

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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

To: Secretary, FCC
For: The Commission

COMMENTS OF HAMILTON RELAY, INC.

Hamilton Relay, Inc. (“Hamilton”), by its counsel, hereby submits these comments generally supporting the April 13, 2009 petition filed by Sorenson Communications, Inc. (“Sorenson”) in the above-captioned proceedings.¹ In the Petition, Sorenson requests that the Commission permit default providers of Internet-based Telecommunications Relay Service (“iTRS”) to provide their users with a “geographically approximate” ten-digit telephone number in certain instances rather than a “geographically appropriate” ten-digit telephone number.

Sorenson notes that it is “not economically or operationally feasible . . . to obtain numbers for rate centers serving the entire population.”² Thus, under Sorenson’s proposal, iTRS providers would assign a temporary “guest” number from a nearby rate center if the user lives in a rate center for which a geographically appropriate number is

¹ Sorenson Communications, Inc., Petition for Declaratory Ruling or Limited Waiver of the Commission’s Rules, CG Docket No. 03-123, WC Docket No. 05-196 (filed Apr. 13, 2009) (“Petition”); *see also Pleading Cycle Established for Comments on Petition of Sorenson Communications, Inc. for Declaratory Ruling or Limited Waiver*, Public Notice, DA 09-1789 (rel. Aug. 11, 2009) (“Public Notice”).

² Petition at 2.

unavailable.³ In the alternative, Sorenson requests a temporary waiver of the requirement to provide a geographically appropriate number in all instances.⁴

Hamilton generally supports Sorenson's proposal, but urges the Commission to go further by clarifying that *user consent* should be the determinative factor – in other words, if an iTRS provider is unable to provide a geographically appropriate number to a particular user, the provider may assign that user a geographically approximate number, provided that the user consents.

Importantly, the geographically approximate number assigned in such cases should not be viewed as a “guest” or temporary number as suggested by Sorenson.⁵ Instead, and provided that the user has consented, the geographically approximate number should be viewed as the authorized number for that user and treated no differently than any geographically appropriate numbers assigned in other cases to other users.

Hamilton is already on record raising concerns with the Commission's December 2008 decision to revisit, *sua sponte*, its June 2008 decision regarding the “geographically appropriate” requirement. Specifically, on December 30, 2008, Hamilton stated:

Hamilton already has encountered situations in which it may be unable to assign a truly local number to a user. Hamilton has developed workarounds based on the old [June 2008] procedure, but will work in good faith with the Wireline Competition Bureau in an effort to resolve any instances in which Hamilton may be unable to provide a truly local number to a user. However, Hamilton urges the Commission to review this process in the event that it becomes burdensome for users, the Bureau's staff and providers.⁶

³ *Id.* at 2, 11.

⁴ *Id.* at 2, 14-16.

⁵ *Id.* at 11.

⁶ Request for Clarification of Hamilton Relay, Inc., CG Docket No. 03-123, WC Docket No. 05-196, at 6-7 (filed Dec. 30, 2008).

While Hamilton has been working in good faith with Commission staff regarding particular instances in which a geographically appropriate number is unavailable from Hamilton's numbering vendor,⁷ Hamilton believes that the system has now become overly burdensome for both the staff and for Hamilton. As a result, Hamilton concurs with Sorenson's request for a declaratory ruling and suggests that a geographically approximate number is permissible, provided that the user consents to the number. To the extent that a potential registrant is unsatisfied with the number being offered by the iTRS provider, he/she is free to select among the numerous other iTRS providers in the competitive relay market, any of whom may be in a position to offer that particular user a geographically appropriate number.

Nonetheless, Hamilton believes that the Commission should define what "geographically approximate" means in this context. For example, is it appropriate for a 301 area code number in Maryland to be substituted for a 703 area code number in Virginia because calls between those two rate centers are treated as local calls? Should a number from an intraLATA but non-local rate center be permitted? Is it appropriate for a user who lives in San Francisco to be assigned a Los Angeles-based telephone number simply because the calls are intrastate? These issues should be addressed by the Commission to provide regulatory certainty to iTRS providers and users.

Finally, Hamilton believes that regulatory parity favors granting iTRS providers the flexibility that has been requested. Indeed, given the Commission's determination to specifically allow interconnected VoIP providers to assign numbers that are *not*

⁷ In all cases, Hamilton has first confirmed that the user consents to the geographically approximate number.

geographically appropriate,⁸ Hamilton believes that at the very least the Commission should grant iTRS providers the more limited ability to issue geographically approximate numbers as described herein.

Conclusion

The Commission should declare that iTRS providers may issue a geographically approximate number to a particular user when a geographically appropriate number is unavailable through the iTRS provider's vendor *and* when the user has consented to the assignment of the geographically approximate number. In such cases, the assigned number should not be treated as a "guest" number but should be viewed as comparable to any geographically appropriate assigned numbers. Finally, to ensure regulatory certainty, the Commission should define the scope of permissible "geographically approximate" numbers.

Respectfully submitted,

HAMILTON RELAY, INC.

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⁸ See Petition at 15 & n.39 (and case cited therein).