

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

In the Matter 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	)	

**REPLY COMMENTS OF SORENSON COMMUNICATIONS, INC.**

Sorenson Communications, Inc. (“Sorenson”) applauds the Commission’s resolute efforts to ensure that Internet-based relay users are assigned geographically appropriate, ten-digit North American Numbering Plan (“NANP”) numbers. Sorenson is confident that this goal can be achieved for most users by the November 12, 2009 deadline established by the Commission.<sup>1</sup>

As Sorenson explained in its Petition, however, it is not economically or operationally feasible for providers of Internet-based relay services to assign a geographically appropriate number in certain limited circumstances.<sup>2</sup> All commenters agree with this assessment, and

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<sup>1</sup> *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, Order, DA 09-1323 (rel. June 15, 2009) (“*Permissive Calling Period Extension Order*”) (extending until November 12, 2009, the end of the permissive calling period during which Internet-based Telecommunications Relay Service (“TRS”) providers may continue to complete the non-emergency calls of unregistered users).

<sup>2</sup> Petition for Declaratory Ruling or Limited Waiver of the Commission’s Rules of Sorenson Communications, Inc., CG Docket No. 03-123 & WC Docket No. 05-196 (April 13, 2009) (“Petition”); see *Pleading Cycle Established for Comments On Petition Of*

for this reason, all commenters support Sorenson's recommendation that the Commission permit Internet-based relay providers to assign geographically approximate numbers to users who reside in rate centers where geographically appropriate numbers are unavailable to a particular default provider.<sup>3</sup> As commenters point out, implementation of the Commission's across-the-board mandate, if unaltered, will sow confusion, violate section 225 of the Communications Act of 1934, as amended, impose needless administrative burdens on providers and the Commission, and – worst of all – harm the very users the rule was intended to benefit.<sup>4</sup> Sorenson again urges the Commission to approve the assignment of geographically approximate numbers by adopting a declaratory ruling or limited waiver, as detailed in Sorenson's Petition.<sup>5</sup>

In these reply comments, Sorenson does not belabor this recommendation or dwell on the strength of the uncontroverted record described above. Rather, Sorenson takes this opportunity to urge the Commission not to adopt certain extraneous proposals set forth by two of Sorenson's competitors, Purple and CSDVRS. As explained below, both of these proposals are unnecessary to achieving the central task at hand and would create new problems for the deaf and hard-of-hearing public if adopted. By contrast, one commenter, Hamilton, raises meritorious concerns about the treatment of users assigned geographically

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*Sorenson Communications, Inc. for Declaratory Ruling or Limited Waiver of the Commission's Rules*, Public Notice, DA 07-1789 (rel. Aug. 11, 2009).

<sup>3</sup> See Petition at 10-14; Comments of CSDVRS, LLC at 1-2 ("CSDVRS Comments"); Comments of Hamilton Relay, Inc. at 1-3 ("Hamilton Comments"); Comments of Level 3 Communications at 1, 4, 6 ("Level 3 Comments"); Comments of Purple Communications, Inc. at 1 (Aug. 25, 2009) ("Purple Comments"). (Unless otherwise indicated, all comments cited herein were filed in CG Docket No. 03-123 on Aug. 26, 2009.)

<sup>4</sup> See CSDVRS Comments at 3; Level 3 Comments at 1-4; Hamilton Comments at 2-3.

<sup>5</sup> See generally Petition.

approximate numbers. As explained below, the Commission should address these concerns, but do so in a manner somewhat different from the solutions proposed by Hamilton.

## **I. DISCUSSION**

### **A. The Commission Should Ensure that All Users Retain the Option to Obtain Toll Free Numbers**

In December 2008, the Commission ruled that an Internet-based TRS user may retain or acquire a toll free number “so long as that toll free number is directed to the ten-digit, geographically appropriate number.”<sup>6</sup> Eight months later, the Commission reaffirmed this decision, emphasizing that “it is consistent with the goal of functional equivalency that Internet-based TRS users can acquire and use toll free numbers.”<sup>7</sup>

In this proceeding, no commenter has pointed to any technical or operational barrier that would prevent providers from complying with these decisions when they assign toll free numbers in conjunction with geographically approximate numbers. Sorenson is not aware of any such barrier. Thus, there is no reason to alter a user’s ability to retain or acquire a toll free number simply because the user has been assigned a geographically approximate local number.

Purple, however, contends that some Internet-based relay users should not have access to toll free numbers. Specifically, Purple urges the Commission to rule that toll free numbers are not to be used by any deaf consumer who lives in a rate center where neither a geographically appropriate number nor a locally rated geographically approximate number is

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<sup>6</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Second Report and Order and Order on Reconsideration, 24 FCC Rcd 791, ¶ 32 (2008).

<sup>7</sup> *Clarification Regarding the Use of Toll Free Numbers for Internet-Based Telecommunications Relay Services*, Public Notice, DA 09-1787, at 2 (rel. Aug. 11, 2009).

available.<sup>8</sup> It is precisely these individuals, however, who could benefit most from toll free numbers.

Because these users, by dint of necessity, would be assigned local numbers that are not within their local calling areas, they are more likely to receive calls that unexpectedly result in a toll charge being assessed against the hearing caller. For example, in most circumstances, if a hearing neighbor calls a deaf friend's ten-digit number, that call will be a local call for which no toll charge is assessed. By contrast, if the deaf friend has been assigned a geographically approximate number that falls outside his local calling area, the neighbor will incur a toll charge even though he lives next door to the person he called. To avoid this discriminatory imposition of toll charges on some geographically local calls but not others, deaf users who have been assigned geographically approximate numbers from outside their local calling area should be permitted to obtain toll free numbers. Only if these users are allowed to obtain these numbers and make them known to their hearing friends and colleagues will hearing callers be able to avoid discriminatory toll charges. If the Commission were to amend its existing policy permitting deaf users to acquire toll free numbers, hearing individuals would have a financial disincentive to call such deaf users – precisely the opposite result of what the Americans with Disabilities Act was designed to promote.

Rather than address this problem, Purple claims that “[a]ny enabling of toll free numbers” will “undermine the value of the ten-digit numbering program put in place by the

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<sup>8</sup> Purple Comments at 2. In its Petition, Sorenson suggested that whenever a provider is unable to assign a user a geographically appropriate number, the provider's first recourse should be to assign a number from a nearby rate center that is located within the user's local calling area; only if such a “locally rated” number is unavailable should the provider attempt to assign a number from within the user's area code. Petition at 12. It is this latter class of users who would be deprived of toll free numbers under Purple's proposed rule.

Commission and disrupt the transition process to ensure that every relay user is assigned a real local phone number.”<sup>9</sup> Purple does not attempt to explain or support these claims, and Sorenson does not here attempt to guess what Purple meant. However, Sorenson is confident that allowing all Internet-based relay users to obtain toll free numbers that are directed to either a geographically appropriate or geographically approximate local number will enhance the new numbering regime by ensuring that all users can take advantage of toll free calling, and ease the transition to that regime by ensuring that certain users are not stigmatized for living in rate centers where – through no fault of their own – locally rated numbers are unavailable. The Commission therefore should reject Purple’s proposal to penalize certain users by depriving them of the option to obtain and use toll free numbers.<sup>10</sup>

**B. The Commission Should Ensure that Institutions Are Subject to the Same Registration and E911 Rules as Individuals**

For traditional landline voice telephony, institutional users are generally treated the same as individual users. Both types of users can subscribe to a voice telephony service, and both types receive E911 service that is automatically associated with the user’s location. For

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<sup>9</sup> Purple Comments at 2. Purple also claims that toll free numbers will reinforce Sorenson’s “strategy of retaining or expanding its closed network.” *Id.* This claim is puzzling. Sorenson does not have a “closed” network, since the company meets all of its interoperability obligations. In addition, Purple fails to explain how the use of toll free numbers – which are ten-digit NANP numbers – could create a “closed” network.

<sup>10</sup> Purple Comments at 2. Purple also urges the FCC to bar the use of proxy numbers in these cases. *Id.* Under FCC orders, proxy numbers may continue to be used until the new registration deadline of November 12, 2009. *See* Notice of Public Information Collections Being Reviewed by the Federal Communications Commission, 74 Fed. Reg. 38016, 38017 (July 30, 2009). The November 12th extension was put in place to maximize the number of users assigned geographically appropriate numbers, to allow for an “orderly transition” away from proxy numbers, and to dispel confusion among some consumers through additional outreach and education. *See Permissive Calling Period Extension Order* ¶¶ 8-9. Prematurely discontinuing proxy numbers without notice would only further confuse consumers and cause all users who do not yet have a geographically appropriate number to lose their phone service entirely. The Commission should reject this ill-conceived proposal.

example, an institution (such as a business, school, or library) can subscribe to local and long distance service for all of the phones located on its premises; can obtain separate phone numbers for each of these phones; and can receive E911 service from its presubscribed provider for each phone as well. An individual likewise can obtain the same benefits for all phones located in his or her home.

This parity between institutional and individual users should apply to Internet-based relay. The Commission has already made clear that each user must register with a default provider by November 12, 2009.<sup>11</sup> This rule applies both to institutional and individual users of Internet-based relay services. Uniform observance of this rule for all users will ensure that E911 services can be seamlessly directed to the registered location of any videophone.

CSDVRS, however, proposes a more complicated scheme under which the Commission would permit any deaf individual who does not have broadband equipment or service within his home to obtain a guest number in one of two ways: (i) by registering with a provider and receiving “a personalized number that can be used for identification purposes when making calls from public computers or videophones,” and/or (ii) by using “guest numbers . . . assigned to computers/videophones located at these public sites.”<sup>12</sup> According to CSDVRS, this scheme “is critical” to ensuring that deaf individuals who lack broadband or videophones in their homes “can continue to make IP-based relay calls from . . . public sites” such as “community associations, schools for the deaf, and libraries.”<sup>13</sup> This claim is incorrect, however, because deaf persons without home-based broadband or videophones *already* can go to any community association, school, or library that has registered with a

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<sup>11</sup> *Permissive Calling Period Extension Order* ¶¶ 10, 12.

<sup>12</sup> CSDVRS Comments at 4.

<sup>13</sup> *Id.*

default provider and use one of their videophones. CSDVRS's proposal therefore is superfluous and should be rejected for that reason alone.

CSDVRS's proposal also would violate the functional equivalence mandate of section 225. One of the key features of all NANP numbers (whether assigned to deaf or hearing people) is that they provide two-way functionality: users can place calls from a NANP number, and they can receive calls placed to a NANP number. If, however, some users were to receive personalized nomadic numbers, as CSDVRS proposes, those users would lack the ability to receive calls. Although a deaf individual could use a nomadic number to place a VRS call, a hearing person would not be able to place a call to that number since it would not be associated with a particular videophone. Such one-way functionality is inconsistent with the goal of functional equivalence and should be rejected by the FCC.<sup>14</sup>

Further, CSDVRS's proposal would threaten public safety by circumventing the registered location requirement of the new numbering rules. This mandate ensures that valid location information is instantly available to a PSAP at the very outset of a 911 call, thereby expediting an emergency response without the need for the PSAP to solicit location information from the distressed caller or otherwise ascertain it in the event the caller is incapacitated or unsure of his or her location. Valid location information is available to PSAPs when institutions select a default provider and provide the registered location of their videophones. Under CSDVRS's proposal, however, PSAPs would not have access to the

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<sup>14</sup> The Commission has concluded that proxy numbers are not functionally equivalent, even though they permit both outbound and inbound calling and are tied to a user's location. *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 and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591, ¶ 22 (2008). Since the nomadic numbers proposed by CSDVRS would not permit inbound calling and would not be tied to a user's location, it is abundantly apparent that they too should be deemed inconsistent with the goal of functional equivalence.

registered location of any user assigned a nomadic number. If such a user were to place a 911 call, the PSAP would have to waste time ascertaining the user's location, thereby slowing any emergency response. The Commission should not endanger the life and safety of users in this way.

**C. The Commission Should Require Full Disclosure and Give Users the Option of Permanently Retaining Geographically Approximate Numbers**

Hamilton urges the Commission to clarify that (i) a provider may assign a geographically approximate number only if the user first consents, and (ii) any number so assigned should be treated as the permanent "authorized number" for that user.<sup>15</sup> Sorenson largely concurs with the first proposal, but believes it would be more appropriate to require full disclosure by the provider rather than more formal "consent" by the user. Sorenson also concurs with the concern underlying the second proposal, but believes that a user should be given the option of keeping a geographically approximate number on a permanent basis rather than being required to do in all cases, as suggested by Hamilton.

*Full disclosure.* It is Sorenson's practice to assign numbers only to users who wish to register with Sorenson. Sorenson obtains affirmative consent from each user before assigning a number and becoming a user's default provider. Sorenson assumes that other providers behave in this manner as well, and that no provider forces a user to accept any number, whether geographically appropriate or geographically approximate. Hamilton raises a valid concern that some providers may obtain consent without first informing the user that he or she is being assigned an approximate rather than an appropriate number. Sorenson agrees that no user should have to wait until after a number is assigned to find out that it is not geographically appropriate. The best way to avoid this problem is to require full

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<sup>15</sup> Hamilton Comments at 2.

disclosure. Accordingly, the Commission should require providers that are unable to assign a geographically appropriate number to a user to fully disclose this fact before assigning a geographically approximate number. This will permit, but not force, the user to seek out other providers that may be able to provide a geographically appropriate number before the user selects a default provider and receives a number.<sup>16</sup>

*Permanent assignment of approximate numbers.* Hamilton would have the Commission treat a user's consent to receive a geographically approximate number as his or her consent to be assigned that number on a permanent basis. Sorenson believes this proposal goes too far, since some users may wish to replace their approximate numbers with appropriate ones as soon as the latter become available for the rate centers in which they live. At the same time, Sorenson understands that some users may find it burdensome to switch to new numbers and would therefore prefer to keep their approximate numbers even after appropriate ones have become available. Sorenson believes that the best solution is to require default providers to inform customers when geographically appropriate numbers become available for assignment to them, and to permit each customer at that time to decide whether to keep his or her approximate number or to replace it with an appropriate number. Only if the user chooses to retain an approximate number should it be deemed to be the user's permanent NANP number.

## **II. CONCLUSION**

Commenters in this proceeding unanimously support Sorenson's recommendation that the Commission permit the assignment of geographically approximate numbers in limited circumstances. The Commission should adopt this proposal promptly by granting the

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<sup>16</sup> Cf. Hamilton Comments at 3.

declaratory ruling or, in the alternative, the limited waiver proposed in Sorenson's Petition. The Commission also should reject the extraneous proposals of Purple and CSDVRS, and address Hamilton's concerns by adopting the solutions described above.

Respectfully submitted,

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## Certificate of Service

I hereby certify that on this 10th day of September, 2009, I caused true and correct copies of the foregoing Reply Comments of Sorenson Communications, Inc. to be mailed by electronic mail to:

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