

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re)
)
TELECOMMUNICATIONS RELAY SERVICES) CG Docket No. 03-123
FOR DEAF AND HARD OF HEARING AND SPEECH) CC Docket No. 98-67
DISABLED PERSONS)
)
E911 REQUIREMENTS FOR IP-ENABLED)
SERVICE PROVIDERS) WC Docket No. 05-196
)
To: The Commission)

PETITION FOR PARTIAL RECONSIDERATION AND LIMITED WAIVER

GoAmerica, Inc. (“GoAmerica”), by counsel and pursuant to FCC Rule Section 1.429, petitions the Commission for partial reconsideration and/or limited waiver of its Second Report and Order and Order on Reconsideration, FCC 08-275 (December 19, 2008) (“Second Numbering Order”), published in the Federal Register on December 30, 2008. In support, the following is shown.

GoAmerica seeks reconsideration of two aspects of the Second Numbering Order. First, GoAmerica seeks reconsideration and or clarification of its ability to provide 10 digit numbers to hearing persons. *See* Second Numbering Order at para. 34. Second, GoAmerica seeks reconsideration -- or a limited waiver -- of the requirement to move PSAP call backs to 911 dialing consumers to the top of the answer queue, pending development of an appropriate method to recognize PSAP originating numbers. Each of these two items is discussed below.

I. Hearing persons should be able to obtain 10 digit numbers.

Paragraph 34 of the Second Numbering Order provides that only individuals with hearing or speech disabilities will be able to obtain 10 digit numbers under the numbering system. The reasons for not allowing assignment of numbers to hearing persons for video calling are simply not persuasive. Paragraph 35 states three concerns. None of them are sufficient either singly or in concert to support the denial of numbers to ASL users seeking to communicate point to point with deaf persons.

The first stated concern, in the nature of a jurisdictional discussion, is a reference to Section 225 as authorizing regulations for Telecommunications Relay Services. However, the Commission has general jurisdiction pursuant to 47 U.S.C. Sec. 251(e) over telecommunications numbering which is more than adequate to support allowing providers to assign 10 digit numbers to hearing persons.

Second, paragraph 35 suggests that allowing hearing persons to obtain numbers for point to point calls with deaf persons raises cost recovery issues. Perhaps, but the fact that issues are raised is no reason not to resolve those issues. The order correctly states that costs of assigning numbers to hearing persons would not be compensable, and GoAmerica agrees. So there would appear no reason not to allow providers to give hearing persons numbers provided that the TRS Fund is not charged the costs of doing so.¹ In any event, allowing hearing persons who use ASL to receive 10 digit numbers

¹ Neustar has informally confirmed that its costs would not increase as a result of hearing ASL users receiving 10 digit numbers.

would, on net, decrease the cost of TRS since these persons would not have to resort to VRS to communicate with deaf persons.

Third, the Commission gives as a reason not to allow hearing persons to obtain 10 digit numbers that it is primarily concerned with facilitating TRS service to deaf and hard of hearing users and automatic 911 service. That is plainly a fact, but it is equally plainly not a reason why hearing ASL users should not be allowed to have 10 digit numbers. Allowing numbers to be assigned to hearing ASL users in fact facilitates the purposes behind the TRS program. It facilitates functional equivalency -- the sine qua nom -- of the TRS program because it allows deaf persons to communicate in their natural visual language with other callers. VRS is a great service, but even VRS is not fully equivalent to a telephone conversation between hearing persons. However, point to point video is completely functionally equivalent.

Lastly, GoAmerica fully supports establishing criteria for hearing persons who wants a local 10 digit videophone number. Such criteria could perhaps include affidavits from deaf persons verifying a need for video interaction with hearing individuals—or verification of the hearing individual's sign language capacity.

Given that the Commission has jurisdiction to allow numbers to be issued to hearing ASL users, it should reconsider its decision and allow assignment of such numbers subject to requiring that all costs associated with the assignment of such numbers be borne by the provider or the hearing person.

II. Request for Reconsideration or Limited Waiver of the Requirement for Moving PSAP Call Backs to the Top of the Answer Queue.

Paragraph 15 of the Second Numbering Order appears to require that if the voice leg of a 911 call to the PSAP is dropped and the PSAP attempts to reconnect – i.e., call back -- to the deaf caller, that this call back must answered with priority, i.e., moved to the top of the queue. GoAmerica is on record supporting this requirement. However, we have learned that there are current technological issues that make this requirement currently problematic. Since the PSAP would be calling back to the user's local 10 digit number, which routes into the relay center just like any other voice initiated call, there does not seem to be any good way to identify this specific call as a priority -- unless the PSAPs all use a standard ANI to make these calls or they call back to a specific call-in number. Unfortunately, we do not understand that PSAPs use a standard ANI in making call-backs and calling into a specific call-in number would frustrate the purpose of E911 to allow automatic reconnection of the call via the consumer's 10 digit local number.

As of right now, there appears no way that providers would know to elevate the call to the top of the queue vs. handling it in the normal manner of any other voice call. We understand that the FCC staff has been consulted informally on this issue, including the feasibility and acceptability of prioritizing all calls back to the phone number placing a 911 call for a certain period of time (e.g., 30 - 60 minutes) after the emergency, but that the staff has not given a definitive answer as to this solution. NeuStar, in consultation with various providers, has suggested a feasible solution in creating a master list of possible callback numbers from PSAPs, but to date this list has not been created, and

would be expensive and time consuming to implement, even assuming an accurate list could be compiled. Whatever the solution, a reasonable amount of time is necessary to develop and implement a solution. GoAmerica therefore requests that the Commission clarify this requirement and grant a limited waiver of this requirement for six months following such clarification to afford providers the opportunity to implement the solution.

III. Conclusion.

As shown above, the Commission should allow hearing persons to receive a 10 digit telephone number for the purpose of making point to point video calls to deaf and hard of hearing persons. In addition, GoAmerica asks for clarification of the requirement to prioritize PSAP call backs and a temporary waiver for six months to implement a PSAP priority call back solution.

Respectfully submitted,

GOAMERICA, INC.

By _____/s/_____
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