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Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Ex Parte Notice: Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*
CG Docket No. 03-123 and WC Docket No. 05-196

Dear Ms. Dortch:

On October 24, 2008, the National Emergency Number Association (“NENA”) and the Association of Public-Safety Communications Officials International (“APCO”) filed a joint Request for Expedited Clarification of section 64.604(a)(2) of the FCC’s rules.¹ Sorenson Communications, Inc. (“Sorenson”) strongly supports this Request.

Under section 64.604(a)(2), communications assistants (“CAs”) handling relay calls, including video interpreters (“VIs”), generally are “prohibited from disclosing the content of any relayed conversation regardless of content, and . . . from keeping records of the content of any conversation beyond the duration of a call.”² In their Request, NENA and APCO urge the Commission to clarify that, when a video relay service (“VRS”) user places a 911 emergency call, section 64.604(a)(2) permits the VI handling the call to disclose visual information observed in the background of the call to the appropriate Public

¹ Request for Expedited Clarification of Section 64.604(a)(2) of the Rules of NENA and APCO, CC Docket No. 98-67, CG Docket No. 03-123, and WC Docket No. 05-196 (Oct. 24, 2004) (“Request”).

² 47 C.F.R. § 64.604(a)(2)(i). *See also* 47 U.S.C. § 225(d)(1)(F) (directing FCC to prescribe regulations that “prohibit relay operators from disclosing the content of any relayed conversation and from keeping records of the content of any such conversation beyond the duration of the call”).

Safety Answering Point (“PSAP”) and to keep records concerning such background information for some period after the emergency call ends.³

Sorenson agrees with NENA and APCO that this clarification will protect VRS users by permitting critical information to be relayed in real time to PSAPs and first responders.⁴ For example, a VI handling a 911 call could tell the PSAP that he or she had seen a fire raging in the background of an emergency call or a person brandishing a gun. Such information would be particularly useful when users become incapacitated after dialing 911, become overwrought by the emergency, or, in more extreme situations, feel threatened and believe that they will be harmed if they provide certain information. The clarification also will help first responders by giving them access to information they need to do their jobs in an effective and safe manner.

Sorenson also agrees with NENA and APCO that visual background information is not part of the content of a relayed conversation.⁵ Since section 64.604(a)(2) applies only to “the content of any relayed conversation,” that rule’s prohibitions on disclosure and record-keeping are not applicable to background scenes witnessed by a VI.⁶ The Commission therefore has a solid legal basis for adopting the requested clarification of section 64.604(a)(2).

Finally, Sorenson shares NENA and APCO’s sense of urgency on this matter. The number of 911 VRS calls has been increasing, a trend that likely will only accelerate after providers implement E911 solutions. Given the fast-approaching December 31, 2008 deadline for such implementation, it is essential that the Commission adopt the requested clarification as soon as possible, before something happens to a first responder or caller that could have been averted if the VI had been permitted to state that she saw a gun, fire, or other relevant scene in the background of an emergency VRS call.

Here, as with other matters, the Commission must act promptly in order to avert problems that will otherwise harm consumers. In particular, as Sorenson previously explained, the FCC should act before December 31, 2008 on issues related to slamming,

³ Request at 3-4.

⁴ *See id.* at 1-4.

⁵ *Id.* at 3-4.

⁶ *Cf. Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, 23 FCC Rcd 5255, ¶ 19 (2008) (permitting CAs, at the outset of an emergency call, to memorialize and disclose to an appropriate PSAP the caller’s name and location information, and concluding that such actions are consistent with section 64.604(a)(2) because “the ‘content’ of a relayed conversation reasonably does not include basic identifying information . . . of an emergency TRS caller”).

customer proprietary network information (“CPNI”), users’ ability to receive multiple numbers, and Sorenson’s request for a limited waiver with respect to continued use of proxy numbers.⁷ Acting expeditiously on these issues will minimize unauthorized changes in providers and potential misuse of CPNI, and will avoid disruption to users.⁸

Pursuant to the Commission’s rules, this letter is being submitted for inclusion in the public record of the above-referenced proceeding.

Sincerely,

/s/ Ruth Milkman
Ruth Milkman

cc: Nicholas Alexander
Amy Bender
Scott Bergmann
Thomas Chandler
Scott Deutchman
Greg Hlibok
Michael Jacobs
Nicole McGinnis
Greg Orlando
Cathy Seidel

⁷ See Letter from Ruth Milkman, Counsel for Sorenson, to Marlene H. Dortch, FCC, CG Docket No. 03-123 & WC Docket No. 05-196 (Oct. 9, 2008).

⁸ See *id.*