

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)
)
Petition for Expedited)
Declaratory Ruling)
_____)

CG Docket No. 03-123

PETITION FOR EXPEDITED DECLARATORY RULING

CSDVRS, LLC (“CSDVRS” or “ZVRS”), by and through undersigned counsel, hereby petitions the Federal Communications Commission (“FCC” or “Commission”) for an expedited declaratory ruling concerning the continued functionality of video relay services (VRS) and E911 for consumers that are awaiting a porting of their local ten-digit telephone numbers from one VRS provider to another. It has come to the attention of CSDVRS that Sorenson Communications is disabling its videophones, in some cases completely, when it learns one of its customers is porting their number away from them (but prior to the port being completed). This leaves the customer with limited (if any) access to VRS and emergency call services while the port process goes through, which oftentimes can be as long as seven to ten days. CSDVRS therefore petitions the Commission to issue a declaratory ruling mandating that Sorenson, and all VRS providers, ensure their videophones remain fully active and functional until such time as a number porting is complete.

1. Background

On June 24, 2008, the FCC released a Report and Order governing the implementation of ten-digit numbering under the North American Numbering Plan (“NANP”) for Internet Protocol

(IP) and VRS providers.¹ Further clarification of ten-digit numbering was offered by the FCC later that year in its Second Report and Order on ten-digit numbering.² The stated purpose of providing ten-digit numbers to deaf people was to further the functional equivalency mandate by ensuring that VRS communication is substantially similar to voice telephony, as well as to ensure the proper handling of emergency calls.³ Another focal point of the numbering orders was the mandate that VRS users must be allowed to port their local ten digit phone numbers from one provider to another.⁴

The FCC has expressed other very clear and compelling rules which pertain to the issue at hand. In its June order, the Commission was very clear that a VRS user's default provider is charged with updating the central iTRS database with each user's NANP telephone number to ensure, *inter alia*, the provision of 911 services.⁵ The order provides that all CPE allocated to users are required to be capable of facilitating the default provider's obligations to provision the database.⁶ Similarly, under the rules, CPE issued to consumers by a default provider can only deliver routing information to the default provider, and said provider is required to cease acquiring said information *once a user ports their number to a new default provider* (emphasis added).⁷ Lastly, it must be stressed in regard to the issue being brought before the Commission

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. ("June Order").

² 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 08-275, December 19, 2008. ("December Order").

³ See, June Order at ¶1.

⁴ See, June Order at ¶34.

⁵ See, June Order at ¶¶42-45.

⁶ See, June Order at ¶60.

⁷ See, June Order at ¶61.

herein, that the FCC has held that a VRS provider cannot condition the ongoing use or possession of equipment, or the receipt of different or upgraded equipment, on continuing to use the provider in question as the default provider.⁸

2. Facts

CSDVRS is undertaking an aggressive porting program to port VRS and VCO users to the CSDVRS platform. As the majority of the ports have been of Sorenson Communications customers, and Sorenson is the reason for the instant petition, the following entails what would be a functional port from Sorenson: (1) the customer makes an affirmative decision to port his/her number and chooses a Z videophone to their liking; (2) the customer executes a letter of agency (LOA) to allow CSDVRS to initiate the port; (3) CSDVRS initiates the porting of the number through the local exchange carrier (LEC) network; (4) the LEC issues to CSDVRS a firm order commitment (FOC) date indicating the exact day the number port will be complete; (5) on or before the FOC date, the Z phone is delivered and/or installed at the customer's premises; (6) 24 hours before the FOC date, CSDVRS contacts Sorenson to advise them of the FOC date on the port so they know to remove the number from their database; (7) on the FOC date, the porting process is completed, the number is "live" on the Z phone, and CSDVRS becomes the customer's new default provider. Under ideal circumstances, this would be a relatively smooth process. However, Sorenson has recently made the process unnecessarily burdensome and ultimately dangerous to consumers.

Once a port is initiated, Sorenson has been systematically disabling the porting customer's videophone far in advance of the FOC date (oftentimes seven to ten days before). These disabled Sorenson phones are completely featureless and are incapable of receiving any

⁸ See, *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG-Docket 03-123, Report and Order and Declaratory Ruling, 22 FCC Rcd 20140, 20175, para. 94 (Nov. 19, 2007); See also, December Order at ¶38.

types of inbound audio calls, including, *ipso-facto*, 911 call backs. CSDVRS does not know how Sorenson is discovering the pending port, but is deeply troubled by the results: deaf consumers are being left with limited (if any) VRS access and improper access to emergency services, for a considerable amount of time until the port completes and CSDVRS is able to assume its role as the new default provider. This behavior by Sorenson is not only entirely contradictory to FCC orders, but potentially endangers the safety and well-being of deaf people that exercise their right to choose and decide to port their numbers away from Sorenson to another provider.

CSDVRS has undertaken every effort possible to ensure that its porting customers at least have full and proper access to emergency services while the porting process goes through. However, by prematurely shutting down its phones, Sorenson is inherently evading its duties as a default provider [while the port is pending] in direct and flagrant violation of Commission rules and mandates. CSDVRS has repeatedly attempted to resolve this issue through Sorenson directly, but has been met with denial of wrongdoing, manipulation of the facts, and stonewalling and obfuscation of this very serious problem. Further to the June Order, CSDVRS is filing this petition to notify the Commission of this pressing issue and to seek prompt resolution thereof.⁹

3. Conclusion

In light of the foregoing, CSDVRS would urge the Commission to take expeditious and immediate action to issue a declaratory ruling on this matter. Sorenson, or any other provider, must not be permitted to disable their phones and neglect their duties as a default provider until a port is completed. Doing so not only denies deaf consumers their rights to telecommunications access under the Americans with Disabilities Act and the Communications Act of 1934, but also has the potential to endanger their lives. CSDVRS would remind the Commission that inaction

⁹ See, June Order ¶40.

on this matter poses significant liability to the FCC, to Sorenson, and the VRS industry as a whole. Moreover, inaction could pose a serious threat to public safety.

Respectfully Submitted,

Sean Belanger
Chief Executive Officer
CSDVRS, LLC

By:

William Banks
General Counsel
CSDVRS, LLC
600 Cleveland Street, Suite 1000
Clearwater, Florida 33755
Phone: (727) 254-5600 | Fax: (727) 443-1537
wbanks@zvrs.com