

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matters 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-Enhanced Service Providers)	WC Docket No. 05-196
)	
Internet-Based Telecommunications Relay Service Numbering)	WC Docket No. 10-191

Telecommunications for the Deaf and Hard of Hearing, Inc.;
Association of Late-Deafened Adults, Inc.;
National Association of the Deaf;
Deaf and Hard of Hearing Consumer Advocacy Network;
California Coalition of Agencies Serving the Deaf and Hard of Hearing;
American Association of the Deaf-Blind; and
Hearing Loss Association of America

REPLY COMMENTS

I. INTRODUCTION

Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), through its undersigned counsel, Association of Late-Deafened Adults, Inc. (“ALDA”), National Association of the Deaf (“NAD”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”), American Association of the Deaf-Blind (“AADB”), and Hearing Loss Association of America (“HLAA”) (collectively, the “Consumer Groups”), respectfully submit these reply comments to the Notice of Proposed Rulemaking released by the Commission in the

above-referenced dockets on September 17, 2010.¹ This filing addresses one issue raised in the initial round of comments concerning the statutory and regulatory framework applicable to numbering issues.

II. THE REGULATORY FRAMEWORK APPLICABLE TO NUMBERING ISSUES

The Consumer Groups want to clarify a point made in the comments filed by Mr. Jay Carpenter,² which among other things provides an analysis of existing numbering standards established by NANC and other industry bodies. Specifically, Mr. Carpenter notes that “First Come, First Serve” is the existing method by which toll-free numbers are allocated from the pool,³ and goes on to state, “[d]irected transfers to another subscriber without giving all potential subscribers a chance at obtaining subscribership to a specific toll free telephone number is prohibited under current rules.”⁴ Further, Mr. Carpenter states, “[t]he NPRM proposal to have providers transfer subscribership to iTRS/VRS users could be counter to the FCFS rules,”⁵ and that directed transfers may be “unfair” to potential subscribers that want to use a particular toll free number.⁶

It is beyond dispute that FCC policy governs industry standards, rather than the other way around. Section 251(e)(1) of the Act grants the Commission exclusive jurisdiction over telephone numbering in the United States. If industry numbering policies conflict with the

¹ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, E911 Requirements for IP-Enabled Service Providers, Internet-Based Telecommunications Relay Service Numbering*, Notice of Proposed Rulemaking, Docket Nos. 03-123, 05-196 & 10-191 (rel. Sept. 17, 2010) (“NPRM”).

² See Comments of Mr. Jay Carpenter, at 3-4 (Dec. 2, 2010).

³ See *id.*

⁴ *Id.*

⁵ *Id.*

⁶ See *id.*, at 4.

FCC's directives, then those entities that implement FCC rules are responsible for modifying their policies to ensure that they comport with FCC requirements. In other words, the FCC cannot be prevented from establishing rules governing the seamless transfer of numbers because they might conflict with industry "First Come First Serve" standards.

In order to ensure that end users are not deprived of the toll free numbers they have been using as a result of the "First Come First Serve" rule, the Commission should clarify that the transfer of such numbers from iTRS providers to end users in this context is not intended to deprive the end users of their toll free numbers in any way. Upon a transfer request by an end user (or the iTRS service provider on behalf of the end user), such numbers should not be placed back into the "pool." The Commission should make clear that these numbers should not be reassigned to other parties and should continue to be available and usable by the end users that have been using them prior to the transfer.

While the Consumer Groups appreciate the work the various industry bodies do to maintain order and stability of the nation's numbering system, this is clearly an exceptional circumstance that warrants a departure from traditional industry numbering guidelines. In this particular special circumstance, end users should be treated as if they were the owners of the toll free numbers that they want to port to ensure that they are not placed into the "pool" and potentially lost by the end users that have been using these toll free numbers.

III. CONCLUSION

The Consumer Groups support the NPRM's proposed transition plan, and suggest that the Commission clarify the points set forth herein. Consumers should not be punished or have their services disrupted because of arcane industry numbering standards that could be read in a way that could take numbers away from consumers that want to continue using them. The FCC establishes numbering policy, and the Commission should make clear that toll free numbers

transitioned under this plan are not subject to pooling or re-distribution away from a consumer that expresses a desire to maintain the toll free number she has been using. Finally, upon taking final action in this matter, the Consumer Groups request that the Commission disseminate a Fact Sheet in consumer-friendly language as well as a video in ASL on its website, explaining all the key aspects of the decision.

Respectfully submitted,

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