

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)	

OPPOSITION TO SORENSON PETITION FOR WAIVER

GoAmerica, Inc., by its counsel and pursuant to the Commission’s Public Notice, FCC 08-2255 (October 8, 2008), opposes Sorenson Communications, Inc.’s (“Sorenson”) September 30, 2008 petition seeking waiver of FCC Rule Section 64.611(d)(2), and shows the following:

Terming its petition as one for a “limited waiver” Sorenson seeks the right to continue using proxy numbers instead of NANP numbers for at least another year, through December 31, 2009 rather than December 31, 2008 as Rule Section 64.611(d) now provides. Sorenson’s petition should be denied.

The context of Sorenson’s petition should be kept firmly in mind. It is part of Sorenson’s continuing campaign to maintain a dominant market share through operation of a closed, non-interoperable directory system. Consumers have been clamoring rightly for real ten digit numbers for some three and one-half years and throughout that time Sorenson has engaged in a pattern of resistance, both passive and active.

In February of 2005, the California Coalition of Agencies Serving the Deaf and Hard of Hearing (“California Coalition”) sought 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

In that same request, the California Coalition raised objections to Sorenson’s use of its 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. Although, this arrangement permitted Sorenson to determine automatically the IP address of a VRS user when a hearing person initiated a VRS call, because the system was a closed database that is not based on 10-digit numbers issued pursuant to the North America Numbering Plan (“NANP”), it neither allowed 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 closed database using proxy numbers thus represented a substantial competitive advantage for Sorenson because it allowed Sorenson users and only Sorenson users to call each other directly without having to know the called party’s IP Address, while shutting out the VRS users of other providers who were not part of the Sorenson closed system.

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*”).

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

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*").

Address.⁵ After extensive and universally favorable support for adopting a 10-digit NANP numbering system, the Commission issued the *Numbering Order*.⁶

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.”⁷ 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 (“PSAPs”) have a means of immediately establishing contact with callers in the event of a disconnection.⁸

Nevertheless, Sorenson in mid-August sought reconsideration of the *Numbering Order*, inter alia, to allow it to continue to use proxy numbers for routing calls and indeed to issue new proxy numbers after December 31, 2008.⁹ Sorenson argued that consumers should have the “option” of continuing to use proxy numbers it has previously assigned. Sorenson likened 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. As GoAmerica and other providers pointed out, Sorenson’s request to continue to use proxy numbers made no sense.¹⁰

⁵ 21 FCC Rcd at 5443, 5450.

⁶ *Telecommunications Relay Services*, FCC 08-151 (June 24, 2008).

⁷ *Numbering Order* at ¶ 1.

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

⁹ Sorenson Petition for Reconsideration (August 15, 2008).

¹⁰ See Partial Opposition [of several providers] to Petition for Reconsideration (September 15, 2008) (“Joint Opposition”). See also Opposition of [various consumer groups] to Petition for

As we further pointed out in our opposition to Sorenson's Reconsideration Petition, 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].

Sorenson has now come back to the Commission with its fall-back plan, seeking a one-year waiver of the prohibition on use of proxy numbers. Sorenson's fall-back plan should also be denied.

Sorenson claims proxy numbers are needed to avoid user disruption.¹¹ It claims it needs proxy numbers to route calls to users who do not yet have NANP numbers. It also seeks to continue routing calls to proxy numbers during "a limited transition period."

Reconsideration (September 15, 2005) ("Consumer Groups Opposition"). As we explained, 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.

¹¹ Sorenson also claims "many" consumers have asked to keep their proxy numbers. Suffice it to say – despite Sorenson's claim – that the record before the Commission shows absolutely no consumer support to maintain proxy numbers in lieu of real 10 digit NANP numbers.

“Limited,” in Sorenson speak, means a year. Sorenson’s claim of hardship and disruption is make weight.

Sorenson asserts it needs to use proxy numbers to route calls to users who do not yet have NANP telephone numbers. The simple answer to that problem is to assign NANP telephone numbers to those users immediately. Sorenson plainly has the ability to do so, since its web site even now is advertising the availability of NANP numbers.¹² Sorenson has made no showing that it cannot timely assign a NANP number to any consumer. More is necessary to support a waiver request than Sorenson’s conclusory assertions. *See, e.g., WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972). Sorenson has simply not shown the “special circumstances warranting departure from the general rule.” Indeed, Sorenson’s petition seeks to gut the general rule. Continued routing of calls to proxy numbers merely incentivizes consumers not to obtain NANP numbers, which is contrary to the purposes of the adoption of the *Numbering Order* itself.

Nothing should disincite consumers from obtaining 10 digit numbers.¹³ Without 10-digit NANP numbers, users cannot receive point-to-point calls from other users who

¹² Sorenson is also distributing toll-free numbers. We note that although we do not object to relay users having toll-free numbers, such numbers must be issued with local 10 digit numbers as well as routing problems exist for 911 service with toll free numbers alone.

¹³ Although GoAmerica supports the assignment of 10 digit numbers to all Internet based relay users, we do note that we oppose denial of service to any user which may for whatever reason decline to register with a default provider and therefore not obtain a ten digit number. In that connection we are in agreement with the position that Sorenson has taken concerning mandatory registration. And as we have pointed out, there are certain relay access applications – especially in the text context -- which cannot accept a 10 digit number. However, it is one thing to oppose denial or service where a consumer declines to register, but it is another thing altogether to provide an alternative dialing protocol to the consumer that may prompt him or her not to

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. Indeed, consumers very well may not be aware of these limitations and may have a false sense of security because they have a proxy 10 digit number, rather than a real ten digit number. Moreover, in an urgent but non-emergency situation – when seconds still 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, the suggestion that Sorenson needs a one year transition period to continue to route calls via its faux numbering system is totally unsupported. The Commission has made it clear since March of this year that the December 31, 2008 deadline for institution of numbering would not be extended. *See Telecommunications Relay Services*, 24 FCC Rcd 5255, 5257 (2008). Sorenson will thus have had more than nine months to orchestrate the transition from faux to real 10 digit NANP numbers. Sorenson has not shown that the nine plus months the Commission has afforded it to transition to real 10 digit numbers is insufficient, much less an additional year beyond the nine month period the Commission has afforded Sorenson.

As we previously noted, we foresee the likely result of extending Sorenson's opportunity to use proxy numbers as that Sorenson would continue to aggressively register and obtain a 10 digit number.

market its proxy numbers, rather than market 10-digit NANP numbers, in an attempt to maintain the competitive benefits it has achieved through its closed directory system. Joint Opposition at 6.

As we have also noted, we see serious issues with any suggestion that consumers concurrently hold both 10-digit NANP numbers and proxy numbers. *Id.* at 6-7. *See also* Consumer Groups Opposition at 2. 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 waiver request.

Sorenson's analogies of post office forwarding and area code changes are inapposite. First, such analogies do not support continued call routing via proxy numbers. Second, contrary to Sorenson's suggestion that calls would not be able to go through, a reasonable alternative exists if a call is attempted using a proxy number. If the call is a

point to point call, Sorenson could provide an intercept message that the number was no longer in service and provide the new 10 digit number for the caller to use to complete the call. Likewise in a hearing to deaf call, when the hearing person calls into Sorenson and gives the proxy number to the Sorenson video interpreter (“VI”), the VI could inform the caller of the user’s 10 digit number and that the number can be dialed directly.

Finally we continue to urge that as of December 31, 2008, providers be prohibited from using proxy or alias numbers to route calls to or from Internet-based relay users that may not as of that time be registered. Allowing any use of proxy numbers after December 31, 2008, will only serve to frustrate the FCC’s goals in adopting 10 digit numbering for Internet-based relay and delay full functional equivalent service to relay users. For the reasons set forth above, Sorenson’s petition for waiver should be denied.

Respectfully submitted,

GOAMERICA, INC.

By _____/s/_____
George L. Lyon, Jr.

Director, Regulatory Compliance
GoAmerica, Inc.
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
October 15, 2008

CERTIFICATE OF SERVICE

George L. Lyon, Jr., certifies that I have served copies of the foregoing document on the following persons via email and United States Mail on or before this 15th day of October, 2008.

Ruth Milkman, Esquire
Lawler, Metzger, Milkman & Keeney, LLC
2001 K Street NW, Suite 802
Washington, DC 20006

_____/s/_____
George L. Lyon, Jr.