





BEFORE THE  
Federal Communications Commission  
WASHINGTON, D.C.

In the Matter of )  
 )  
Telecommunications Relay Services and )  
Speech-to-Speech Services for Individuals with ) CG Docket No. 03-123  
Hearing and Speech Disabilities )

**SNAP TELECOMMUNICATIONS, INC.’S  
ANNUAL COMPLIANCE REPORT**

Snap Telecommunications, Inc. (“Snap”), by its attorneys, hereby submits its annual report regarding its continued compliance with the Commission’s mandatory minimum standards applicable to video relay service (“VRS”) providers.

**I. INTRODUCTION AND SUMMARY**

In this report, Snap addresses and certifies its compliance with the Commission’s applicable mandatory minimum standards for VRS providers. Snap takes its compliance obligations seriously and has committed substantial resources to ensuring its ongoing compliance with these minimum standards.

Snap was the first company to apply for certification as a VRS provider<sup>1</sup> under the Commission’s new federal procedures.<sup>2</sup> Snap was also the first to be certified as a VRS provider under these new federal procedures.<sup>3</sup> In its Order certifying Snap, the Commission required

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<sup>1</sup> See Application of Snap Telecommunications, Inc. for Certification as a Video Relay Services Provider, CG Docket No. 03-123 (filed Jan. 25, 2006) (“*Snap VRS Application*”). Currently Snap offers only VRS under the brand name Snap!VRS. See <http://www.snapvrs.com>.

<sup>2</sup> See *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Order on Reconsideration, 20 FCC Rcd 20577 (2005).

<sup>3</sup> See *Notice of Certification of Snap Telecommunications, Inc. as a Provider of Video Relay Service (VRS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, Public Notice, 21 FCC Rcd 5511 (2006) (“*Snap Certification Order*”). See also *Notice of Snap Telecommunications as a Provider of*

Snap (as it requires all VRS providers under its VRS certification procedures) to file an annual report with the Commission evidencing that Snap is in compliance with 47 C.F.R. § 64.604.<sup>4</sup>

The instant report, which is filed pursuant to this Commission requirement, does the following:

- (1) incorporates by reference: (a) Snap's *VRS Application* for certification filed with the Commission on January 25, 2006, which explained in detail how Snap would comply with each of the applicable TRS/VRS rules; and (b) the annual compliance reports Snap filed with the Commission in 2007 and 2008 ("*Previous Annual Compliance Reports*");<sup>5</sup>
- (2) certifies that the statements of compliance made in its *VRS Application* and *Previous Annual Compliance Reports* are still true and accurate for Snap's operations;
- (3) describes Snap's compliance with new VRS requirements issued by the Commission since the filing of the foregoing compliance documents; and
- (4) attaches a declaration by Snap's President & Chief Executive Officer, Thomas W. Kielty, attesting to the truth and accuracy of the statements in this report.

With respect to the third item above, Snap:

- (1) provides detail on its compliance with the Commission's new 10-digit numbering rules,<sup>6</sup> and
- (2) provides detail on its compliance with the Commission's E911 requirements, including how it is complying with the new E911 rules contained in the 10-Digit Numbering Orders.<sup>7</sup>

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*Video Relay Service (VRS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, Public Notice Erratum, CG Docket No. 03-123 (rel. May 9, 2006).

<sup>4</sup> See *Snap Certification Order* n.10. See also 47 C.F.R. § 64.605(g) ("VRS and IP Relay providers certified under this section shall file with the Commission, on an annual basis, a report providing evidence that they are in compliance with § 64.604.').

<sup>5</sup> See Snap Telecommunications, Inc.'s Annual Compliance Report, CG Docket No. 03-123 (filed May 8, 2007); Snap Telecommunications, Inc.'s Annual Compliance Report, CG Docket No. 03-123 (filed May 8, 2008).

<sup>6</sup> See *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Report & Order & FNPRM, 223 FCC Rcd 11591 (2008) ("*First 10-Digit Numbering Order*"); *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Second Report & Order & Order on Reconsideration, 24 FCC Rcd 791 (2008) ("*Second 10-Digit Numbering Order*") (the two orders collectively, "*10-Digit Numbering Orders*").

<sup>7</sup> See generally *10-Digit Numbering Orders*.

Finally, Snap reiterates its commitment to ensure continued compliance with the applicable requirements of 47 C.F.R. § 64.604 going forward.

## **II. SNAP'S COMPLIANCE WITH THE COMMISSION'S MANDATORY MINIMUM STANDARDS FOR VRS PROVIDERS**

### **A. Snap Reiterates and Certifies its Prior Compliance Statements**

As noted, Snap's *VRS Application* explained in detail (particularly in Exhibit D) how Snap would comply with each of the mandatory minimum federal standards applicable to VRS providers. Snap has further explained how its operations are compliant with the mandatory minimum standards in its *Previous Annual Compliance Reports*.

In the years since its launch, Snap has delivered on its commitments to the Commission and relay consumers to provide competitive, high-quality, innovative, and functionally equivalent VRS offerings to thousands of deaf, hard of hearing, and speech-impaired individuals, while at the same time maintaining a fully interoperable network and a speed-of-answer response time that is well below the Commission's required threshold.

In preparing this report, Snap asked various key personnel to review the above filings for their continued accuracy in light of Snap's current operations. Based on these reviews, Snap hereby incorporates by reference its *VRS Application* and *Previous Annual Compliance Reports*, and certifies that the statements of compliance made therein are still true and accurate for Snap's current operations, as updated in a few ways by the discussion in the following section.

### **B. Snap's Compliance with New Commission Requirements for VRS Providers**

In its June 24, 2008 Order, the FCC adopted a system for assigning users of Internet-based TRS 10-digit telephone numbers linked to the North American Numbering Plan ("NANP"), and established a variety of new requirements related to emergency call handling.<sup>8</sup>

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<sup>8</sup> See generally *First 10-Digit Numbering Order*.

On December 19, 2008, the FCC issued an Order providing further detail about the new numbering system and its requirements.<sup>9</sup> Although the new 10-digit numbering rules will not be fully in effect until July 1, 2009 given that existing VRS users are permitted to continue using their “proxy” or “alias” numbers through June 30, 2009,<sup>10</sup> Snap describes below its progress in complying with these new rules.

### **1. Default Provider Registration and Consumer Outreach for 10-Digit Numbers**

The 10-digit numbering rules require every VRS provider to afford its users “the capability to register with that [provider] as a ‘default provider’ and provide or port for that user a [geographically-appropriate] NANP telephone number.”<sup>11</sup> Since December 31, 2008, providers have been required, prior to the initiation of service for an individual that has not previously utilized VRS, to register that new user, provide the user with a 10-digit number, and obtain the user’s registered location information.<sup>12</sup> Moreover, VRS providers must register and provide 10-digit numbers to all existing eligible VRS users by June 30, 2009.<sup>13</sup>

Snap is making great efforts to ensure that all of its existing Ojo users are aware of the need to register for and obtain 10-digit numbers, and has been diligently working to register those users. Snap has already registered and provided 10-digit numbers to thousands of Snap

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<sup>9</sup> See generally *Second 10-Digit Numbering Order*.

<sup>10</sup> See *id.* ¶¶ 21-23 (permitting existing VRS users to continue to use their “proxy” or “alias” numbers to place VRS calls until June 30, 2009; after June 30, 2009, all existing users must use 10-digit NANP numbers to place VRS calls). See also *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Petition to Extend Relay Registration Deadline, Docket No. 03-123 (filed Apr. 29, 2009) (“*Petition to Extend the 10-Digit Implementation Deadline*”) (requesting that the FCC extend the June 30, 2009 deadline for existing customer registration for 10-digit numbers due to continued customer confusion or unawareness of the new rules and certain technological issues that will not be resolved before the deadline).

<sup>11</sup> *First 10-Digit Numbering Order* ¶ 42.

<sup>12</sup> See *id.* at ¶ 44.

<sup>13</sup> See *Second 10-Digit Numbering Order* ¶¶ 21-23.

customers, and Snap's turnaround time for most requests has been 24 hours, unless a customer's location takes longer to certify as E911 serviceable. Snap is currently able to process as many as 400 default provider and 10-digit number registration requests per day.

During registration, Snap takes steps consistent with the 10-digit numbering rules to verify each user's address and to ensure that each user's address is E911 serviceable.<sup>14</sup> Snap also requires its registered users to self-certify on their Ojo application that they are deaf, hard of hearing, or speech impaired and therefore meet the requirements to receive a 10-digit number.<sup>15</sup>

In addition, Snap has fulfilled its requirement to include an advisory on its website and in its promotional materials alerting its users to the new rules and providing them with more information. Specifically, Snap's website advisory, which is provided in both English text and ASL video and is displayed prominently at the top of Snap's landing page, explains, among other things: (1) the process by which users may obtain 10-digit numbers; (2) the portability of 10-digit numbers; (3) the process by which users may submit and update their registered location information; and (4) the importance of maintaining accurate, up-to-date registered location information for E911 purposes.<sup>16</sup> Snap also obtains and keeps a record of an affirmative acknowledgment by every user assigned a 10-digit number confirming that he/she has received and understood this advisory.

Despite the foregoing efforts and progress by Snap, as recently explained to the Commission in its joint petition with other VRS providers, numerous consumers remain

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<sup>14</sup> See *id.* at ¶ 37.

<sup>15</sup> See *id.*

<sup>16</sup> See Snap!VRS, Register For Your New 10-Digit Number, at <https://www.snapvrs.com/10number/landing/> (last visited Apr. 29, 2009); Snap!VRS, 10-Digit Number FAQs, at <https://www.snapvrs.com/10number/landing/faq.php> (last visited May 7, 2009); Snap!VRS, Calls to Emergency Service Providers (911/E911), at <http://www.snapvrs.com/legal/911/> (last visited May 7, 2009). See also *First 10-Digit Number Order* ¶ 90.

uninformed or confused about various aspects of the new 10-digit numbering provisions.<sup>17</sup> Snap therefore fully endorses the joint petition's recommendations that the Commission (1) delay the June 30, 2009 deadline for consumer registration to obtain 10-digit numbers, and (2) implement the specific milestones described in the petition for accelerating a clear and effective transition for consumers.<sup>18</sup>

## 2. Geographically Appropriate Numbers and Porting Requests

The 10-digit numbering rules require that each VRS provider must, “[u]pon a user’s registration” with that provider, either facilitate the user’s request to port a number to the provider, or “[a]ssign that user a geographically appropriate North American Numbering Plan telephone number.”<sup>19</sup> As Sorenson noted in its recent *Petition for Declaratory Ruling or Limited Waiver*,<sup>20</sup> and as Snap and a host of other providers recently concurred in their joint *Petition to Extend the 10-Digit Implementation Deadline*,<sup>21</sup> VRS providers are currently unable to assign geographically appropriate numbers to all users. Because Snap, like most VRS providers, is not state-certified to have access to and supply NANP numbers, Snap must partner with a certified, competitive local exchange carrier (“CLEC”) to provide 10-digit numbers to its users. Like Sorenson and a number of other providers, Snap has partnered with Level 3 Communications (“Level 3”), a CLEC with the largest footprint in the nation, to provide 10-digit numbers to its registered users. Although Level 3’s footprint covers approximately 83% of the country, there

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<sup>17</sup> See *Petition to Extend the 10-Digit Implementation Deadline* ¶¶ 4-7.

<sup>18</sup> See *id.* ¶¶ 9-11.

<sup>19</sup> See 47 C.F.R. § 64.611(a)(1); *First 10-Digit Numbering Order*; *Second 10-Digit Numbering Order*.

<sup>20</sup> See *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Sorenson Petition for Declaratory Ruling or Limited Waiver of the Commission’s Rules, at 3-10 (Apr. 13, 2009).

<sup>21</sup> See *Petition to Extend the 10-Digit Implementation Deadline* ¶¶ 22-25 (agreeing with Sorenson that, because there are numerous geographic areas where VRS providers cannot currently obtain local 10-digit numbers, Snap, CSDVRS, Purple, Sprint Nextel, Viable, Communication Access Center, Hamilton, and AT&T all urge the Commission to resolve this matter prior to the 10-digit implementation deadline).

are some VRS users who live in locations that Level 3 does not serve, mostly in rural areas whose populations are covered only by small local phone companies. Therefore, Snap is currently unable to provide geographically appropriate numbers for these users.

In order to partner with carriers whose footprint would reach closer to 100% of the population,<sup>22</sup> Snap, like other VRS providers, would be required to enter into complex agreements with other CLECs, or with smaller LECs that operate in local rate centers around the country. Since Snap's business is very small relative to typical LEC customers, it is very difficult for Snap to enter into dozens of costly agreements with LECs that service different rate centers -- most of which charge fees in excess of \$10,000 a month -- to receive only a few 10-digit numbers per rate center.

Until a solution is found, in locations where there is no Level 3 coverage, Snap does its best to provide users with the next closest geographically appropriate number, which includes continuously working to reach agreements with smaller, local LECs. However, even if a cost-effective agreement can be reached with a local LEC, Snap would also have to pay for a physical connection to the LEC's network, which would be an extraordinarily high cost to support just a few customers, especially if the LEC is located in a remote, rural area. Therefore, Snap supports Sorenson's petition and urges the Commission to declare that VRS providers may provide geographically approximate numbers to their users in situations where they cannot provide a local number.

Moreover, consistent with the 10-digit numbering rules, Snap has the ability to facilitate a user's valid port request to or from another VRS provider.<sup>23</sup> Although the number of porting

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<sup>22</sup> Because certain states, like New Hampshire, make it extraordinarily difficult for local phone companies to provide 10-digit numbers to Snap and other VRS providers, neither Snap nor any other VRS provider will be able to supply geographically appropriate 10-digit numbers for all individuals as long as these difficulties remain.

<sup>23</sup> See *First 10-Digit Numbering Order* ¶¶ 34-35.

requests that Snap has received is very low, Snap has been working with Level 3 to complete the porting process for these requests. Snap has also included a detailed advisory regarding the porting process on its website,<sup>24</sup> and provides customers with a link to the FCC's Consumer Facts on Number Portability.

### 3. Emergency Call Handling

To ensure that providers can relay accurate information to the appropriate PSAP during an emergency call, the 10-digit numbering rules require providers to:

- obtain physical location information from each of their registered users prior to initiating service and allow users to update their registered location, including at least one updating option that requires use only of the customer's CPE;<sup>25</sup>
- transmit all 911 calls, as well as a callback number, the name of the relay provider, the CA's identification number, and the caller's registered location for each call to the appropriate PSAP;<sup>26</sup> and
- prioritize emergency calls, as well as callbacks from disconnected PSAPs, and maintain adequate staffing so that CAs are not required to disconnect non-emergency calls in order to process emergency calls.<sup>27</sup>

Except for the ability to automatically pass a CA's identification number to the PSAP and to prioritize callbacks from CAs -- both of which are currently technologically impossible for all VRS providers as discussed below -- Snap currently complies with the new E911 rules for all of its registered users.

As discussed above, Snap obtains physical location information from each of its registered users during the registration process, and verifies that each user's location is E911

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<sup>24</sup> See Snap!VRS, Important Information Regarding your VRS and IP Relay 10-Digit Telephone Number, at <https://www.snapvrs.com/10number/porting/> (last visited May 7, 2009).

<sup>25</sup> See *First 10-Digit Numbering Order* ¶¶ 79-81.

<sup>26</sup> See *id.* at ¶¶ 82-84.

<sup>27</sup> See *id.* at ¶¶ 85-86; *Second 10-Digit Numbering Order* ¶¶ 14-15.

serviceable.<sup>28</sup> Snap allows users to update their registered location information through their Snap online web-based accounts, by contacting Snap customer service representatives, or by calling Snap directly from their Ojos.

If a registered Snap Ojo user places a 911 call through Snap!VRS, the call automatically goes into a special queue that prioritizes that call over all other calls. Every Snap CA that is not already facilitating another relay call will hear their phone ring and will see a red “emergency” box appear on their computer screen, and whichever CA is able to pick up the call first will handle the call. Once the call is connected, Snap, through its 911 partner “911 Enable,” is able to automatically transfer the call, the callback number, the name of the relay provider, and the registered location information to the appropriate PSAP.<sup>29</sup> However, as Snap and representatives from a variety of VRS providers explained in a recent meeting with the FCC and in a subsequent

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<sup>28</sup> Snap is currently unable to facilitate 911 calls from individuals in Alaska and Hawaii because 911 Enable, Snap’s 911 partner, does not have 911 coverage in these states. However, in the *Second 10-Digit Numbering Order*, in response to a Sorenson petition requesting permission to route 911 calls to the administrative lines of PSAPs in certain cases, such as when a user’s registered location is in a geographic area not served by a Wireline E911 Network, the Commission clarified that the new emergency call handling rules “only apply to 911 calls placed by users whose registered location is in a geographic area served by a Wireline E911 Network and is available to the provider handling the call.” *Second 10-Digit Numbering Order* ¶ 26. Therefore, although 911 service in Alaska and Hawaii currently fits under the exception to the new 911 rules, Snap continues to work on a solution to this problem with 911 Enable, and in the interim, Snap is not issuing any Ojos or providing 10-digit numbers in those states. Moreover, if callers from Alaska or Hawaii dial around their default providers to make a 911 call through Snap, Snap is able to manually process the calls and route them to the appropriate PSAP, consistent with the requirements in the *Interim Emergency Call Handling Order*. See *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 23 FCC Rcd 5255 (2008) (“*Interim Emergency Call Handling Order*”).

<sup>29</sup> Since the 10-digit numbering rules have not gone into effect for all existing users and Snap therefore does not have registered location information or automatic number identification (“ANI”) for all incoming 911 calls, Snap continues to comply with the requirements in the *Interim Emergency Call Handling Order* by manually handling emergency calls from unregistered numbers and routing them to the appropriate PSAP. In addition, while Snap’s Ojo phones are capable of automatically routing 911 calls placed by registered users through the use of ANI, a number of other providers’ CPE are not currently able to pass ANI. Therefore, it will remain technologically impossible for Snap to automatically route 911 calls made from these devices until such a solution is implemented, and so any 911 calls received by Snap from users of such devices are also processed manually, consistent with the Commission’s existing 911 requirements. However, the Commission’s *Second 10-Digit Numbering Order* also addressed the issue of routing 911 calls to the administrative lines of PSAPs in situations where “a non-default provider is handling a 911 call but does not have access to the 911 caller’s registered location or other relevant information,” and concluded that the new rules “only apply to 911 calls placed by users whose registered location ... is available to the provider handling the call.” *Second 10-Digit Numbering Order* ¶ 26.

ex parte letter,<sup>30</sup> it is currently technologically impossible for providers to automatically transmit the CA's identification number to the PSAP through the automatic location information ("ALI") database. Therefore, until the situation is resolved, Snap continues to transmit CA identification numbers orally, which enables the PSAPs to obtain the information they need in a timely fashion.

Although Snap utilizes 911 Enable to facilitate emergency calls and automatically pass the required information to the PSAP consistent with the 10-digit numbering rules,<sup>31</sup> if for any reason 911 Enable's system fails, Snap has also created a backup system that routes the emergency call to a special help desk at 911 Enable so that Snap can manually process the call and ensure that the relevant information is passed to the PSAP.

In the *Second 10-Digit Numbering Order*, the FCC noted that providers "must ensure ... that callbacks from the emergency services personnel to the consumer via the consumer's ten-digit number are answered by the provider before non-emergency calls."<sup>32</sup> As Purple (formerly "GoAmerica") noted in its recent *Petition for Partial Reconsideration or Limited Waiver*,<sup>33</sup> current technological issues prevent the prioritization of PSAP callbacks:

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

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<sup>30</sup> See Letter from Gil Strobel, Lawler, Metzger, Milkman & Keeney, to Marlene H. Dortch, Secretary, Federal Communications Commission, CG Docket No. 03-123 (filed Apr. 30, 2009).

<sup>31</sup> See *First 10-Digit Numbering Order* ¶ 83 (noting that VRS providers may fulfill their E911 obligations by "interconnecting indirectly through a third party such as a competitive LEC, interconnecting directly with the Wireline E911 Network, or through any other solution that allows [a VRS] provider to offer E911 service").

<sup>32</sup> *Second 10-Digit Numbering Order* ¶ 15.

<sup>33</sup> See *In the Matter of Telecommunications Relay Services for Deaf and Hard of Hearing and Speech Disabled Persons*, CG Docket No. 03-123, GoAmerica Petition for Partial Reconsideration and Limited Waiver (Jan. 29, 2009).

frustrate the purpose of E911 to allow automatic reconnection of the call via the consumer's 10 digit local number.<sup>34</sup>

Snap agrees with Purple's assessment of the current inability of VRS providers, due to technical limitations, to recognize and prioritize callbacks from PSAPs. Snap therefore supports Purple's petition and concurs in its recommendation that the Commission should "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."<sup>35</sup>

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<sup>34</sup> *Id.* at 4.

<sup>35</sup> *See id.* at 5.

### III. CONCLUSION

Snap is firmly committed to remain in compliance with all applicable VRS mandatory minimum standards under 47 C.F.R. § 64.604 and to pursue an unwavering course of innovation and enhanced service offerings for the disability community.

Respectfully submitted,

/s/ Francis M. Buono

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May 8, 2009

**Declaration of Thomas W. Kielty**

I, Thomas W. Kielty, President & Chief Executive Officer of Snap Telecommunications, Inc. ("Snap"), with personal knowledge of the representations provided in the attached Annual Compliance Report ("Report") of Snap and pursuant to 47 C.F.R. § 1.16, declare under penalty of perjury that the statements in this Report are true and correct.



Thomas W. Kielty  
President & Chief Executive Officer  
Snap Telecommunications, Inc.

Date: May 8, 2009