly and effectively, and that public safety answering points

² Interoperability Petition at 18-23.

³ See Sorenson Comments (April 15, 2005); Sorenson Reply Comments (May 2, 2005); Sorenson Ex Parte Submissions of April 13, 2005, May 4, 2005, July 10, 2005, July 21, 2005, November 30, 2005, December 20, 2005, January 4, 2006, January 19, 2006, January 24, 2006, and January 30, 2006.

⁴ *Telecommunications Relay Services*, 21 FCC Rcd 5442, 5454-59 (2006) ("*Interoperability Order*").

⁵ 21 FCC Rcd at 5443, 5450.

⁶ *Numbering Order* at ¶ 1.

(“PSAPs”) have a means of immediately establishing contact with callers in the event of a disconnection.⁷

II. Sorenson’s Petition.

Sorenson seeks reconsideration of the *Numbering Order*: (1) to allow continued use of proxy numbers; (2) to clarify the date by which E9-1-1 must be fully implemented; and (3) to allow 9-1-1 calls to be routed over administrative lines in certain circumstances. Sorenson Petition at 1. For the reasons set forth below in Section II.A, the Joint Responders oppose the continued use of proxy numbers. In Section II.B, the Joint Responders agree with Sorenson that clarification on the deadline for full implementation of the emergency call handling requirements is in order. Finally, with respect to administrative lines, the Joint Responders believe that in the vast majority of circumstances, the use of administrative lines should be prohibited as the Commission has already determined. However, the Joint Responders believe that 9-1-1 calls should be permitted to be routed over administrative lines in the very limited circumstances discussed below in Section II.C.

A. Continued use of proxy numbers is contrary to the public interest.

Sorenson argues that consumers should have the “option” of continuing to use proxy numbers it has previously assigned. Sorenson likens proxy numbers to the “push to talk” feature available with certain wireless telephones and suggests they would be an easy way for users on the same network to reach one another, videophone to videophone, without routing through the PSTN and without involving an interpreter.

⁷ 47 C.F.R. §§64.605(a)(2)(iv) and (v).

Sorenson's argument simply does not make sense. A video-to-video call between two Sorenson users would be routed in the same manner whether using 10-digit NANP numbers or Sorenson proxy numbers. The call would route from one user to Sorenson's database, the database would see that the called party is another Sorenson video user, and would route the call directly to the second Sorenson user's video device. The call would not route through the PSTN. The call would not route through an interpreter. And unlike push-to-talk, which is an alternative service that offers consumers a *different* type of communication experience (half duplex communications, nearly instantaneous call connections, shorter dialing codes), nothing in the caller's experience when using proxy numbers would be distinguishable from 10-digit NANP dialing. Both types of calling are virtually identical services, the only difference being that the proxy numbers restrict incoming calls to the user in a manner that is not functionally equivalent to the telephone experience that voice telephone users have over the PSTN.

We think Sorenson itself summed up the issue quite well in its July 17, 2006, comments in this proceeding (at 2):

Any solution which does not use NANP numbers likely would deprive VRS and IP Relay users of many of the services and functionalities that hearing users take for granted.

Sorenson's comments continued (at 6):

Proxy numbers have no advantages over traditional NANP numbers. Instead proxy numbers are, by definition, mere substitutes for the NANP numbers that the mainstream of society uses. [Footnote omitted].

We can think of no reason why consumers would be better off with proxy numbers than with 10-digit NANP numbers. Without 10-digit NANP numbers, users cannot

receive point-to-point calls from other users who have chosen Sorenson's competitors as their default providers. Nor can consumers using proxy numbers receive PSAP callbacks through alternative VRS providers in the event of disconnection of a 9-1-1 call. Moreover, in an emergency – when seconds count – consumers who have proxy numbers may not be able readily to receive calls from hearing relatives and friends who are not part of this closed system. This can be dangerous for both the VRS user and the parties trying to reach that person. Use of proxy numbers would thus frustrate the very compelling public interest goals of this proceeding.

Furthermore, it is to no avail for Sorenson to suggest that proxy numbers would merely be an option available to consumers, along with 10-digit numbers. We foresee the likely result of such an option being that Sorenson would aggressively market its proxy numbers, rather than 10-digit NANP numbers, in an attempt to maintain the competitive benefits it has achieved through its closed directory system. Yet, many consumers who opt for such proxy numbers may not have a full understanding of the restrictions that are being placed on their incoming calls.

We likewise see issues with any suggestion that consumers be assigned both 10-digit NANP numbers and proxy numbers. First, maintaining two separate sets of numbers would add unnecessarily to the cost of relay. Second, having two numbers is likely to generate considerable confusion both on the part of the user and on the part of persons who would call the user. Because both sets of numbers would use 10-digits – and therefore *appear* to have the same interoperable function, it is not likely that either VRS users or the parties who call them will understand the distinction between the two.

This will become problematic when persons who try to call those users, unaware of the numbers' limitations, attempt to use a provider other than Sorenson or a video device not managed by Sorenson, and find that they cannot complete their calls. Third, if users continue to use both Sorenson's proxy numbers and real 10-digit numbers, it is unclear how the systems that process these numbers will know which is a real number versus a proxy number when there is a duplicate number in both systems. How the two systems would co-exist is not explained by Sorenson's Petition.

In sum, Sorenson's push to talk rationale simply does not support the continued use of proxy numbers. As Sorenson itself said, "the use of proxy numbers is not the optimal solution."⁸ The FCC needs to ensure that VRS users receive the same level of seamless, integrated communications that is available to voice telephone users. Blocking access to VRS users when calls are made on the networks or equipment of other providers cannot achieve this goal. Sorenson's request for reconsideration on this point should therefore be denied.

In addition, the FCC should establish a date certain by which providers must cease to use such proxy or alias numbers. By requiring that VRS or IP Relay providers cease using proxy numbers only for Internet-based TRS users who are registered, the FCC's rules potentially open the door to allowing providers who use these numbers to continuing doing so *in place of* registering their customers.⁹ In comments to this proceeding, Sorenson opposed any cut-off date by which providers could accept

⁸ Sorenson Comments (July 17, 2006) at 6.

⁹ See 47 C.F.R. § 64.611(d)(2).

registered users.¹⁰ Yet, if there is no such date after which individuals must register, Sorenson may have an incentive to encourage its consumers never to register, so that they may keep their proxy numbers. Without taking a position on a cut-off date for registration, the Joint Responders urge the FCC to establish a cut-off date for the use of proxy numbers.

B. Users need to register their locations and receive numbers to have their emergency calls processed automatically.

Sorenson also seeks clarification that the E9-1-1 rules are tied to numbering and that the E9-1-1 obligations do not apply to existing users until after the individual user has registered with a default provider and provided a Registered Location. The Joint Responders agree with Sorenson that unless a user has been assigned a 10-digit NANP number, a 9-1-1 call from that user cannot be routed via the 9-1-1 selective router network or automatically provide the caller's Registered Location via the Automatic Location Information ("ALI") database. To that extent, therefore, Sorenson's Petition should be granted. However, all providers should undertake all measures needed to avoid any delay in the implementation of the Numbering Order.

C. The continued use of administrative lines will be necessary in very limited circumstance.

Finally, the Joint Responders believe that it will be necessary to continue allowing administrative lines to be used to complete emergency IP-based relay calls, but only in very limited circumstances. Specifically, the Commission should clarify that providers may use administrative lines to complete such emergency calls only in situations where:

¹⁰ Sorenson Comments at 5 (August 8, 2008).

(1) The user makes an emergency call through a non-default provider. In this situation, administrative lines are undesirable, but may be the best alternative available. If a user elects to make an emergency call using a non-default provider, whether because the default provider failed to respond to the emergency call in a timely manner or for some other reason, there are technical limitations on the non-default provider's ability to handle the call. Specifically, the non-default provider does not have access to the ALI database for the emergency caller, because it does not have access to the default provider's database of user location information.

As a result, the non-default provider has two options: (a) refuse to take the emergency call and inform the user that they must call their default provider; (b) take the call using the interim emergency call handling standards, i.e., use administrative lines to contact an appropriate PSAP. The Joint Responders believe that the second option, while not ideal, is the best available option and will help ensure that dial-around callers in emergency situations are capable of being connected to an appropriate PSAP;¹¹

(2) the PSAP does not accept selective routing or there is no native connectivity into a PSAP by the providers of VoIP 911 services;

(3) the user has not yet registered with a default provider, and thus the user's ALI is not available; and

(4) the user's contact information has not yet been provisioned in the ALI database.

In all other situations, the use of administrative lines would not be permitted. The Joint Responders believe that in these limited circumstances, in which the inability to use administrative lines would potentially render call completion impossible, the continued use of administrative lines is justified.

¹¹ In addition to the situation described above concerning user calls to non-default providers, it may be necessary on occasion to route calls via administrative lines due to the technical limitations of either the PSAP or through lack of native connectivity into a PSAP by the providers of VoIP 911 services.

III. Conclusion.

For the reasons set forth above, Sorenson's request for clarification of when provider 9-1-1 obligations accrue should be granted; however, its request to continue to assign and use proxy numbers should be denied. In addition, the Commission should clarify that administrative lines may continue to be used to complete IP-based emergency relay calls, but only under the limited circumstances identified above in Section II.C.

Respectfully submitted

GOAMERICA, INC.

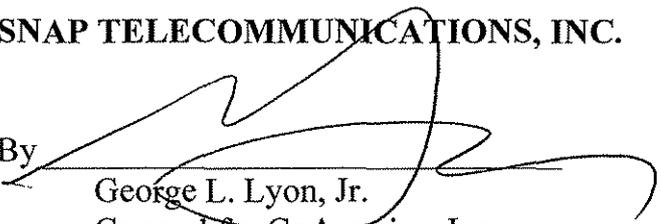
COMMUNICATIONS ACCESS CENTER

CSDVRS, LLC

HAMILTON RELAY, INC.

SNAP TELECOMMUNICATIONS, INC.

By


George L. Lyon, Jr.
Counsel for GoAmerica, Inc.

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

Kelby Brick
Vice President, Regulatory and Strategic Policy
GoAmerica, Inc.
2118 Stonewall Road
Catonsville, Maryland 21228
877-467-4877 x71849

Julie A. Miron
President / CEO
Communication Access Center
1505 W. Court St.
Flint, MI 48503

Sean Belanger, CEO
CSDVRS, LLC
600 Cleveland Street
Suite 1000
Clearwater, FL 33755

Karen Peltz Strauss
Legal Consultant for CSDVRS, LLC
KPS Consulting
3508 Albemarle Street, NW
Washington, D.C. 20008
202-363-1263
kpsconsulting@starpower.net

David A. O'Connor
Counsel for Hamilton Relay, Inc.
Wilkinson Barker Knauer, LLP
2300 N Street, NW, Suite 700
Washington, DC 20037
202-383-3429

Jeff Rosen
General Counsel and Vice President
of Government Affairs
Snap!VRS
1 Blue Hill Plaza
Pearl River, NY 10965
(845) 652-7107 (Ojo)
jrosen@snapvrs.com
www.snapvrs.com

September 15, 2008

CERTIFICATE OF SERVICE

I, George L. Lyon, Jr., hereby certify that I have served the preceding **PARTIAL OPPOSITION TO PETITION FOR RECONSIDERATION** on the following persons this 15th day of September, 2008, by U.S. Mail, Postage Prepaid, and by email:

Ruth Milkman, Esquire
Richard D. Mallen, Esquire
Lawler, Metzger, Milkman & Keeney, LLC
2001 K Street NW, Suite 802
Washington, DC 20006
rmallen@lmmk.com


George L. Lyon, Jr.