

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 Services)	WC Docket No. 05-196

To: The Commission

***REQUEST FOR CEASE AND DESIST ORDER OR OTHER ENFORCEMENT ACTION
TO COMPEL SORENSON COMMUNICATIONS, INC. COMPLIANCE WITH THE
INTEROPERABILITY ORDER***

CSDVRS, LLC, Purple Communications, Inc. and Snap Telecommunications, Inc. (hereinafter, "Petitioners"), pursuant to Section 312(b) of the Communications Act of 1934, as amended, request the Federal Communications Commission ("FCC" or "Commission") to issue a cease and desist order to compel Sorenson Communications, Inc. ("Sorenson") to comply with Title IV of the Americans with Disabilities Act ("ADA") as interpreted by the Commission's interoperability decision and other FCC rules,¹ and to take other appropriate enforcement action that will force Sorenson to come into compliance with these rules.

As Petitioners show herein, Sorenson has knowingly and willfully taken action to degrade its videophone equipment's ability to fully connect with the services and equipment of other providers. Sorenson's actions are plainly anti-competitive and, and among other things, present a serious risk to the ability of providers effectively to connect consumers to emergency

¹*Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling and Further Notice of Proposed Rulemaking, 21 FCC Rcd 5442 (2006).

services. The Commission should act expeditiously to require compliance on Sorenson's part and take such further action as is needed in response to Sorenson's intentional failure to comply with the Commission's mandates.

I. Sorenson is degrading service by not properly passing through Caller ID information when consumers use the services of other providers or call non-Sorenson video phones.

Sorenson VP100 and VP200 videophones do not populate ITU standard fields for communicating the Caller ID number of the device. As a consequence, when a Sorenson VP user utilizes the services of a relay provider other than Sorenson, that other relay provider is unable reliably to identify the caller and verify whether the caller is already registered. In addition, called parties from the Sorenson VP do not receive caller ID – even when making a VRS call through Sorenson² -- the lone exception being when there is a point-to-point call between two Sorenson VPs.

This problem has been confirmed by Petitioners' engineering teams. The essence of the problem is that Sorenson videophone devices do not populate the ITU industry standard H.323/H.225 setup message correctly with the Caller ID number.³ Instead of putting the Caller ID information in the appropriate section of the data messaging string, Sorenson places the information in sections that have been reserved for non-standard proprietary data. The consequence is that the Caller ID for the Sorenson videophone is hidden from non-Sorenson VP users and from other video relay service ("VRS") providers.

By hiding the Caller ID in proprietary data fields, Sorenson is restricting a consumer's unfettered access to the VRS service of other providers when the consumer attempts to use Sorenson video equipment with another provider's service or make a point-to-point call to a

² In that case, the Caller ID that is passed is that of the Sorenson call center.

³ See Exhibit A, Declaration of John Feagans.

consumer who does not also use a Sorenson video device. In this manner, Sorenson is providing degraded service quality to such customers, in plain violation of the Commission's 2006 Interoperability Order.

II. Impact of Sorenson's Actions.

Because Sorenson videophone users are not reliably identified when calling to other devices (point-to-point connections) or platforms (dial around to other relay providers), relay providers and other consumers are unable to receive the Caller ID of the calling party. This has serious ramifications for the ability of other relay providers to verify the registration of the relay user and handle emergency calls of those users automatically and expeditiously.

Without the acquisition of Caller ID, providers other than Sorenson cannot appropriately identify the caller and pass Caller ID information to emergency authorities. Thus, connections to and/or call backs from the appropriate Public Safety Answering Point ("PSAP") may be frustrated. Furthermore, Sorenson's practice of disguising the caller's identity could potentially cause another provider to inappropriately block the caller for non-emergency calls after the registration deadline goes into effect. At a minimum, the use of this non-standard protocol by Sorenson will inconvenience callers who will be forced to wait, while a Sorenson competitor – not able to verify their registration – will have to go through the unnecessary steps of re-educating them about the Commission's registration requirement.

Additionally, individuals who use non-Sorenson videophones and who receive calls from Sorenson users cannot see who is calling them because their non-Sorenson devices rely on standard industry protocol to receive Caller ID information – protocol that Sorenson is not using. The only information available to the party receiving the call will be the IP address of the caller,

not the 10-digit telephone number of the caller.⁴ This defeats one of the principal purposes of the FCC's numbering orders – to allow persons who are deaf and hard of hearing to be able to use 10-digit numbers to the same extent as the hearing public. It further demonstrates that Sorenson's failure to use the industry standard for passing along Caller ID information not only violates the Commission's interoperability mandates, but also more generally impedes the ability of relay consumers to enjoy telephone features that are functionally equivalent to conventional voice telephone services, in violation of the ADA.

By contrast, when a consumer is calling between two Sorenson videophones, the Caller ID information is passed through and displayed on the screen of the called party. It is important to note that when this same information is not available to consumers using a non-Sorenson video device, consumers become confused and assume that their other devices are not working properly.

III. Sorenson's actions are willful.

Petitioners believe Sorenson's actions as described in this Request are willful acts to hide critical information from being usable by other devices and providers. Rather than pass along the Caller ID information consistent with clearly defined industry standards, Sorenson instead elects to hide the information in a different location in a portion of the H.323 signaling data that is reserved for proprietary and non-standard data, with the apparent intent of having only Sorenson devices receive the Caller ID information. In doing so, Sorenson places the information in sections designed to degrade the connection and information exchanged between Sorenson's devices and other equipment.

⁴ In the case of a call through Sorenson to the PSTN, the Caller ID number passed to the called party is the Sorenson call center number not the caller's local 10 digit number.

Petitioners have good reason to believe that Sorenson is fully aware of this issue. During various technical industry calls that have taken place over the past several months, VRS providers have made inquiries to Sorenson about whether it is following the industry standard for passing Caller ID information. Consistently, these inquiries have been ignored; moreover when this matter is brought up, the topic seems to be changed immediately.

In addition, Sorenson has not responded to repeated e-mails that have been sent by other companies in their attempt to better understand the reason for Sorenson's failure to use the appropriate industry protocol. For example, on May 11, 2009, George Sutcliffe, Purple Vice President for Product Strategy, sent an e-mail to Sorenson Chief Technical Officer Joe Romriel, in which Mr. Sutcliffe wrote,

I'm hoping you can help me out, we currently are not getting the caller ID # from callers using VP200's. I'm not sure but I think the same is true for VP100's. I'm not sure if we're just not looking for the right field to find the local number caller ID or what is going on. I've heard similar experiences from other providers as well. Can you point us to the right h.323 field that contains the users [sic] caller id (local number)?⁵

There was no response to this request, made one month ago.

Likewise, on June 2, 2009, SNAP VRS General Counsel Jeff Rosen, e-mailed Sorenson's communications counsel and Michael Maddox, Sorenson's VRS Product Manager, in which Mr. Rosen stated:

It has been Snap's experience that the VP200 is not populating the Caller ID information on our Ojo videophones. What we have been told by several other providers is that they too are observing with their video equipment that the VP200 does not populate the ITU industry standard H.323/H.225 setup message correctly with the Caller ID number. I have been told by their engineers that Sorenson is putting the caller id information in another section of the data string, and is found in the section reserved for Non-Standard proprietary data.

Its my understanding that during the Industry Technical Group meeting last

⁵ See Exhibit B.

Monday this issue was raised with Joe Romriell. While Joe indicated awareness that the VP200s are not populating the standard H.323 fields, he did not offer that Sorenson was addressing the issue.

Without question, this is an interoperability deficiency of the VP200s. Snap invested a huge amount of money and resources to make its Ojos interoperable with Sorenson's devices, as other providers have done with their own devices. We expect Sorenson to apply the same diligence and resolution in making its own devices interoperable with existing devices.

I'm writing to you about this issue as part of Sorenson and Snap's long standing interest in collaborating on issues rather than seeking outside intervention. I should make clear that, given the ten digit numbering implementation requirements, time is of the essence in this matter. I look forward to your prompt reply.⁶

Sorenson responded to Mr. Rosen's e-mail by noting that the proposed Relay Provider Interface for the porting of video equipment, which Sorenson circulated in 2008, offers a means to solve the caller ID issue. It is true that Sorenson identified the telecommunications industry protocol for handling Caller ID in section 6.1 of the interface proposal; indeed, this evidences Sorenson's awareness of this industry protocol. However, although adoption of that proposed interface would remedy Sorenson's non-compliance, industry discussions concerning this interface are at a standstill, pending further guidance from the FCC. However, there is no basis for Sorenson to delay compliance with passing Caller ID information pending the adoption of that or any other interface. The two issues have no relationship.

IV. Sorenson's practice violates the ADA and implementing Commission rules.

Title IV of the ADA was enacted to ensure that deaf and hard of hearing persons have access to the nation's telecommunication network. To this end, Title IV specifically requires these individuals to be able to "engage in communication by wire or radio...in a manner that is

⁶ See Exhibit B.

functionally equivalent to the ability” of a person who is not deaf or hard of hearing.⁷ Since passage of the ADA, the Commission repeatedly and emphatically has recognized the critical importance of functional equivalency through the promulgation of detailed mandatory minimum standards for telecommunications relay service providers. One such standard explicitly requires that relay providers be able to pass through Caller ID to the extent that it can transmit any calling party identifying information to the public network.⁸

With respect to point-to-point calls, the Commission has recognized that such calls “constitute an important form of communication for many VRS users” and accordingly has stated that any loss of “basic functionality” in the transmittal of such calls is “simply not acceptable.”⁹ Sorenson’s willful refusal to transmit caller ID in the case of point-to-point calls from Sorenson videophones to other providers’ videophones constitutes a loss of basic functionality. Indeed, it is because of the importance of transmitting caller ID that Commission rules require relay providers to transmit caller ID to the extent possible to hearing called parties (i.e., when using relay). FCC Rule Sec. 64.604(b)(6). There is no justification for Sorenson not to transmit caller ID to deaf or hard-of-hearing called parties and any called parties for that respect, especially where, as here, it is clear that Sorenson is capable of transmitting such information but simply refuses to do so.

The Commission’s Interoperability Order explained that its prohibition against blocking consumers from using alternative VRS providers with Sorenson video devices includes a prohibition against taking “other steps that restrict a consumer’s unfettered access to other providers’ service.” This includes the practice of providing degraded service quality to

⁷ 47 U.S.C. §225(a)(3).

⁸ 47 C.F.R. §64.604(b)(6).

⁹ *Telecommunications Relay Services*, FCC 08-275, ¶65 (December 19, 2008).

consumers using VRS equipment or service with another provider's service, such as denying the pass through of Caller ID information.¹⁰ In the Interoperability Order, the Commission further concluded that a "provider's practice of ... providing degraded service quality for connections to the service of other VRS providers – is inconsistent with the functional equivalency mandate, the public interest, and the TRS regime as intended by Congress."¹¹ Sorenson's apparent unwillingness to pass Caller ID information to equipment and services offered by its competitors could not present a clearer violation of these principles.

The Commission is also aware, as expressed in numerous orders on VRS over the past several years, of the critical importance of ensuring the availability of emergency services to relay users. In adopting its interim emergency access obligations for IP-based relay providers in 2005, for example, the Commission affirmed its "obligation to promote 'safety of life and property' and to 'encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure' for public safety."¹² At other times as well, the FCC has been unequivocal in its directive for all providers to "make relay calls to 911 'functionally equivalent to a direct call to 911.'¹³ That VRS interoperability is critical to ensuring full and equal emergency access was firmly established in the FCC's interoperability ruling, where the Commission explained that because all relay consumers "must be able to contact promptly emergency services, ... restricting consumers to contacting a single VRS

¹⁰ Interoperability Order, at ¶34, 21 FCC Rcd at 5456.

¹¹ Interoperability Order, at ¶29, 21 FCC Rcd at 5454.

¹² IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers, First Report and Order and Notice of Proposed Rulemaking, WC Dkt. Nos. 04-36; 05-196, FCC 05-116 (June 3, 2005) at ¶4, citing 47 U.S.C. §151; Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 114 Stat. 1286, §2(b) (1999).

¹³ Interoperability Order, at ¶8, citing Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd at 5183, ¶¶ 99-100.

provider is inconsistent with the public interest.”¹⁴ In that order, the Commission went on to explain the need for full interoperability to prevent the consumer from “suffer[ing] serious harm.” It concluded that “[i]n the event of an emergency or an event that might temporarily affect a particular provider’s ability to offer service, consumers must be able to call any CA to reach emergency services. Particularly in the aftermath of September 11, 2001, and recent hurricanes in the Gulf Coast, we find that it is essential to ensure that VRS consumers are not dependent on services of a single provider in the event of an emergency.”¹⁵

The failure of Sorenson to pass through Caller ID information violates this obligation to ensure such emergency access. Without such information, the provider cannot reliably identify the caller upfront as soon as the call comes in, and therefore, has less information to pass along to the PSAP to allow the PSAP personnel to return the call, if necessary.¹⁶ Most important is that when caller ID information is passed through by a VRS provider, it can be conveyed automatically to the PSAP, even when some additional information about the caller may be passed along manually by the video interpreter. This is essential to ensuring the proper handling of the emergency call.

¹⁴ Interoperability Order, at ¶35.

¹⁵ Id. at ¶¶35-36 (footnotes omitted).

¹⁶ Reverse look-up, which will go into effect some time after August, 2009, may offer another way to obtain information about callers, but this is not as reliable a method for automatically receiving and conveying caller information to emergency services as Caller ID. First, in certain settings, such as apartment buildings or other multiple dwellings, there may be multiple physical addresses sharing a single router that is represented by a single IP address in the database. Not having the Caller ID from the specific device that made the emergency call, in these instances, could seriously impede the ability of a provider to convey accurate information to a PSAP about the caller’s number and location. Second, there may be some lag time between the time that a user registers a device with a provider and the time that the provider enters the caller’s information into the central numbering database, during which time the provider will have no way of knowing who or where the call is coming from. In both of these cases, Caller ID can provide immediate information about the caller that can quickly and efficiently be passed along to the PSAP.

V. The Commission should immediately order Sorenson to cease and desist.

The Commission should move expeditiously to issue an order that immediately forces Sorenson (1) to cease and desist Sorenson's unlawful actions, and (2) to modify the video devices that Sorenson distributes to people who are deaf and hard of hearing so that these devices properly utilize the industry standard for passing through Caller ID information (both for sending and receiving caller ID information).

The Commission should also take appropriate enforcement action against Sorenson for its willful violation of the ADA and the Commission rules, consistent with the warnings set forth in the Interoperability Order. Sorenson's actions appear motivated by competitive concerns designed to limit the ability of other providers to compete against it by degrading service to persons using other providers or equipment supplied by other providers. In addition, Sorenson's actions impede the ability of relay consumers to use relay services that are functionally equivalent to voice telephone services. Such actions should not be tolerated.

The health and well being of customers to make calls to emergency services depends on the Commission's ability to move forward with all due speed to force Sorenson to come into compliance with the FCC's interoperability mandate and the Commission's other mandatory minimum relay standards.

Respectfully submitted,

PURPLE COMMUNICATIONS, INC.

By: _____/s/_____

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June 15, 2009

DECLARATION OF JOHN FEAGANS

John Feagans, under penalty of perjury deposes and states as follows:

My name is John Feagans. I am employed as a senior software engineer by Purple Communications, Inc. I have been asked to examine the treatment of Caller ID information by a Sorenson VP200. That information is presented below.

In summary, my examination showed that Sorenson uses a non-standard field to convey Caller ID rather than in the industry standard field.

Non standard data is defined in the H.225 ITU recommendation, specifically, Paragraph 7.16 "Non-standard message," as carrying information not defined in the recommendation, for example, proprietary data. H.225 describes where non-standard proprietary data should be located.

To conduct my analysis, I employed an open source software product called Wireshark, which is a protocol analyzer. It runs on a PC, and captures all internet packets on an interface. I used it to analyze the data stream from a Sorenson VP200. I plugged Wireshark into a wide area network hub with a PC and a Purple MVP into that hub. Wireshark uses this "party line" to listen in on traffic. Sorensen equipment was then attached to the WAN at other points. I started Wireshark and placed a call from the VP200 using a ten digit number to the MVP, a point to point call. The MVP did not show the 10 digit number of the VP200. We examined the trace for the H.225 call setup. It showed that the VP200 Caller ID was in a non-standard field and that Caller ID was not in the standard H323 field.

The above information is true and correct to the best of my knowledge, information and belief.



John Feagans

Dated: June 12, 2009

Exhibit B

From: Jeff Rosen
Sent: Tue 6/2/2009 9:32 PM
To: GKeeney@lmmk.com; MMaddix@sorenson.com
Subject: VP200

Gina and Mike -

It has been Snap's experience that the VP200 is not populating the Caller ID information on our Ojo videophones. What we have been told by several other providers is that they too are observing with their video equipment that the VP200 does not populate the ITU industry standard H.323/H.225 setup message correctly with the Caller ID number. I have been told by their engineers that Sorenson is putting the caller id information in another section of the data string, and is found in the section reserved for Non-Standard proprietary data.

Its my understanding that during the Industry Technical Group meeting last Monday this issue was raised with Joe Romriell. While Joe indicated awareness that the VP200s are not populating the standard H.323 fields, he did not offer that Sorenson was addressing the issue.

Without question, this is an interoperability deficiency of the VP200s. Snap invested a huge amount of money and resources to make its Ojos interoperable with Sorenson's devices, as other providers have done with their own devices. We expect Sorenson to apply the same diligence and resolution in making its own devices interoperable with existing devices.

I'm writing to you about this issue as part of Sorenson and Snap's long standing interest in collaborating on issues rather than seeking outside intervention. I should make clear that, given the ten digit numbering implementation requirements, time is of the essence in this matter. I look forward to your prompt reply.

-Jeff

From: George Sutcliffe
Sent: Monday, May 11, 2009 9:16 AM
To: 'Joe@sorenson.com'
Subject: caller ID

Joe,

I'm hoping you can help me out, we currently are not getting the caller ID # from callers using VP200's. I'm not sure but I think the same is true for VP100's.

I'm not sure if we're just not looking for the right field to find the local number caller ID or what is going on. I've heard similar experiences from other providers as well.

Can you point us to the right h.323 field that contains the users caller id (local number)?

Thanks.

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