

**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 Service Providers	)	WC Docket No. 05-196
	)	

**COMMENTS OF SORENSON COMMUNICATIONS, INC.**

Sorenson Communications, Inc. (“Sorenson”), by its attorneys, files these comments in response to the Petition filed by CSDVRS, LLC<sup>1</sup> seeking “reconsideration” of the August 11, 2009 Public Notice clarifying the Federal Communications Commission’s (“FCC’s” or “Commission’s”) requirements governing the use of toll-free numbers for Internet-based Telecommunications Relay Services.<sup>2</sup> As explained below, CSDVRS’s petition is procedurally defective and inconsistent with prior Commission orders.

**DISCUSSION**

In June 2008, the Commission adopted a system for assigning ten-digit North American Numbering Plan (“NANP”) telephone numbers to users of Internet-based

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<sup>1</sup> “Petition for Expedited Reconsideration” of CSDVRS, LLC, CG Docket No. 03-123 (Sept. 10, 2009) (“Petition”).

<sup>2</sup> “Clarification Regarding the Use of Toll Free Numbers for Internet-Based Telecommunications Relay Services,” Public Notice, CG Docket No. 03-123, DA 09-1787 (rel. Aug. 11, 2009) (“Public Notice”).

Telecommunications Relay Services (“iTRS”).<sup>3</sup> This decision was widely lauded as furthering the statutory goals of functional equivalency. In conjunction with this landmark decision, the Commission sought comment on a variety of issues related to the implementation of its new numbering system. One of these issues concerned the use of toll-free numbers by iTRS users. After receiving comments and reviewing the record on the topic, the FCC concluded that iTRS users were free to retain or obtain toll-free numbers, as long as the toll-free numbers were “directed to the [user’s] ten-digit, geographically appropriate number.”<sup>4</sup> As the FCC explained at the time, its order required that toll-free numbers held by an iTRS user must “point to the user’s assigned ten-digit, geographically appropriate number” and prohibited iTRS providers from routing calls to users’ telephone numbers “other than their ten-digit, geographically appropriate numbers.”<sup>5</sup>

Many iTRS providers, including Sorenson, initially misread the FCC’s statements as requiring that toll-free numbers be provisioned to the iTRS numbering directory administered by NeuStar and “point to” the same uniform resource identifier (“URI”) as the ten-digit geographic number the provider had assigned to the user. The August *Public Notice* was released when it became apparent that providers had misapprehended

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<sup>3</sup> *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 (2008) (“June 2008 Order”).

<sup>4</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) (“December Order”).

<sup>5</sup> *Id.* ¶ 53.

the FCC's requirements governing toll-free numbers.<sup>6</sup> The *Public Notice* clarified the FCC's *December Order*, explaining that "[t]oll free numbers and ten-digit geographic numbers should *not* be directed to the same Uniform Resource Identifier (URI) in the Internet-based TRS numbering directory."<sup>7</sup> As noted in the *Public Notice*, iTRS providers are still permitted to assign toll-free numbers along with ten-digit geographic numbers to iTRS users, as long as the toll-free number is routed via the Service Management System ("SMS")/800 database, similar to the manner in which toll-free numbers are routed during calls between two voice telephone users.<sup>8</sup>

This clarification is entirely consistent with the FCC's *December Order*. Indeed, the clarification was only necessary because of providers' confusion regarding the proper routing of toll-free numbers. In light of the *Public Notice*, it is now clear that the FCC never intended to permit providers to provision toll-free numbers in the iTRS numbering

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<sup>6</sup> *Public Notice*.

<sup>7</sup> *Public Notice* at 2 (emphasis added; footnote omitted). In fact, as the *Public Notice* makes clear, toll-free numbers should not be routed to the iTRS numbering directory at all. *Id.* at 2-3 & n.7.

<sup>8</sup> *Public Notice* at 2-3; see also *id.* at 2 n.7 (explaining that the toll-free numbers must be routed through the SMS/800 database, not through the iTRS numbering directory).

directory.<sup>9</sup> Instead, toll-free calls must be routed either through the SMS/800 database<sup>10</sup> or through the provider's own internal database.<sup>11</sup>

CSDVRS now seeks "reconsideration" of the August *Public Notice*. CSDVRS's petition is procedurally defective, however. Far from being a "rule change," as CSDVRS claims,<sup>12</sup> the *Public Notice* simply provided an explanation of an existing requirement.<sup>13</sup> If CSDVRS disagreed with the underlying decision, it should have sought reconsideration of the original order adopting the requirements governing the assignment and routing of toll-free numbers. Those requirements were adopted in December 2008,<sup>14</sup> however, and

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<sup>9</sup> This is consistent with the Commission's general goal of protecting consumer privacy by limiting access to the iTRS numbering directory. As the Commission's orders make clear, providers are not permitted to query the iTRS numbering directory except to route calls that are dialed using the deaf consumer's geographic ten-digit number or to confirm registration on a dial-around call. *June 2008 Order* ¶¶ 62-67; *December Order* ¶¶ 6, 24.

<sup>10</sup> When a hearing caller dials a deaf iTRS user's toll-free number, the call is routed to the user's default provider through the SMS/800 database. The provider then uses its internal database to identify the deaf consumer's URI.

<sup>11</sup> See *June 2008 Order* ¶ 60 (requiring default providers to maintain user's routing information in their internal databases, as well as in the central database); see also *Petition* at 9 (noting that numbers within a provider's network are routed through the provider's internal databases); *Cf.* Neustar, Inc., "iTRS ENUM Database," available at: <[http://www.neustar.biz/infrastructure/itrs\\_enum.cfm](http://www.neustar.biz/infrastructure/itrs_enum.cfm)> (explaining that the iTRS numbering directory is only needed when a hearing person calls a deaf iTRS user using an alternate (non-default) provider, or on point-to-point calls involving two parties who do not use the same default provider).

<sup>12</sup> *Petition* at 2.

<sup>13</sup> See, e.g., *Improving Public Safety Communications in the 800 MHz Band*, Fourth Memorandum Opinion and Order, 23 FCC Rcd 18512, ¶¶ 27-32 (2008) (denying petition for reconsideration of a Public Notice that provided supplemental procedures and provided parties guidance, but did not create new substantive rules).

<sup>14</sup> *December Order* ¶¶ 32, 53. As noted above, the *December Order* was adopted pursuant to public notice and comment, as required by the Administrative Procedure Act. Thus, CSDVRS's procedural arguments concerning the need for notice and comment are misplaced. See *Petition* at 2.

the time for reconsideration has long since passed.<sup>15</sup> At this point, any party seeking a change in the requirements governing toll-free numbers assigned to iTRS users would have to file a petition for rulemaking. Indeed, granting CSDVRS's petition would require a rule change to allow iTRS providers to route toll-free numbers to URIs provisioned in the iTRS numbering directory. Such a rule change could not be implemented without appropriate notice and comment.

Moreover, the rule change sought by CSDVRS would be detrimental to the FCC's goals and inconsistent with its prior orders. For example, allowing toll-free numbers to be provisioned in the iTRS numbering directory would increase the burden on the database administrator, by increasing – perhaps dramatically – the number of records in the iTRS numbering directory as well as the number of queries made to the directory. Each query results in a transaction cost for the database administrator (NeuStar) and an increase in these costs is likely to result in a corresponding increase in the price at which NeuStar seeks to be compensated by the interstate TRS Fund. There is no reason to increase the burden on the TRS Fund when providers can avoid these transaction costs by routing calls through the SMS/800 database, or through providers' internal databases.<sup>16</sup>

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<sup>15</sup> See 47 C.F.R. § 1.429(d) (a “petition for reconsideration and any supplement thereto shall be filed within 30 days from the date of public notice of such action, as that date is defined in § 1.4(b)”). In this case, “public notice” was provided when the *December Order* was published in the Federal Register on December 30, 2008. See 73 Fed. Reg. 79683 (publishing notice of *December Order*); 47 C.F.R. § 1.4(b)(1) (defining “public notice” as “the date of publication in the Federal Register” for “all documents in notice and comment . . . rulemaking proceedings required by the Administrative Procedure Act . . . to be published in the Federal Register”). Therefore, petitions for reconsideration of the *December Order* were due 30 days from December 30, 2008, or January 29, 2009.

<sup>16</sup> Any costs associated with querying the SMS/800 database would be borne by the individual providers and would not be eligible for reimbursement from the TRS Fund. See, e.g., *December Order* ¶ 32 (finding that the costs associated with the use of toll-free

This is especially true given that many of the concerns raised by CSDVRS relate to point-to-point calls that do not involve relay service and should not impose costs on the TRS Fund.<sup>17</sup>

Even if the FCC were to allow toll-free numbers to be routed via the iTRS numbering directory, it should ensure that toll-free calls are tied to the local number in the NeuStar numbering directory and not to a URI in the directory. A decision to allow toll-free numbers to be tied to a URI in the numbering directory would be starkly inconsistent with the Commission's statements that an iTRS user's toll-free number should be directed to his or her ten-digit, geographically appropriate number.<sup>18</sup> Requiring toll-free numbers to be tied to a local number also promotes public safety by helping to ensure that only one VRS provider assigns numbers to a given URI, consistent with the FCC's requirement that if multiple numbers are assigned to a single URI, "they must all

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numbers should not be compensable from the Interstate TRS Fund); *see also Public Notice* at 1-2 n.4.

<sup>17</sup> For the same reason, CSDVRS's "interoperability" concerns are inapposite. *See* Petition at 10. The FCC's Declaratory Ruling on interoperability applies only to VRS calls and not to point-to-point calls. *See 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, ¶ 29 (2006) (concluding that "VRS consumers must be able to place a VRS call through any of the VRS providers' service," and prohibiting providers from restricting the use of their service so that a consumer cannot place or receive a call through any of the VRS providers' "relay service"). In addition, all VRS users can continue to reach each other using their ten-digit geographic numbers, without regard to which company they've chosen to be their default provider. Thus, neither the *Public Notice*, nor the underlying *December Order*, deprive iTRS users of the ability to "dial around" or to place point-to-point calls to any other iTRS user. Moreover, contrary to CSDVRS's assertions, there is no principled reason that a hearing caller should be permitted to override a deaf consumer's selection of a default provider by "dialing around" to reach the deaf consumer's toll-free number through an alternative provider. *See* Petition at 13-14.

<sup>18</sup> *December Order* ¶ 32.

be provided by a single Internet-based TRS provider . . . [which] is responsible for managing the Registered Location information associated with that URI.”<sup>19</sup>

### CONCLUSION

For the reasons stated above, the Commission should deny CSDVRS’s petition as both procedurally defective and inconsistent with the FCC’s prior orders.

Respectfully submitted,

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<sup>19</sup> *December Order* ¶ 44; *Public Notice* at 2 n.8 (noting that this requirement promotes public safety by reducing the likelihood of conflicting Registered Location information for the same URI); *but see* *Petition* at 9 n.21 (indicating that the vast majority of toll-free numbers assigned by CSDVRS have been distributed to consumers who have chosen Sorenson as their default provider).

## **Certificate of Service**

I hereby certify that on this 21st day of September, 2009, I caused a true and correct copy of the foregoing Comments of Sorenson Communications, Inc. to be mailed by first class U.S. mail, postage prepaid, to:

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/s/ Ruth E. Holder  
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\* A copy is also being delivered to Ms. Strauss by electronic mail.