

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

In the Matter of)	
)	
Telecommunications Relay Services and)	
Speech-to-Speech Services for)	CG Docket No. 03-123
Individuals with Hearing and Speech)	
Disabilities)	
)	
E911 Requirements for IP Enabled Services)	WC Docket No. 05-196

RESPONSE OF SORENSON COMMUNICATIONS, INC.

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Sorenson Communications, Inc. (“Sorenson”) submits the following response to the Request for Cease & Desist Order (“Request”) filed by CSDVRS, Purple and Snap (collectively, “the Rival Providers”) in which the Rival Providers ask the Commission to “immediately force[]” Sorenson to modify its devices to meet the Rival Providers’ needs.¹ As explained below, the Commission should reject the Rival Providers’ Request and urge the Rival Providers to work with Sorenson to adopt an industry standard to resolve the issues raised by the Request, along with other issues arising out of the FCC’s recent numbering orders.

I. INTRODUCTION AND BACKGROUND

Sorenson has long been committed to bringing innovative, high-quality service to its users. This commitment has led Sorenson to become the leading provider of video relay service (“VRS”) in the United States today. The VRS industry is extremely competitive and Sorenson

¹ Request for Cease and Desist Order or Other Enforcement Action of CSDVRS, LLC, Purple Communications, Inc. and Snap Telecommunications, Inc., CG Docket No. 03-123 and WC Docket No. 05-196, at 10 (filed June 16, 2009) (“Request”). The Commission’s rules do not appear to contemplate filings such as the Request. Given the lack of specific procedural rules governing such a filing, Sorenson is submitting this response ten days after the Request was filed with the Commission in accordance with 47 CFR § 1.45(b).

knows that users can choose from a wide variety of providers to meet their communications needs. As a result, Sorenson constantly strives to provide users the best possible service. Sorenson pioneered the use of new technology to bridge the persistent gap between the communications services available to the hearing and those available to the deaf. For example, Sorenson developed and distributed the VP-100, the first videophone designed specifically to meet the needs of VRS users. Sorenson then invested significant time and money to develop the VP-200, with improved video quality and several new and enhanced features.

As part of its ongoing effort to attract and retain VRS users, Sorenson has developed a number of value-added features that enhance users' experience. One of these value-added features is a technology that passes the number associated with a caller's videophone to the called party on calls between two Sorenson videophones. Sorenson began providing this functionality several years ago, before the FCC adopted a system for assigning 10-digit North American Numbering Plan ("NANP") numbers to VRS and IP Relay users.² Given that VRS users did not have access to NANP numbers at the time, Sorenson designed its service to allow callers to transmit their proxy numbers when placing non-relay point-to-point calls to other Sorenson users.

Because VRS users did not have access to NANP numbers, the calling party information passed by Sorenson videophones would have been meaningless to anyone not on the Sorenson network. Therefore, it did not make sense to pass users' proxy numbers in the field used for passing Caller ID under the H.323 protocol. Instead, Sorenson developed an alternative method

² See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Report and Order, CG Docket No. 03-123 and WC Docket No. 05-196, 23 FCC Rcd 11591 (rel. June 24, 2008) ("*June Numbering Order*").

for passing the calling party's information to avoid the confusion of passing proxy numbers to non-Sorenson users.

Once the FCC adopted a system for assigning NANP numbers to VRS users – and for users to port those numbers to and from other providers³ – Sorenson quickly developed a standard for making sure that other providers could interact with Sorenson's videophones in the event a user ported a number to a non-Sorenson provider.⁴ As part of this standard, Sorenson included a mechanism for providers to share calling party information. Other providers have been reluctant to adopt, or even discuss, Sorenson's proposed standard, however, apparently hoping that the FCC will stop requiring them to support Sorenson's equipment after users port their numbers.⁵

Instead of working with Sorenson on an industry standard, the Rival Providers chose to file the instant "Request" that, in effect, asks the FCC to compel Sorenson to discard its proposed standard. Now that the Rival Providers finally have decided to start transmitting calling party information, they want the Commission to compel Sorenson to change its method of passing

³ See *id.* ¶¶ 60-63.

⁴ See Letter from Ruth Milkman, Counsel for Sorenson Communications, Inc., to Marlene Dortch, FCC Secretary, CG Docket No. 03-123 and WC Docket No. 05-196 (filed Dec. 18, 2008) (discussing the proposed standard that Sorenson circulated on November 18, 2008) ("Milkman Letter"); see also Letter from Gil M. Strobel, Counsel for Sorenson Communications, Inc., to Marlene Dortch, FCC Secretary, CG Docket No. 03-123 and WC Docket No. 05-196 (filed Feb. 13, 2009) (discussing revisions to the November 18, 2008 proposal) ("Strobel Letter").

⁵ See Petition for Rulemaking on VRS Equipment Porting of CSDVRS, LLC, Snap Telecommunications, Inc., Sprint-Nextel and Viable, Inc., CG Docket No. 03-123 and WC Docket No. 05-196, at 5 (filed April 14, 2009) ("CPE Petition").

calling party data in order to suit the Rival Providers' preferred method for accepting such information.⁶

The Commission should summarily reject the Rival Providers' "Request." As explained below,

- Sorenson fully complies with the FCC's rules governing Caller ID;
- Sorenson has proposed a standard that would allow providers to share calling party information;
- Sorenson's method for passing calling party information is consistent with the Commission's interoperability requirements; and
- Caller ID has no impact on emergency calls.

Finally, Sorenson welcomes the Rival Providers' call for uniform standards and urges the Rival Providers to seize this opportunity to work with Sorenson on adopting an industry standard to resolve the issues raised by the Request, along with other issues arising out of the FCC's recent numbering orders.

II. DISCUSSION

A. Sorenson Complies with All Relevant Rules Governing Caller ID

The FCC's rules (cited by the petitioners) require that "[w]hen a TRS facility is able to transmit any calling party identifying information to the public network, the TRS facility must pass through, to the called party, at least one of the following: the number of the TRS facility, 711, or the 10-digit number of the calling party."⁷ Sorenson fully complies with this requirement

⁶ In an attempt to justify their unreasonable "Request," the Rival Providers have tried to recast in a sinister light Sorenson's good faith, pioneering efforts to benefit VRS users. For example, the Rival Providers suggest that Sorenson has tried to "hide" calling party information from other providers. This claim ignores the fact that Sorenson has been advocating for an industry standard that would resolve this issue, but that Sorenson's efforts have been rebuffed by its competitors, including the Rival Providers.

⁷ 47 C.F.R. § 64.604(b)(6).

by ensuring that on every VRS call handled by Sorenson, the company passes through to the called party the number of Sorenson's VRS facility.

Moreover, the Rival Providers are not dependent on Sorenson to meet their own Caller ID obligations. They could satisfy the FCC's requirements by passing "711" or the number of the provider's TRS facility.⁸ They could also develop a process for obtaining the caller's 10-digit number and passing that information to the called party.

Providers may choose to develop methods for transmitting callers' 10-digit numbers – either through customer premises equipment ("CPE") or through alternative methods – as an added benefit to their users, but there is no requirement to do so. A provider that chooses to offer such a service may do so through an existing protocol, such as H.323, or develop its own system for transmitting the calling party's number.⁹

As noted above, when Sorenson first began passing calling party information, it opted to use a proprietary approach instead of utilizing the H.323 field in order to avoid the confusion that would arise if non-Sorenson users received a caller's proxy number as part of the Caller ID data. Using an alternative method for passing calling party information also allowed Sorenson to engineer a more robust service that captured additional information about the calling party (*e.g.*,

⁸ "TRS facility" clearly refers to a provider's call center, not the end-user's equipment. *See, e.g.*, 47 C.F.R. § 64.604(b)(2) (discussing "TRS facility staffing.")

⁹ Although most videophones distributed by VRS providers are compatible with H.323, H.323 has never been adopted as the industry standard for videophones. Indeed, Snap recently reported to the FCC that the videophone it distributes, the Ojo, uses Session Initiation Protocol ("SIP"). Snap claims that SIP is more efficient than the H.323 protocol, and that SIP has been "adopted by all other VRS providers that make videophones available to customers . . ." Comments of Snap Telecommunications, Inc., CG Docket No. 03-123, at 2 (filed June 15, 2009). In addition, formally adopting H.323 as a standard for the VRS industry would create potential problems and inefficiencies. For example, the H.323 protocol requires devices to open an audio channel as part of a call. VRS callers have no need for an audio channel, however, and providers can increase the bandwidth available for transmitting video by departing from the H.323 protocol and declining to open an audio channel.

name, Media Access Control address). Sorenson's decision to use a proprietary field instead of the H.323 field was made for sound engineering reasons and was intended to minimize confusion while also providing Sorenson's users with the best possible service.¹⁰

B. Sorenson Has Proposed a Standard that Would Allow Providers to Share Calling Party Information

Sorenson has drafted and circulated a proposal that would allow providers to share a calling party's 10-digit number voluntarily, notwithstanding that providers have no obligation to transmit such information to the called party. Sorenson first circulated a proposed industry standard in November 2008.¹¹ The company then circulated an updated standard in to accommodate new requirements imposed by the FCC.¹² Sorenson invested significant resources first to develop its proposed standard and then to revise the standard in response to the *December Numbering Order*.¹³ Over the past six months, Sorenson has also participated in approximately twenty meetings and calls with other providers to discuss its proposal and work toward a uniform industry standard. As the Rival Providers note, however, discussions regarding the proposed standard are now "at a standstill."¹⁴ The lack of progress on an industry standard is directly attributable to other providers who apparently hold out hope that the FCC will change its existing

¹⁰ The Rival Providers claim that Sorenson is hiding Caller ID data or has "willfully taken action to degrade" service quality. Request at 1; *see also, id.* at 2. These claims are belied by the fact that Sorenson's Caller ID solution predates both the advent of interoperability and the adoption of a system for assigning NANP numbers to VRS users.

¹¹ *See, e.g.,* Milkman Letter.

¹² *See* Strobel Letter.

¹³ *See 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, CC Docket No. 98-67, and WC Docket No. 05-196, FCC 08-275, 46 Comm. Reg. (P & F) 1135, ¶ 65 (rel. Dec. 19, 2008) ("*December Numbering Order*").

¹⁴ Request at 6.

rules governing the obligations of default and former default providers.¹⁵ For the past several weeks, the only parties to participate in the regularly-scheduled calls to discuss the proposed standard have been Sorenson, Purple and NeuStar. The fact that Sorenson is the only provider actively pursuing a solution that would allow all VRS providers to share calling party information should put to rest any concerns that Sorenson is attempting to withhold Caller ID data from other providers.

C. Sorenson’s Method for Passing Calling Party Information Is Consistent with the *Interoperability Ruling*

The Commission’s *Interoperability Ruling* has no bearing on Sorenson’s decision not to rely on the H.323 protocol in developing its solution for transmitting calling party information.¹⁶ As an initial matter, it is difficult to understand how Sorenson can be accused of “degrading” calls when, as the Rival Providers note, Sorenson does not transmit the calling party’s 10-digit number “even when [a user] mak[es] a VRS call through Sorenson.”¹⁷ Sorenson is consistent in its treatment of Sorenson and non-Sorenson VRS calls. The Rival Providers are not really asking the FCC to enforce the *Interoperability Ruling*.¹⁸ Rather, they are asking the FCC to compel Sorenson to offer the Rival Providers service enhanced beyond what Sorenson offers its own

¹⁵ See, e.g., CPE Petition at 5. This is at least the fourth attempt to have the FCC alter these requirements. See *id.* at 2-3 (describing previous attempts to have the FCC reconsider, waive and/or revise its porting rules). Ironically, the very providers who pushed the Commission to adopt its requirements governing former default providers are now urging the FCC to reconsider these requirements and using their unwillingness to move forward under the existing rules as a reason to force Sorenson to change the way it manages its devices.

¹⁶ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, 21 FCC Rcd 5442 (rel. May 9, 2006). (“*Interoperability Ruling*”).

¹⁷ Request at 2.

¹⁸ See *id.* at 8.

users. Clearly, the *Interoperability Ruling* does not require Sorenson to provide its competitors with features that Sorenson does not provide with its own service.

To the extent that the Rival Providers' claims are based on an argument that Sorenson must facilitate their ability to transmit Caller ID on point-to-point calls, their reliance on the *Interoperability Ruling* is even more misguided.¹⁹ The *Interoperability Ruling* applies only to VRS calls. By definition, point-to-point calls are not VRS calls. Thus, for example, point-to-point calls are not subject to the mandatory minimums governing the provision of VRS.²⁰ In fact, it is unclear whether the Americans with Disabilities Act ("ADA") gives the FCC the authority to regulate such calls, much less the authority to regulate the CPE used to place such calls.²¹

In addition, Caller ID is not a "basic functionality," as the Rival Providers would have the Commission believe. Rather, it is an "enhanced feature," similar to missed call lists and speed-dial lists.²² The FCC has already concluded that these types of enhanced features do not need to be provided when a caller uses one provider's CPE with another provider's service.²³ As the

¹⁹ See, e.g., *id.* at 7.

²⁰ As noted above, the Commission's rules do not require providers to transmit the calling party's number even as part of a VRS call, much less as part of a point-to-point call.

²¹ Cf. Comments on and Counterpetition for Rulemaking on VRS Equipment Porting of Purple Communications Inc., CG Docket No. 03-123 and WC Docket No. 05-196, at 7 n. 10 (filed May 13, 2009) (noting the inconsistent manner in which the FCC deals with CPE, refusing to compensate providers for furnishing equipment but imposing onerous rules related to the provision and use of such equipment).

²² Unlike speed dial, however, the transmission of an end user's 10-digit number is not required by the FCC's rules. Compare 47 C.F.R. § 64.604(a)(3)(vi) (requiring TRS providers to provide speed dialing functionality) with 47 C.F.R. § 64.604(b)(6).

²³ See *December Numbering Order*, CG Docket No. 03-123, CC Docket No. 98-67, and WC Docket No. 05-196, FCC 08-275, 46 Comm. Reg. (P & F) 1135, ¶ 63 (rel. Dec. 19, 2008).

FCC correctly noted, allowing providers to offer such features on a competitive basis encourages innovation and competition.²⁴

The Rival Providers' attempt to invoke "functional equivalency" only serves to further undermine their position.²⁵ The functional equivalency mandate of the ADA applies only to relay calls, not to point-to-point calls.²⁶ Thus, neither the *Interoperability Ruling* nor the FCC's Caller ID requirements apply to such calls.

D. Caller ID Has No Impact on Emergency Calls or on Registration Requirements

Lacking compelling legal arguments, the Rival Providers resort to claims that Caller ID is somehow relevant to the provision of 911 service. The FCC should reject this baseless and transparent ploy. As the Commission well knows, its rules governing the handling of VRS 911 calls do not depend on Caller ID information in any way. The Commission's rules require default providers to obtain and maintain a user's up-to-date Registered Location and pass that information, along with other relevant data, to the Public Safety Answering Point ("PSAP") through the ALI database.²⁷ Providers and PSAPs rely on pre-provisioned information when handling calls from registered users.²⁸ On calls involving non-registered users, or users who

²⁴ *See id.* Offering proprietary services and features is an important element in any industry, including VRS. If there were no differences between VRS providers' offerings, there would be no need to have more than one VRS provider. Competition results in innovation and better products and services that give consumers a basis from which to make real choices. Since its inception, Sorenson has invested in the research and development needed to create features and services that differentiate it from its competitors in the hopes that its innovations would attract new users.

²⁵ Request at 6-7.

²⁶ 47 U.S.C. § 225(a)(3).

²⁷ 47 C.F.R. §§ 64.605, 64.611.

²⁸ If the Rival Providers are truly concerned about ensuring that 911 calls are handled properly, they should put more effort into registering users rather than into trying to game the regulatory system to harm Sorenson. Not only did the Rival Providers all join the petition seeking an

have registered with another default provider, VRS providers are obligated to confirm independently the caller's name and location information. Under no circumstances should a provider or PSAP rely on unverified Caller ID information when handling an emergency call.²⁹

III. CONCLUSION

For all the reasons stated above, the Commission should deny the Rival Providers' Request. Instead, the Commission should urge all VRS providers to renew their efforts to adopt an industry standard governing Caller ID and other issues related to ten-digit numbering.

Respectfully submitted,

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indefinite extension of the permissive dialing period, thereby delaying the registration of many users, at least one of the providers also submitted data revealing that it has made only minimal progress towards registering users and obtaining the information needed to ensure the effective handling of 911 calls. *See* Letter from William Banks, General Counsel for CSDVRS, to Thomas Chandler, FCC Consumer Governmental Affairs Bureau, CG Docket No. 03-123 (filed June 11, 2009) (stating that under 38% of VRS calls handled by CSDVRS originated from a videophone with a local number).

²⁹ Once the permissive calling period ends, providers will be required to verify that users making dial-around calls have registered with a default provider. This obligation should be met using the reverse lookup feature which is being implemented by NeuStar and which should be available before the extended permissive calling period ends in November.