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January 29, 2010

***VIA ELECTRONIC MAIL
AND ECFS***

Joel Gurin, Chief – Consumer Government Affairs Bureau
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

RE: Porting of Sorenson VP200 Phone Numbers

Dear Mr. Gurin,

I am writing you today, in furtherance of FCC mandate,¹ to bring to your attention an extremely urgent and critical problem with the porting of video relay service (VRS) ten digit telephone numbers from Sorenson Communications. The problem is systematic and, based upon representations by Sorenson, appears to be purposely devised as a means of undermining a consumer's choice to port his/her ten-digit telephone number.

As you are aware, ten digit local numbers have been the standard for deaf and hard-of-hearing VRS users since November of last year. One of the key components of the new numbering system was the enhancement of 911 service. Also, in the drive toward functionally equivalent telecommunications for deaf and hard-of-hearing people, the Commission mandated that users be allowed to port their ten-digit numbers to the provider of their choice. The porting processes aside, the Commission has also made it very clear that the consumer's default provider is responsible for updating the iTRS database, and thus allow for emergency call handling

¹ See, *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, CG Dkt. No. 03-123, WC Dkt No. 05-196, FCC 08-151, June 24, 2008, para. 40 which states: "If any service provider experiences problems with another service provider when attempting to port a consumer's number, or if a consumer experiences problems with porting, we expect the provider or consumer to file a complaint with the Commission. We take very seriously our obligation to effectuate number portability and our oversight of numbering resources. The Commission will act expeditiously to ensure that consumers have the option to switch providers, subject to our LNP rules, without the loss of their telephone numbers or service."

capabilities, for so long as that provider remains in the default position. When a consumer ports his/her ten-digit number to a new VRS provider, that new provider assumes the default provider role upon completion of the port. In recent days, Sorenson Communications has been exhibiting a complete dereliction of its obligations as a default provider when a user has opted to port their number away from them.

When the porting process to ZVRS is initiated, the customer executes a letter of agency to begin the process with the local exchange carriers. The carrier then issues a firm order commitment (FOC) date to ZVRS indicating the date the porting of the number will be complete. As there has been no automated porting process instituted as of yet, our practice has been to inform Sorenson via email of a pending FOC date 24 hours beforehand to ensure the number was released from their database to ensure a seamless transition. However, in the last week, Sorenson has not only not been failing to release these numbers, but has also been accessing the FOC information through the carrier networks ahead of time and then disabling customers' videophones, oftentimes as much as one week or more ahead of the FOC date. This leaves the consumers with limited (if any) access to VRS. More problematically, the disabled phones leave consumers without proper access to emergency services in that even if the Sorenson phone is capable of making an outbound call, it is not capable of receiving any inbound audio calls to its ten digit number. Thus, in the event of a disconnected 911 call, the PSAP could not return the call as required under the E911 directive.

We have attempted to resolve this through channels at Sorenson but have not been given any response or explanation, nor been given any indication that they intend to resolve the issue. Moreover, our customers have informed us that Sorenson refuses to turn the phones back on when requested to do so, and this leads us to believe that this is indeed an intentional act by Sorenson ostensibly designed to rebuke consumers that choose to utilize another VRS provider.

This latest obfuscation by Sorenson is entirely contrary to the numbering orders and is endangering the safety and well-being of the public. While their ongoing refusal to promptly release ported numbers from their database, and their continuous population of caller ID fields with personal 800 numbers is causing considerable problems with interoperability as well as ongoing consumer confusion, this latest tactic is truly disturbing insofar as it could cause the loss of human life. We are absolutely shocked and appalled that Sorenson would condone this, or even allow it to occur on any level, and ZVRS has undertaken every effort it can to ensure our newly porting customers have access to VRS – at least for emergency purposes – while their ports are completed. In the interim we would implore the FCC to take immediate action to admonish Sorenson, order their compliance with the numbering orders, and ensure that they do not shut down consumer access to VRS and emergency services when a porting request is initiated. Sorenson is obligated under Commission rules to meet its obligations as a default provider until the port is completed, and not beforehand.

The potential liabilities surrounding this matter are considerable – to Sorenson, the FCC, and the VRS industry as a whole. In conjunction with this letter, CSDVRS is also submitting a Petition for Expedited Declaratory Ruling.

Thank you for your time and attention to this most urgent matter.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "W. Banks", with a long horizontal flourish extending to the right.

William Banks
General Counsel
CSDVRS, LLC

Cc: Mark Stone, Consumer Governmental Affairs Bureau

Gregory Hlibok, Disability Rights Office

Jay Keithly, Enforcement Bureau