

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

PETITION FOR TEMPORARY LIMITED WAIVER

Pursuant to Section 1.3 of the Commission’s rules,¹ Sorenson Communications, Inc. (“Sorenson”) hereby requests a temporary limited waiver of the Federal Communications Commission’s (“FCC’s” or “Commission’s”) requirements governing customer premises equipment (“CPE”) that has been distributed by one Internet-based TRS (“iTRS”) provider but is being used with a new default provider.²

I. BACKGROUND

Sorenson has been working extremely hard to implement the FCC’s numbering rules adopted in June 2008, and expected to be able to comply with the requirements by the effective date, December 31, 2008.³ The FCC’s recently released *Second Report and*

¹ 47 C.F.R. § 1.3.

² 47 C.F.R. § 64.611(e); *see also Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Second Report and Order and Order on Reconsideration, FCC 08-275, ¶¶ 63-68 (rel. Dec. 19, 2008) (“*Second Report & Order*”).

³ *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, First Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591, ¶ 1 (2008) (“*First Report & Order*”).

Order imposes new obligations, however. In particular, the Commission adopted requirements that CPE provided by an iTRS provider that is used with a new default provider “must be capable of . . . allowing a user to dial a number that the CPE automatically forwards to the new default provider”⁴ and must be capable of making point-to-point calls to other VRS users.⁵ These new requirements, which were adopted on December 19, 2008, require Sorenson to perform additional work to modify both its videophones as well as the industry standard it has been developing to meet the FCC’s original requirements.⁶ Sorenson is committed to completing this work as expeditiously as possible, but it simply cannot implement the required changes in time to meet the December 31, 2008 effective date imposed by the FCC.

II. DISCUSSION

Waiver of the Commission’s rules is permitted upon a showing of “good cause.”⁷ Specifically, the Commission may waive its rules where the particular facts would make strict compliance inconsistent with the public interest, taking into account, *inter alia*, considerations of “hardship, equity, or more effective implementation of overall policy on an individual basis.”⁸ Waiver is particularly appropriate where “special circumstances

⁴ *Second Report & Order* ¶ 63.

⁵ *Id.* ¶ 65.

⁶ Sorenson has already circulated a proposal designed to meet the FCC’s original requirements by December 31, 2008, with the plan that the standard would be enhanced to allow for point-to-point calling. See *Second Report & Order* ¶ 64; Letter from Ruth Milkman to Marlene H. Dortch, CG Docket 03-123 (Dec. 18, 2008).

⁷ 47 C.F.R. § 1.3.

⁸ *Numbering Resource Optimization; Petition of California Public Utilities Commission for Waiver of the Federal Communications Commission’s Contamination Threshold Rule*, Order, 18 FCC Rcd 16860, ¶ 9 (2003) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972) (“*WAIT Radio*”); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990)).

warrant a deviation from the general rule and such deviation will serve the public interest.”⁹

In the current situation, a waiver would serve the public interest by allowing Sorenson to continue offering video relay services and to continue distributing and supporting equipment while it works to implement the FCC’s recently adopted requirements governing CPE. In particular, Sorenson must (1) work with other providers to develop a new industry standard for meeting the FCC’s most recent requirements; and (2) update its videophones to enable them to provide the newly required capabilities after the devices are disconnected from Sorenson’s network.¹⁰ Sorenson had already been working with other providers on an industry standard governing communications with devices ported to a new default provider. Sorenson is now working on developing a new standard incorporating the FCC’s latest requirements and anticipates circulating the revised standard to other providers promptly, in the hopes of having the standard adopted as quickly as possible. Sorenson will also need some time to modify its videophones to enable them to comply with the FCC’s latest requirements – such as passing dialed numbers automatically – after the user ports his or her telephone number to a new default provider. Sorenson requests a limited waiver until March 31, 2009, and will work to implement the new requirements as quickly as possible.

⁹ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d at 1166 (referencing *WAIT Radio*).

¹⁰ The FCC’s rules require that once a device is ported it cannot communicate with the network of the former default provider who distributed the device. 47 C.F.R. § 64.611(e)(1).

III. CONCLUSION

For all the reasons stated above, the Commission should grant Sorenson a limited waiver of its numbering rules for three months in order to allow Sorenson to make the changes necessary to comply with the FCC's requirements governing CPE distributed to users who subsequently port their telephone numbers to new default providers.

Respectfully submitted,

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