

January 7, 2011

Ex Parte

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: *Server-Based Routing for VRS* – Purple’s Request for Clarification,  
CG Docket No. 03-123; WC Docket No. 05-196; Purple’s Petition for  
Clarification or Waiver, CG Docket No. 10-51

Dear Ms. Dortch:

Sorenson Communications Inc. (“Sorenson”) files this letter to further address the issues raised by a “Request for Clarification” filed by Purple Communications, Inc. (“Purple”) on July 21, 2009,<sup>1</sup> and by Purple’s more recent “Petition for Clarification or Waiver” filed on June 2, 2010.<sup>2</sup> In those filings, Purple sought clarification that VRS providers may employ “server-based routing” to provide VRS users “follow-me” functionality like call forwarding.

Deaf consumers support the implementation of server-based routing. Like hearing users of traditional voice communications, deaf VRS users require the ability to receive a call placed to a North American Numbering Plan number at different locations, including at home, at work, and on mobile devices—the so-called “follow-me” feature that has been available to traditional voice consumers for a number of years. Server-based routing also simplifies the installation of home VRS devices and enables VRS users to receive calls on PCs and mobile devices in public locations that, absent this routing technology, would be impossible. In addition, server-based routing greatly facilitates reaching VRS users located behind firewalls in the workplace or at home because the standards for NAT/firewall traversal developed by the ITU-T rely on an intermediate traversal server. The alternative to this “automatic,” standards-based NAT/firewall traversal requires manually configuring the firewall and videophone to allow connections, which is time-consuming and therefore costly.

Purple’s filings argued that the Commission’s rules—specifically 47 C.F.R. § 64.613(a)—should not be interpreted so woodenly as to deprive VRS consumers of the follow-me functionality that hearing users increasingly take for granted. Indeed, needlessly overreading

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<sup>1</sup> Request for Clarification of Requirements for Populating the iTRS Database of Purple Communications, Inc., CG Docket No. 03-123 (July 21, 2009) (“Purple Clarification Request”).

<sup>2</sup> Petition for Clarification or Waiver of Purple Communications, Inc., CG Docket No. 10-51 (June 2, 2010) (“Purple Petition”).

Section 64.613(a) would freeze technological solutions and mandate a particular network architecture over other superior and more flexible architectures. Moreover, barring server-based routing would undermine the ability of VRS providers to meet the functional equivalence mandate of Section 225 of the Communications Act.<sup>3</sup>

Although Sorenson has previously expressed concerns regarding potential procedural defects in Purple's filings, Sorenson has long been a proponent of server-based routing.<sup>4</sup> Indeed, Sorenson now shares the view of Purple and other VRS providers that server-based routing should be permitted under the Commission's existing rules.

### **Background**

On July 21, 2009, Purple filed a request for clarification asking the Commission "to confirm the allowance of the entry of multiple URIs in the iTRS database per local 10 digit TRS number, where URIs may contain either provider server address or direct-device IP address."<sup>5</sup> Purple explained that "supporting multiple URIs per local number and server routing will enable providers and consumers the much needed technical flexibility" to "facilitate the provision of enhanced services and additional devices to consumers."<sup>6</sup>

In response, Sorenson submitted an ex parte letter on August 20, 2009, stating that although Purple had "styled its filing as a petition for 'clarification,' its request would require a change in the Commission's existing rules and thus should be treated as a petition for reconsideration."<sup>7</sup> Sorenson "expresse[d] no view on the substance of Purple's petition," but suggested that a rulemaking was warranted.<sup>8</sup>

On June 2, 2010, Purple filed a more targeted petition for clarification or waiver involving Purple's "Follow Me" call forwarding feature. Specifically, Purple "request[ed] the Commission to clarify whether server routing may be allowed in order to offer a call forwarding feature"; alternatively, Purple asked for a waiver of Section 64.613(a).<sup>9</sup> Purple argued that the Commission had presumably not intended its rule to limit the ability of VRS providers to offer call forwarding and that "it would be discriminatory" to deny this feature to VRS users.<sup>10</sup>

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<sup>3</sup> 47 U.S.C. § 225(a)(3).

<sup>4</sup> See, e.g., Comments of Sorenson Communications, Inc., CG Docket 10-51 (June 14, 2010), at 6, n. 18 ("Sorenson Comments").

<sup>5</sup> Purple Clarification Request at 1.

<sup>6</sup> *Id.* at 1-2.

<sup>7</sup> Letter from Gil M. Strobel, Counsel for Sorenson, to Marlen H. Dortch, FCC Secretary, CG Docket No. 03-123 and WC Docket No. 05-196 (August 20, 2009), at 1.

<sup>8</sup> *Id.* at 2.

<sup>9</sup> Purple Petition at 3.

<sup>10</sup> *Id.* at 6.

Sorenson again objected that any changes to the FCC's numbering regime "should be accomplished through a formal notice-and-comment rulemaking proceeding."<sup>11</sup> Sorenson stated that, in adopting Section 64.613(a), the Commission chose to require that VRS URIs should "contain" the end user's IP address, and argued that it should be careful that any change to the rule not have "unintended consequences."<sup>12</sup> Sorenson noted, however, that it had been a "proponent of server-based routing" and might continue to support it if the Commission were to develop a record to justify such an approach. Sorenson urged that "the FCC should issue an NPRM in the near future to address the issues raised by Purple's Petition." The FCC has not acted on either of Purple's requests.<sup>13</sup>

## **Discussion**

As set forth *supra* at 1, server-based routing is increasingly important to enable VRS providers to offer "follow-me" features like those that have proliferated for hearing users in recent years. All communications users, including the deaf and hard of hearing, need the ability to be reached at home, at work, and on the road. As the Commission has recognized, the functional equivalence mandate of Section 225 "is, by nature, a continuing goal that requires periodic reassessment" to determine what services "are necessary to ensure that TRS is functionally equivalent to voice telephone service."<sup>14</sup> Today, follow-me features are increasingly ubiquitous for hearing users, and thus increasingly important for functional equivalence, as is the ability to communicate telephonically in settings that are protected by firewalls. Affording deaf individuals access to follow-me features will also promote the statutory goal that TRS be made available to deaf Americans on a nationwide basis, "to the extent possible."<sup>15</sup>

Since the summer of 2009—when Purple first sought clarification of the FCC's rules governing the iTRS database and Sorenson suggested that the FCC issue an NPRM to address the issue—the FCC has not acted on this matter. While Sorenson certainly understands that the Commission has been diligently working on a host of other VRS issues, the kinds of services and features available to VRS users must not be allowed to continue to fall behind those that hearing users increasingly take for granted. Accordingly, Sorenson urges the Commission to act expeditiously to address the issue of server-based routing.

Sorenson now believes that implementation of server-based routing does not require a rulemaking proceeding. Although Purple failed to identify any ambiguity in the current rules regarding server-based routing,<sup>16</sup> it is apparent that such an ambiguity *does*, in fact, exist. Specifically, the text of Section 64.613(a)(2) states that "[f]or each record associated with a VRS

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<sup>11</sup> Sorenson Comments at 1.

<sup>12</sup> *Id.* at 6, n.18.

<sup>13</sup> *Id.* at 8.

<sup>14</sup> *Telecommunications Relay Services*, 15 FCC Rcd 5143 ¶ 4 (2000).

<sup>15</sup> 47 U.S.C. § 225(b)(1).

<sup>16</sup> Sorenson Comments at 1, n.2.

user, the URI shall contain the user's Internet Protocol (IP) address"—but the meaning of the term “contain” is ambiguous. A URI never literally “contains” anything, but rather comprises a string of characters with a specific syntax pointing to a specific “location” on the Internet. A URI, in other words, must always be “resolved” to obtain a representation of the resource or “location” it identifies.

Section 64.613(a)'s direction that a URI must “contain” a user's IP address does not specify *how* the URI is to be resolved. Sorenson now believes that the direction for the URI to contain the user's IP address can and should be interpreted to include having the URI reference a *server* that can then resolve the appropriate IP “location” for the user. The most technologically and architecturally neutral reading of the rule is that it simply directs that the iTRS database must contain a URI that allows the provider handling the calling party's call to route the call to the appropriate end user via that user's IP address. And while Rule 64.613(a) uses different language for IP Relay than for VRS, that difference can be explained by the fact that server-based routing is *mandated* for IP Relay, but is *permitted* (although not mandated) for VRS.

In short, Sorenson now agrees with Purple that server-based routing is permitted by the Commission's existing regulations. If the FCC disagrees, however, Sorenson further agrees with Purple that—in light of the ever-growing need for follow-me VRS services “functionally equivalent” to such services available to hearing users—a temporary industry-wide waiver permitting server-based routing while the Commission conducts any rulemaking necessary to update the rules would be in the public interest. As Purple argued in its Petition for Clarification or Waiver, a waiver is appropriate for “good cause shown,” and particularly “where facts make strict compliance inconsistent with the public interest.”<sup>17</sup> That is precisely the case here—again, overreading Section 64.613(a) will certainly harm the deaf community by withholding the benefits of server-based routing, and will be at odds with functional equivalence and nationwide access mandates of the ADA. Moreover, we see no real danger that the FCC's comprehensive numbering regime will be undermined by permitting server-based routing.

In sum, Sorenson now supports Purple's request for clarification or a waiver of Section 64.613(a)(2) and urges the Commission to act expeditiously to prevent VRS falling further behind with respect to the kinds of follow-me services available to hearing users of communications services.

Sincerely,



Christopher Wright

*Counsel to Sorenson Communications, Inc.*

cc: Gergory Hlibok

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<sup>17</sup> Purple Petition at 6.