

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

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

***PETITION TO EXTEND RELAY REGISTRATION DEADLINE***

1. AT&T Inc., CAC, CSDVRS, LLC, Hamilton Relay, Inc., Purple Communications, Inc., Snap Telecommunications, Inc., Sprint Nextel Corporation, and Viable, Inc. (hereinafter, "Petitioners") petition the Federal Communications Commission ("FCC" or "Commission") to extend the June 30, 2009, deadline for consumer registration to obtain 10-digit numbers to use Internet-based relay services. Petitioners show below that relay consumers are confused or even unaware of the full requirements for registration, including the possibility that they will be cut off from using relay services unless they register for a local number for each relay mode by the June deadline. In addition, certain mechanisms and systems such as a reverse-look up process are not yet in place and will likely not be in place prior to that deadline. As a result, numerous relay users will be blocked from calling through relay services on July 1, 2009.

***I. Background.***

2. On December 19, 2008, the FCC released its Second Report and Order governing the implementation of 10-digit numbering for Internet Protocol ("IP") relay and video relay

service (“VRS”).<sup>1</sup> The December Order determined that IP Relay and VRS users must register with a provider and receive a NANP phone number by March 31, 2009. The Commission enacted a “permissive calling period” between March 31, 2009 and June 30, 2009, during which time IP Relay and VRS providers must process the calls of unregistered users but must also inform those users of the June 30 deadline for the permissive calling period.<sup>2</sup> The Commission further prohibited IP Relay and VRS providers from completing non-emergency calls of unregistered users after the June 30 deadline.<sup>3</sup>

3. The Commission noted there would be users who have registered with one provider and yet dial-around to utilize another provider. To ensure those users are not blocked from making calls, the Commission allowed providers to request “a user’s ten-digit NANP number, which can be used to verify whether the user is registered with another provider.”<sup>4</sup> The Commission also recognized the systematic limitations of such a verification process and stated it would “consider enhancing this method with the capability to do a reverse directory lookup of identifying information in the incoming call against the URIs of registered users.”<sup>5</sup>

4. The January 1-March 31 registration period has passed—and we are currently one month into the permissive dialing period. Despite extensive outreach and education efforts by providers, relay consumers are confused and often unaware of the full requirements for registration, including that they will be blocked from using Internet-based relay services unless they register for a 10-digit phone number by the June 30, 2009 deadline.

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<sup>1</sup> Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers, Second Report and Order and Order on Reconsideration, 24 FCC Red 791 (2008) (“December Order”).

<sup>2</sup> December Order, ¶21

<sup>3</sup> December Order, ¶22.

<sup>4</sup> December Order, ¶24.

<sup>5</sup> December Order, ¶24.

5. Relay consumers are also confused by information that they need to register for a separate phone number for each relay mode. In addition, both they and providers are frustrated by the fact that providers have no reliable method of verifying that consumers are currently registered with another provider when they make a dial around call.

6. A large percentage of users of Internet-based relay services currently serviced by the various relay providers are still not registered. At current registration rates, many relay users will be cut off from making calls through Internet-based relay services on July 1, 2009.

## ***II. Underlying Causes.***

7. When the Commission released its Second Report and Order, it surmised that Internet-based TRS providers could register most of their users with little trouble before the end of the three month target registration deadline, March 31, 2009, but added an additional three month permissive dialing period to afford providers and users flexibility with the transition to 10-digit numbering.<sup>6</sup> The unfortunate reality is that, despite provider outreach and education, a large percentage of existing users of Internet-based relay services remain unregistered due to consumer confusion. There are a variety of causes for the consumer confusion, as discussed below.

### ***A. Lack of a functioning reverse look up process.***

8. Commission rules require Internet-based TRS providers to register “new” users before providing service.<sup>7</sup> To assist providers in distinguishing a “new” user from an “existing” user, the Commission contemplated that providers would use a per-call reverse look up validation process, using the iTRS database as the validation point.

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<sup>6</sup> December Order, ¶22.

<sup>7</sup> 47 C.F.R. §64.611(b).

9. The per-call reverse look up validation process requires development on the part of NeuStar, the administrator of the iTRS database. Petitioners have been informed that NeuStar submitted a request on February 25, 2009 to the Commission to authorize the implementation of the reverse directory lookup function. To date, however, the Commission has yet to authorize this essential process to enable providers to verify that users are registered with at least one other provider. Thus, the reverse look up validation process is not functioning.

10. The reverse look up function is critical because many consumers believe that they need to register with only one provider in order to use all forms of relay services with the various providers. The FCC's delay in following up on NeuStar's authorization request has had detrimental effect on the education and ability of relay users to access and utilize relay services.

***B. Lack of a public education strategy on the registration requirement.***

11. On February 27, 2009, leaders of consumer organization met with key officials at the Commission urging, among other things, that the Commission undertake "appropriate education to ensure effective consumer outreach and education" with respect to ten-digit numbering implementation.<sup>8</sup>

12. On March 24, 2009, consumer advocates Claude L. Stout of Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI) and Sheri Ann Farinha of the NorCal Center for Deaf and Hard of Hearing (along with TDI counsel Eliot Greenwald) again met with key officials at the Commission explaining that a "number of deaf and hard of hearing consumers are unaware of numbering implementation or are confused by information they are receiving from

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<sup>8</sup> Letter by Nguyen T. Vu, filed in various dockets on March 2, 2009. Individuals included Claude Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc.; Lise Hamlin, Director of Public Policy, Hearing Loss Association of America; Cheryl Heppner, Vice Chair, Deaf and Hard of Hearing Consumer Advocacy Network; Karen Peltz Strauss, Attorney for Communication Service for the Deaf; Randy Pope, Public Relations Specialist, American Association for the Deaf-Blind; Elizabeth Spiers, Director of Information Services, American Association for the Deaf-Blind; Jamie Pope, Executive Director, American Association for the Deaf-Blind; and Sheri A. Farinha, Vice Chair, California Coalition of Agencies Serving the Deaf and Hard of Hearing.

various TRS providers.”<sup>9</sup> Those consumer leaders stated “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.”<sup>10</sup>

13. It was not until April 28, 2008 that the Commission finally placed an ASL video on its website explaining the numbering requirements as requested by leaders of consumer organizations. Petitioners appreciate that the FCC has released this video, but the FCC still needs to conduct a coordinated and comprehensive outreach program to make sure that this video and other educational information reaches all relay consumers who are affected by the registration requirement.

14. The Commission’s efforts to educate deaf and hard of hearing consumers on the default provider registration requirement should be contrasted with the Commission’s efforts to make Americans aware of the analog to digital TV transition. The Commission has spent exhaustive resources in providing consumer education and outreach on the digital TV transition. Yet, despite more than a year of extensive educational efforts, Congress and the Commission still perceived that a significant number of consumers were unprepared for the changeover, resulting in a legislative extension of the transition deadline.

15. Although Internet-based TRS service may not warrant the same level of resources needed for the digital TV transition, Petitioners nevertheless believe that access to telecommunications is just as critical, and likely more so, as access to television. It is

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<sup>9</sup> Letter from Eliot J. Greenwald, filed in various dockets on March 27, 2009.

<sup>10</sup> Greenwald letter.

indisputable that telephone access is critical for maintaining one's independence and productivity. Without access to the telephone, the ability to perform essential job functions suffer, and an individual's sense of isolation can grow. Given the heavy reliance of deaf and hard of hearing consumers on IP-based relay services as their primary mode of telephone communication, it is especially imperative that such consumers have knowledge of the impending default provider registration deadline. Absent an FCC-coordinated public education strategy, however, these consumers are no more likely to be prepared for a significant transition in telephone service than over-the-air television users were with respect to the DTV transition. Accordingly, the Commission should develop and implement a comprehensive, accessible, and objective public outreach campaign to make sure that all relay users are fully aware of and know what to do to fulfill the registration requirement. Without such education by the Commission, far too many deaf and hard of hearing consumers run the risk of being cut off from access to their telephone lifeline.<sup>11</sup>

***C. Consumers are confused about the definition of phone numbers and the associated requirements for registration.***

16. Relay providers have expended enormous resources and manpower directed on outreach to educate consumers about 10-digit numbers and the process of registering for those numbers.

17. Nevertheless, many users access IP-text relay service through a cell phone or other wireless device (such as Blackberries and Sidekicks) and, thus, incorrectly believe that they are already registered because they have a local phone number associated with their wireless

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<sup>11</sup> Although providers have conducted their share of outreach on the registration requirement, without FCC guidance, the information has not always been consistent from provider to provider. Objective information that comes directly from the FCC will be more successful in informing consumers about what they must do to continue having access to IP-based relay services.

devices. Substantial confusion occurs when they are told they must acquire a relay-sponsored local phone number in addition to the phone number associated with their wireless device.

18. Many consumers also still do not understand that they must obtain a 10-digit local telephone number to replace the proxy number that was used previously to identify their videophone.

19. Utilizing a real 10-digit local telephone number for deaf and hard of hearing persons requires a change in a life-long thought process by users who have long been excluded from the PSTN. The general public has been taught from a very young age to memorize and use phone numbers and how to access the nation's telecommunications system. But many relay customers are unfamiliar with using 10-digit videophone numbers versus using IP addresses to call each other. While memorizing a telephone number may be commonplace for most members of the public, it is less so for deaf and hard of hearing consumers.

20. The Commission's mandate to adopt 10-digit telephone numbers for Internet-based TRS services, while critical as a milestone in the nation's civil rights history, requires a paradigm shift in the thought process of relay users. This will not happen on its own. A thorough FCC-led education strategy is required to ensure relay users' understanding and acceptance of the system.

***D. There is still confusion about toll-free numbers.***

21. Many consumers still believe that their toll-free numbers are sufficient and they do not have to undertake any further action to register. They are unaware of the new FCC requirement that customers with toll free numbers must also have a local phone number to complete their relay registration. A Commission-endorsed and implemented public education strategy could eliminate this confusion.

***E. There are still local areas without local number access.***

22. Commission rules require Internet-based TRS providers to assign users geographically appropriate local telephone numbers.<sup>12</sup> There are numerous geographic areas where Internet-based TRS providers cannot obtain local numbers. As a result, local numbers from neighboring areas must be assigned.

23. There are significant numbers of consumers in areas where geographically appropriate numbers are hard to obtain that have not yet registered because they are confused about the lack of numbers available in their area.

24. On April 13, 2009, Sorenson Communications, Inc. filed a Petition for Declaratory Ruling or Limited Waiver of the Commission's rules pertaining to the problems associated with assigning geographically appropriate numbers. That petition outlined Sorenson's inability to "assign geographically appropriate numbers to thousands of users."

25. Although the specific details differ among providers, the problems outlined by Sorenson hold true for all other providers, including Petitioners herein. The FCC needs to reach a resolution on this matter prior to implementation of a deadline that triggers denials of IP-based relay service to consumers located in areas where geographically appropriate numbers do not exist. Among other things, Petitioners believe it will be very confusing for the thousands of users who fall into this category to be forced to decide within weeks which neighboring rate center (if even allowed by the Commission) they should adopt as the host of their ten digit number.

***F. There is confusion about equipment and number porting.***

26. The Commission has required that users be able to port their local numbers and provider supplied equipment. The Commission has further mandated that a standard be

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<sup>12</sup> 47 C.F.R. §64.611(a)(ii).

developed for equipment porting. Specifically, the Commission is requiring that after porting, providers who distribute CPE must ensure that their devices continue delivering routing information to the user's new default provider to enable that default provider to provision routing information to the central database.

27. This mechanism and process for porting equipment has not yet been put in place. Petitioners note that since issuance of these rules on equipment porting, the FCC has received several petitions to reconsider, waive, and/or revise these equipment-porting obligations. These petitions explained various problems with the porting requirement.

28. One provider — Sorenson, dominates the videophone marketplace. Expecting that they will be able to port their equipment in the near future, some users have delayed registering until they are able to port their Sorenson videophone equipment to their preferred provider. Until they are able to connect their equipment to their preferred provider, they continue to make dial-around calls as an unregistered user.

29. Until the equipment porting issue is resolved and the appropriate education strategy is in place, providers should not be required to block unregistered users.

### ***III. Extension of Deadline.***

30. The Commission should extend the Internet-based TRS registration deadline<sup>13</sup> indefinitely until certain milestones are adequately satisfied.<sup>14</sup> Petitioners are reluctant to suggest the exact deadline, but suggest that if the Commission moves forward quickly, a goal of December 31, 2009 might be achievable. The milestones to achieve a successful transition are discussed below.

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<sup>13</sup> The extension should be for all internet-enabled relay services including IP-text and VRS.

<sup>14</sup> Petitioners clarify that the request is for extension of the registration deadline. Petitioners strongly believe that the deadline for use of proxy numbers must remain—and that proxy numbers must be turned off. Cessation of proxy numbers will expedite the process of registering users with real local phone numbers.

31. Milestone #1: Implementation and utilization of a reverse look-up function. This requires Commission authorization for NeuStar to proceed with the development of the reverse-look-up feature for the iTRS database. Development itself could take approximately three months. Another three months will probably be necessary for all Internet-based TRS providers to develop internal automatic processes to query the reverse-look up feature—and to ensure that there are no glitches. The total period of time for the achievement of this milestone is estimated to be six months after the Commission issues authorization to NeuStar to commence development.

32. Milestone #2: Adoption and implementation of an extensive public education and outreach campaign on the registration and porting requirement. DTV education has taken several years, with multiple deadline extensions, precisely because of the difficulties associated with penetrating user awareness. Petitioners are hesitant to put a time frame on the FCC's implementation of the education and outreach strategy, as that is dependent on the level of commitment and resources allotted to the strategy, as well as the efficacy of such strategy. The extent to which the FCC's efforts are successful should be determined at specific intervals (e.g., monthly) through regular assessments of telephone number adoption by users, the level of confusion among consumers concerning user registration, and compliance with the associated requirements for registration. FCC outreach efforts should not cease until providers are able to report a penetration rate of at least 90 percent of registered user traffic. This will provide the assurance that at most a small fraction of users will be blocked from making relay calls.

33. Milestone #3: Resolution of provider concerns associated with assigning geographically appropriate phone numbers. Alternative solutions, such as allowing consumers to choose a local phone number from the numbers available to them, and having providers continue

to work with local telephone companies to bring true local numbers to each user, should be considered.

34. Milestone #4: Resolution of the equipment portability issue. Although not necessarily required for implementation of the registration requirement, it is critical for the FCC to resolve the equipment portability issue as soon as possible. This is because consumers may make decisions about whom they wish to have as their default provider based on whether they will be porting their equipment or acquiring new CPE.

#### ***IV. Conclusion.***

There are a host of causes for the high number of unregistered callers among providers. Chief among these is the considerable confusion among consumers about how user registration works, and what it means to have a default provider. Until the Commission conducts comprehensive outreach to address these concerns and resolves outstanding technical barriers necessary to achieve the effective implementation of the new ten digit numbering system, a registration deadline makes no sense. Indeed, the consequences of going forward at this point – the potential loss of relay services for a significant portion of IP-based relay consumers – could be dire. We respectfully request that the Commission takes immediate action in order to prevent the unconscionable results -- should further delays ensue -- to block individuals from the nation's telecommunication network. We strongly urge the Commission to take all appropriate and proactive steps discussed above. Until the overwhelming majority of IP-based users have registered, and until policies and technologies are in place to effectively assign and verify numbers for all relay users, Petitioners urge suspension of the June 30, 2009, deadline. Petitioners look forward to working with the Commission on implementing the recommendations outlined in this petition.

Respectfully submitted

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