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March 27, 2009

Via Electronic Filing

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

**Re: Notice of Ex Parte Communication CC Docket 03-123; WC Docket 05-196;
PS Docket 07-8; CC Docket 94-102; WC Docket No. 08-171; WC Docket 04-
296; PS Docket 07-287**

Dear Ms. Dortch:

On March 24, 2009, Claude L. Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc.; Sheri Ann Farinha, Chief Executive Officer, NorCal Services for Deaf & Hard of Hearing (together “Consumer Representatives”); and the undersigned counsel to TDI, met with Catherine W. Seidel, Chief, Consumer & Government Affairs Bureau (“CGB”); Lisa Boehley, Consumer Policy Division, CGB; Thomas Chandler, Chief, Disability Rights Office (“DRO”), CGB; Gregory Hlibok, DRO, CGB; Cheryl King, DRO, CGB; and William Dever, Deputy Chief, Competition Policy Division, Wireline Competition Bureau.¹ We discussed the implementation progress of Internet-based Telecommunications Relay Service (“TRS”) numbering.

A number of deaf and hard of hearing consumers are unaware of numbering implementation or are confused by information they are receiving from various TRS providers. Often providers host workshops to explain telephone number assignment and E911 requirements, but mix in their own marketing pitches for their companies’ respective products. As a result, there is a need for serious efforts on behalf of the Commission to promote consumer education and outreach, which would include posting a video message in American Sign Language (“ASL”) on the Commission’s website concerning requirements for telephone number assignment. Because of the confusion among consumers, the Consumer Representatives request that the Commission moves fast to post this video.

¹ TDI requests waiver of 47 C.F.R. § 1.1206(b) to permit it to file this notice of *ex parte* meeting more than one business day after the occurrence of the *ex parte* meeting.

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We discussed the problem of porting end user devices--that they lose their features when ported from one TRS provider to another. Therefore the Consumer Representatives support the CSDVRS proposal that porting between TRS providers focus on numbers and not on equipment. However, TRS providers need time to develop equipment inventories to be able to meet consumer demand when they change TRS providers. In addition, many consumers are unaware of TRS number portability, and consumer education and outreach is needed in this regard.

The Consumer Representatives expressed concern that a number of consumers, especially those who live in rural areas, were not receiving actual geographic numbers from the TRS providers, even though they requested numbers prior to the March 31, 2009 deadline. Since paragraph 28 of the December 19, 2008 Second Report and Order and Order on Reconsideration, FCC 08-275, requires the all users of Internet-base TRS be assigned geographically appropriate numbers, meaning numbers within their local rate centers, we suggested that the Commission issue a public notice reminding TRS providers of this requirement. This would include a discussion of the second part of the paragraph, which requires the TRS providers to bring to the Commission's attention situations where geographically appropriate numbers are not available so that the Commission can work with the carriers in those areas and other entities to resolve the problem.

The Consumer Representatives also expressed concern that the TRS providers are having difficulty developing methodologies for call-backs from Public Safety Answering Points ("PSAPs") to the originators of 9-1-1 calls to be given priority. As a result, the Consumer Representatives ask the Commission to hold a technical workshop with the providers for the purpose of resolving this problem quickly.

We also discussed the role of video interpreters during Video Relay Service ("VRS") 9-1-1 calls. We explained that the interpreter must continue to act as a transparent conduit. For example, the interpreter should not verify location information prior to connecting the 9-1-1 call to the PSAP. So long as the interpreter already has the information necessary to identify and connect with the PSAP, it wastes valuable time for the interpreter to confirm address information. Rather, it is up to the PSAP operator to confirm address information--something that is standard PSAP operating procedure. Similarly, the interpreters should not on their own direct the 9-1-1 caller to stay on the line. PSAP operators are trained as to when to tell the caller to stay on the line, and it is the PSAP operator that should make the decision as to what instructions to give to the caller.

The Consumer Groups did mention that there are some circumstances when it is appropriate for the VRS interpreter to step out of the role of interpreter and provide additional information to the PSAP. For example, if the caller faints or the caller's sign language has otherwise become incapacitated or impaired while the call is taking place, the interpreter should provide the information to the PSAP. Similarly, if there is visual information on the screen, such as someone holding a gun, the interpreter should provide such information to the PSAP. However, the VRS interpreter is not trained to be and

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should not act as a remote video relay interpreter (“VRI”). For example, if the police arrive on the scene, the VRS interpreter cannot act as an interpreter for the purpose of the police reading Miranda rights to an alleged perpetrator.

The Consumer Representatives indicated that the National Emergency Number Association (“NENA”) VRS Subcommittee is working on standards which should be shared with the Commission. The TDI E911 Stakeholder Council intends to work with NENA to develop VRS interpreter standards for 9-1-1 calls and provide recommendations to the Commission.

Very truly yours,

/s/

Eliot J. Greenwald

Cc (by e-mail): Catherine Seidel
Lisa Boehley
Thomas Chandler
William Dever
Gregory Hlibok
Cheryl King
Sheri Ann Farinha
Claude L. Stout