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May 18, 2011

**VIA HAND DELIVERY and VIA ECFS**

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

**Re: Request for Confidential Treatment**  
**Ex Parte Notice -- Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities**, CG Docket No. 03-123; **E911 Requirements for IP-Enabled Service Providers**, WC Docket No. 05-196; **Internet-Based Telecommunications Relay Service Numbering**, WC Docket No. 10-191

Dear Ms. Dortch:

Through counsel, Sorenson Communications, Inc. ("Sorenson") hereby requests pursuant to Sections 0.457 and 0.459 of the Commission's rules, 47 C.F.R. §§ 0.457, 0.459, that the Commission withhold from any future public inspection and accord confidential treatment to the attached ex parte.<sup>1</sup> This document contains sensitive commercial information that falls within Exemption 4 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(4).

Exemption 4 of FOIA provides that the public disclosure requirement of the statute "does not apply to matters that are ... (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. § 552(b)(4). Because Sorenson is providing commercial information "of a kind that would not customarily be released to the public" in response to a request from Wireline Competition Bureau staff, this information is

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<sup>1</sup> Pursuant to Section 1.1206(b)(2) of the Commission's rules, counsel is filing an original and one copy of this letter and its attachment and delivering electronic copies to the Commission staff involved in the meetings described in the attachment. Sorenson is also electronically filing a copy of this letter and a redacted version of the attachment for inclusion in the public record in the dockets identified above.

“confidential” under Exemption 4 of FOIA. *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

In support of this request and pursuant to Section 0.459(b) of the Commission's rules, Sorenson hereby states as follows:

**1. Identification of the Specific Information for Which Confidential Treatment Is Sought (Section 0.459(b)(1))**

Sorenson seeks confidential treatment with respect to the percentage figures that are shaded in the attached confidential ex parte letter.

**2. Description of the Circumstances Giving Rise to the Submission (Section 0.459(b)(2))**

At the request of Wireline Competition Bureau staff, Sorenson provided the Bureau with data related to (1) the frequency with which hearing callers dial toll-free numbers assigned to users of Sorenson's Video Relay Services (“VRS”) and (2) the rate at which Sorenson's new VRS subscribers request toll-free numbers.

**3. Explanation of the Degree to Which the Information Is Commercial or Financial, or Contains a Trade Secret or Is Privileged (Section 0.459(b)(3))**

The data described above constitutes sensitive commercial information that is customarily be guarded from competitors. In particular, information related to VRS service usage patterns and changes to such usage patterns over time constitute closely guarded information that, if released, would disadvantage Sorenson by providing its competitors with an insight into Sorenson's operations, service offerings, and costs.

**4. Explanation of the Degree to Which the Information Concerns a Service that Is Subject to Competition (Section 0.459(b)(4))**

The VRS market is highly competitive throughout the United States.

**5. Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (Section 0.459(b)(5))**

Sorenson could be harmed by unauthorized disclosure of this information, as it could provide competitors with commercially sensitive insights related to Sorenson's operations, service offerings and costs.

**6. Identification of Any Measures Taken to Prevent Unauthorized Disclosure (Section 0.459(b)(6))**

Sorenson does not make the redacted information publicly available.

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**7. Identification of Whether the Information Is Available to the Public and the Extent of Any Previous Disclosure of the Information to Third Parties (Section 0.459(b)(7))**

Sorenson does not make the redacted information publicly available.

Sincerely,

A handwritten signature in blue ink, appearing to read "John T. Nakahata", with a long horizontal flourish extending to the right.

John T. Nakahata  
Charles Breckinridge  
*Counsel to Sorenson Communications, Inc.*

Attachment

cc: Gregory Hlibok  
Diane Mason  
William Dever  
Richard Hovey  
Carol Simpson  
Heather Hendrickson  
Lisa Gelb

REDACTED



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Dear Ms. Dortch:

On May 17, 2011, Mike Maddix of Sorenson Communications, Inc. (“Sorenson”), and Charles Breckinridge and I of Wiltshire & Grannis LLP, on behalf of Sorenson, met separately with Gregory Hlibok and Diane Mason of the Disability Rights Office and with William Dever, Richard Hovey, Carol Simpson, Heather Hendrickson, and Lisa Gelb of the Wireline Competition Bureau.

In both meetings, Sorenson reiterated arguments it has made previously in response to the Commission’s Notice of Proposed Rulemaking regarding assignment of telephone numbers associated with Video Relay Service (“VRS”).<sup>1</sup> Sorenson noted that the percentage of hearing-initiated VRS calls made to Sorenson customers’ toll-free numbers has been steadily decreasing. In April 2009, approximately █ percent of hearing-initiated VRS calls went to Sorenson VRS end users’ toll-free numbers. By April 2010 the figure had dropped to approximately █ percent, and by April 2011 it had fallen to under █ percent. Sorenson also provided information on the frequency with which Sorenson’s new subscribers request a toll-free number along with the 10-digit local number that Sorenson assigns to every subscriber. For the period from the beginning

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<sup>1</sup> *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, 25 FCC Rcd. 13,767 (2010) (“NPRM”).

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of 2011 to the present, only [REDACTED] percent of new subscribers have requested a toll-free number in addition to a 10-digit local number.

In light of these figures, Sorenson observed that the rules the FCC proposed in the NPRM relate to a shrinking volume of calls and that the concerns they were designed to address – to the extent they were ever a cognizable concern – are fading away of their own accord or are best addressed through other means. Accordingly, Sorenson suggested that the FCC's proposed rules may not be necessary or warranted, particularly considering the outcry they would elicit from end users who would lose access to the toll-free service they currently receive.

Sincerely,

A handwritten signature in blue ink that reads "John T. Nakahata for STN".

John T. Nakahata  
Charles Breckinridge  
Wiltshire & Grannis LLP  
*Counsel for Sorenson Communications, Inc.*

cc: Gregory Hlibok  
Diane Mason  
William Dever  
Richard Hovey  
Carol Simpson  
Heather Hendrickson  
Lisa Gelb