

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 Disabilities      | ) | CG Docket No. 03-123 |
|                                           | ) |                      |
| E911 Requirements for IP Enabled Services | ) | WC Docket No. 05-196 |

To: The Commission

***REPLY TO SORENSON'S OPPOSITION TO REQUEST FOR ISSUANCE  
OF CEASE AND DESIST ORDER***

Purple Communications, Inc. ("Purple"), pursuant to FCC Rule Section 1.45(b) replies to Sorenson's June 26, 2009 pleading opposing the request for issuance of a cease and desist order ("Request") filed by Purple, CSDVRS, LLC and Snap Telecommunications, Inc. ("Petitioners") As shown below, Sorenson does not deny the essential allegations of the Request. Rather, Sorenson relies on misdirection and obfuscation to argue it is not required to do what the Commission plainly requires. The Commission should take immediate action to require Sorenson to comply with the rules.

The Request filed by Petitioners was simple. It alleged that Sorenson refuses to transmit Caller ID in a way that can be used by most persons receiving a call from a Sorenson videophone. The request explained that Sorenson transmits Caller ID in a field reserved for proprietary non-standard information. As a result the only time Caller ID may be read by a person who is called from a Sorenson video device is when that person also has a Sorenson video device. Calls by a Sorenson videophone user to the Public

Switched Telephone Network (“PSTN”) result in the caller receiving the Caller ID of the Sorenson VRS call center rather than the 10 digit number of the caller. Point-to-point (i.e., deaf to deaf) calls to persons with other video devices result in no Caller ID information. As the Request explained, Sorenson’s actions violate FCC Rule Section 64.604(b)(6) which requires relay providers to transmit Caller ID to the extent possible. The Request also argued that Sorenson’s practice of burying Caller ID information in a non-standard field violates concepts of functional equivalency and interoperability since it denies Caller ID information to non-Sorenson users. Lastly, the request also questioned whether the failure to provide Caller ID degrades 911 functionality to Sorenson videophone users.

As the largest VRS provider, controlling approximately 75 to 80 percent of the VRS market share and consumer end points, Sorenson’s response to the Request was deficient disappointing.

Sorenson seeks to justify its failure to pass Caller ID in a usable form based on its legacy practice of assigning proxy (i.e., faux numbers) to its videophone users. Sorenson claims that because it did not previously have access to NANP numbers, it designed its service to pass its proxy numbers instead of real NANP numbers when users placed point-to-point calls. That is why it claims it employed the non-standard proprietary field for the transmission of these proxy numbers.<sup>1</sup> Whatever may have been Sorenson’s legacy reason for not using the standard Caller ID field prior to the FCC’s June

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<sup>1</sup> It is far from clear that Sorenson lacked access to real NANP numbers prior to the FCC’s June, 2008 numbering order. Purple obtained and began issuing real NANP numbers prior to issuance of the June numbering order.

Numbering Order,<sup>2</sup> that reason evaporated once the FCC required it to assign real NANP numbers to its users. Since Sorenson is now required to use real NANP numbers instead of faux proxy numbers, it is obligated to transmit Caller ID in the standard field so it may be properly utilized by called parties.

Sorenson attempts to deflect attention from its failure to transmit Caller ID information in a usable form by arguing that adoption by other parties of its proposed porting standard would resolve the issue. That is simply beside the point. Sorenson has an affirmative obligation under the rules to transmit Caller ID information without regard to whether other providers choose to adopt Sorenson's proposed porting standard. There is no logical connection between a proposed porting standard and the proper transmission of Caller ID. The transmission of Caller ID is unrelated to other providers accepting a proposed porting standard, a standard which as various providers have pointed out, has serious problems.

Sorenson has thus refused to make a simple adjustment in its protocols -- arguing instead that functional equivalence (and basic civil rights) should not occur until other unrelated issues such as equipment porting are resolved. The Commission should reject Sorenson's argument out of hand.

Sorenson also claims it does not have to provide functionally equivalent access to basic telecommunications services, claiming that point-to-point calls between two deaf persons are not regulated by the Commission, and presumably that such calls should be none of the FCC's concern. In making that argument, Sorenson is in essence saying that

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<sup>2</sup> *Telecommunications Relay Services*, 23 FCC Rcd 11591 (2008) ("June Numbering Order").

deaf persons making calls to other deaf persons in their natural visual language do not have the same rights and protections as two hearing persons making calls to each other. We find this argument not only offensive to the millions of deaf and hard of hearing individuals who depend on the Commission to ensure that they have functionally equivalent access to the nation's telecommunication network, but it is also again beside the point.

As the request explained, Sorenson fails to transmit the proper Caller ID to hearing persons called by its deaf users, transmitting instead the Sorenson call center Caller ID.<sup>3</sup> Furthermore, in a point-to-point call from a Sorenson user to a non-Sorenson user no Caller ID is transmitted at all in proper form. Thus, whatever the Commission regulates or does not regulate as to point to point calls, it surely regulates deaf to hearing VRS calls.<sup>4</sup> The Commission should make it clear that the primary responsibility of relay providers is to ensure functional equivalency as mandated by the ADA.

Sorenson also claims that the Caller ID feature is a "value-added feature" or "enhanced feature" similar to speed dial and missed calls lists. This is wholly inconsistent with practices in the telecommunication industry. Common carriers pass through Caller ID and it is up to each end point provider to negotiate with the end user on whether such feature is value-added or a basic service. Each end point provider must,

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<sup>3</sup> Sorenson Response at 5.

<sup>4</sup> In any event, the FCC plainly has jurisdiction over point to point calls under the Communications Act of 1934, as amended, since they are transmitted by wire or radio. 47 U.S.C. Section 152(a) (Commission jurisdiction extends to interstate communications by wire or radio).

however, pass through that information to other end point providers. This is what Sorenson is refusing to do and why the Commission should order it to cease and desist from this unlawful practice.

It is also interesting to note that the Caller ID feature is included in Sorenson's Device porting standard recommendation, while other so-called "enhanced" features are not included. This fact aptly demonstrates that Sorenson recognizes that the transmission of Caller ID information is considered a basic feature. Otherwise, why are other "enhanced" features such as address book and speed-dial not included in Sorenson's proposed porting standard recommendation?

Finally, Sorenson suggests that its failure to pass Caller ID has no impact on 911 service. Purple disagrees. Passing proper Caller ID in an automated fashion saves VI's and the ultimate receiving party valuable time during an emergency call while also improving the accuracy in the actions of checking and validating the user's information. Passing proper Caller ID information also facilitates 911 call backs, allowing standard systems to capture this information automatically and not requiring reliance on manually passed information.

For all of these reasons, Purple urges the Commission to issue the requested cease and desist order to Sorenson and take other appropriate action to redress Sorenson's failure to properly pass Caller ID information.

Respectfully submitted,

**PURPLE COMMUNICATIONS, INC.**

By: \_\_\_\_\_  
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