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Via Electronic Filing

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

Re: *Ex Parte* Notice – CG Docket No. 03-123 & WC Docket No. 05-196

Dear Ms. Dortch:

In its December 19, 2008 order on numbering, the Commission responded to the urging of consumer groups and adopted a mandatory registration requirement for all users of Internet-based telecommunications relay services (“iTRS”).¹ Specifically, the Commission provided a three-month “registration period” followed by a three-month “permissive calling period,” which is scheduled to end on June 30, 2009.² Ultimately, the Commission decided that “[i]n order to ensure that Internet-based TRS users can realize the benefits of the numbering system . . . registration must be mandatory with a definitive cut-off date by which Internet-based TRS providers may not complete the non-emergency calls of unregistered users.”³ In reaching this decision, the FCC noted that “mandatory

¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123 & WC Docket No. 05-196, Second Report and Order and Order on Reconsideration, 24 FCC Rcd 791, ¶¶ 18-25 (2008) (FCC 08-275) (*December Order*).

² *December Order* ¶ 21. See also *id.* ¶ 19 (“The TDI Coalition recommends a six-month [registration] period”).

³ *December Order* ¶ 22 (citing consumer comments favoring a cut-off date.)

registration is critical to the effective handling of 911 calls” and would “facilitate the implementation of appropriate network security measures.”⁴

Once the Commission adopted the June 30th cut-off date, Sorenson made every effort to ensure that all users would be registered before the deadline. Sorenson redoubled its outreach efforts in order to educate users about the benefits of local numbers and the impending cut-off date. Sorenson also reached out to users of its videophones to ensure that they had local numbers. In addition, Sorenson quickly revised its proposed standard for allowing consumers to continue to use their videophones even after they port their numbers to a new provider.⁵ Sorenson updated its proposal to incorporate new requirements imposed by the *December Order* and circulated the revised proposal to the other video relay service (“VRS”) providers.⁶ Last, but not least, Sorenson worked to devise a solution to the Commission’s eleventh hour decision to forbid workarounds for users located in rate centers where no local number were available.⁷

Sorenson’s understanding was that the June 30th cut-off date was a hard deadline designed to spur providers and ensure that users registered as quickly as possible. Sorenson was disappointed that other VRS providers decided to file a petition seeking an extension of the registration deadline and chose not to join the effort.⁸ Regardless of how the Commission rules on the Petition, Sorenson plans to continue its diligence in registering VRS users and assigning them local numbers. Even after the expiration of the permissive calling period, Sorenson will continue its efforts to register users. It is Sorenson’s hope that other providers will match its efforts and not use a possible extension of the permissive calling period to ease their attempts to educate and register consumers. At a minimum, all providers will have to register unregistered users who seek to make non-emergency calls once the cut-off date has passed.⁹

⁴ *December Order* ¶ 22.

⁵ Sorenson circulated its original proposal on November 18, 2008, and filed a follow-up letter with the FCC in December. *See* letter from Ruth Milkman, Counsel for Sorenson, to Marlene H. Dortch, FCC Secretary, CG Docket No. 03-123 & WC Docket No. 05-196 (Dec. 18, 2008) (discussing the idea of expanding Sorenson’s proposed standard to accommodate 10-digit dialing for point-to-point calls).

⁶ *See* letter from Gil M. Strobel, Counsel for Sorenson, to Marlene H. Dortch, FCC Secretary, CG Docket No. 03-123 & WC Docket No. 05-196 (Feb. 13, 2009) (attaching a revised standard designed to accommodate the FCC’s new requirements).

⁷ *See* Sorenson’s Petition for Declaratory Ruling or Limited Waiver, CG Docket No. 03-123 & WC Docket No. 05-196 (Apr. 13, 2009).

⁸ *See* Petition to Extend Relay Registration Deadline, CG Docket No. 03-123 & WC Docket No. 05-196 (April 29, 2009) (“Petition”).

⁹ *December Order* ¶ 23.

Sorenson is concerned about the open-ended nature of the providers' petition, which seeks to extend the June deadline "indefinitely" until certain "milestones" are achieved.¹⁰ In particular, Sorenson fails to see why the permissive calling period should be extended pending the resolution of issues related to customer premises equipment ("CPE") associated with numbers that have been ported to a new default provider.¹¹ First, as noted above, Sorenson has a long-standing proposal for handling these situations. Sorenson's updated proposal was presented to a technical group representing the various iTRS providers in February. The proposal met with general acceptance, but many providers do not appear to have made this issue a priority and progress has been slow. Recently, after another vote of general acceptance favoring Sorenson's proposal, NeuStar suggested some modifications to the format of the proposal, but did not suggest any substantive changes.¹² Now it seems that providers are finally nearing a formal vote on the modified proposal. Second, most of the providers that seek an extension of the permissive calling period have also signed a petition asking the Commission to jettison the requirement that users be permitted to retain their CPE even after they port their number to a different provider.¹³ This has created an environment of uncertainty that has likely contributed to providers' lack of urgency in adopting a standard governing the treatment of CPE once the associated telephone number has been ported to new provider. Third, and most striking, is the fact that there is no requirement that users be provided CPE. On the contrary, the Commission has repeatedly declined to recognize the costs that providers incur to develop and distribute videophones as part of the rate-setting process. Thus, there is no reason to tie the permissive calling period to the resolution of issues related to CPE.¹⁴

¹⁰ Petition ¶ 30.

¹¹ *Id.* ¶ 29.

¹² Brian Rosen of NeuStar, Inc. emailed VRS providers on April 20, 2009, attaching "Relay Provider Interface V0.1 042009."

¹³ See Petition for Rulemaking on VRS Equipment Porting, CG Docket No. 03-123 & WC Docket No. 05-196 (April 14, 2009).

¹⁴ Other concerns raised by the petitioners could also be resolved without a blanket extension of the June 30th deadline. For example, although all providers face difficulties in assigning "geographically appropriate numbers" in certain areas, see Petition ¶¶ 24-25, the Commission can address these problems through more targeted relief. The Commission could, for example, provide a limited waiver covering users located in rate centers where local numbers are not available. Alternatively, the Commission could revise its requirements to allow providers to assign "geographically approximate numbers" or utilize various workarounds to serve users that cannot be assigned numbers from their local rate center. See Sorenson's Petition for Declaratory Ruling or Limited Waiver, *supra* note 7; see also *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123 & WC Docket No. 05-196, Report and Order

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Sorenson urges the Commission to continue to put pressure on providers to register as many users as possible as quickly as possible, regardless of what action the Commission take on the pending Petition. As the FCC has noted, such registration is critical to public safety.¹⁵

Pursuant to the Commission's rules, this letter is being submitted for inclusion in the public record of the above-referenced proceeding.

Sincerely,

/s/ Gil M. Strobel
Gil M. Strobel

cc: Catherine Seidel
Thomas Chandler
William Dever
Richard Hovey
Diane Mason

and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591, ¶ 41 (2008) (permitting iTRS providers to employ "suitable workarounds" where geographically appropriate numbers are not available).

¹⁵ *December Order* ¶ 22.