December 2, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Notice of *Ex Parte* Conference
Telecommunications Relay Service & Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities
E111 Requirements for IP-Enhanced Service Providers
CC Docket 03-123; WC Docket 05-196

Dear Ms. Dortch:

On November 30, 2009, the undersigned had an *ex parte* conference with Nicholas Alexander, William Dever, Richard Hovey, and Cathy Seidel of the Wireline Competition Bureau.

I answered their questions about the impact of the Commission's order to remove toll-free numbers from the iTRS database—explaining that significant confusion still prevails as deaf and hard of hearing persons are suddenly unable to make point to point calls to toll-free numbers where the called and calling parties have different default providers.

When an individual calls another person's toll-free videophone number from an alternate provider's video phone, the iTRS database will not recognize the number being called. As such it will not go through. Rather, what will happen is this: (1) the call will appear to be a call to a hearing party and will rout to the caller's default VRS provider; (2) the caller will thus get connected to a video interpreter and become very confused (assuming the caller does not abandon the call immediately after seeing a relay queue splash screen on the video screen); (3) if the call progresses any further, the VI will attempt to make a hearing call to the toll-free number which results in being connected to another VI of the toll free number owners' default VRS provider; (4) the call, if it gets this far, will then be terminated immediately.

If, on the other hand, a customer using a videophone (such as the Sorenson VP-200) calls a toll free videophone number that is managed by the same provider, the call will connect successfully as a point-to-point call. This is due to the fact that those toll-free numbers are still being maintained in the default providers' proprietary routing database similar to the old proxy number system.

The Commissions' order essentially for all practical purposes resurrects the closed network managed by the dominant provider, Sorenson. As a result, the interoperability order preventing a closed network is now subverted.

This problem is further exacerbated by the fact that Sorenson Communications continues to violate FCC Rule Section 64.604(b)(6) by refusing to transmit Caller ID to the extent possible. The commission needs to require providers to utilize standard Caller ID fields to further facilitate the exchange of phone numbers.

The confusion is additionally compounded by Sorenson's promotion of toll-free numbers over real 10 digit local numbers—insisting that users acquire toll-free numbers and share those numbers instead of local numbers. As a result, numerous users know only their own toll-free numbers and do not know their local numbers.

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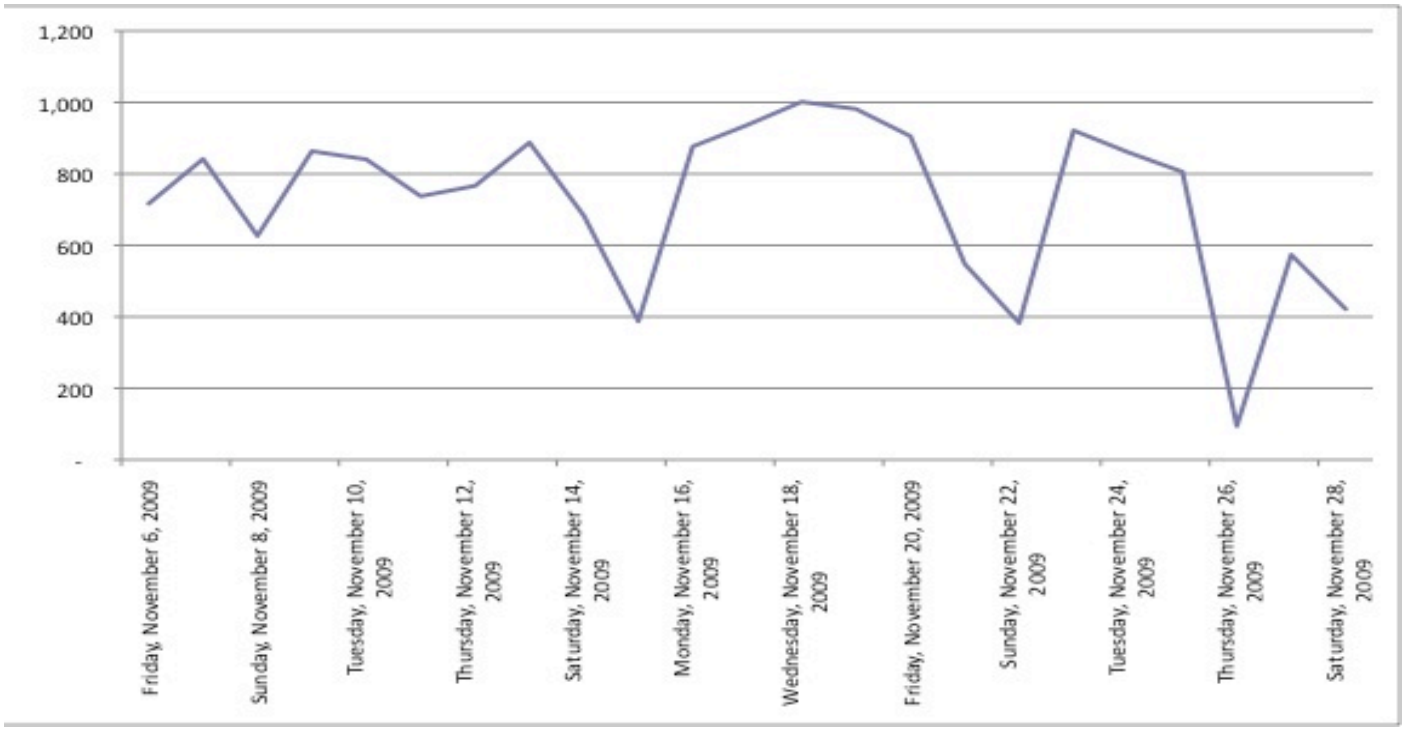
In response to further inquiries by staff from the WCB, Purple has come up with the following information:

• Misrouted calls as a result of point-to-point calls to toll-free videophone numbers increased significantly on or around November 6.

• Trending statistics point to approximately 24,000 misrouted calls per month although that number could very well decrease over time as people start to identify which users have devices within a closed network and start demanding an alternative (real local) number.

• Misrouted calls are distinguished from ordinary abandoned calls because of the significant increase of abandoned calls over the typical number of abandoned calls since November 6. Those statistics were verified by 1) feedback from our customers, 2) complaints to our customer care department, 3) reproduction by our engineers.

• Attached is a chart showing the number of misrouted calls on a daily basis—with the expected lowest numbers on weekends and on the Thanksgiving Day holiday.



I also noted in my discussions that the consumer confusion is further intensified when individuals 10-digit local numbers acquired from the dominant provider is not inputted immediately (if at all) in the iTRS database. As a result, individuals using a VP-200 videophone cannot be reached at their toll-free or local videophone number by individuals using a non-Sorenson videophone device. This information was brought to our attention by complaints from customers and verified by our staff that Sorenson-distributed local numbers were not in the iTRS database.

Sincerely,

Kelby N. Brick

Kelby Brick
Vice President, Regulatory & Strategic Policy