

**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	)	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
	)	

**PETITION FOR RECONSIDERATION AND CLARIFICATION**

Sorenson Communications, Inc. (“Sorenson”) submits this petition for reconsideration and clarification of the Commission’s iTRS Toll Free Order.<sup>1</sup> While Sorenson agrees with many aspects of the Order, and certainly concurs that it is critical to continue to work to bring the convenience and other benefits of ten-digit numbering to users of Internet-based Telecommunications Relay Services (“iTRS”), some elements of the Order appear impractical or even counterproductive. Most important, Sorenson believes that it makes little sense for the Commission to make iTRS providers responsible for mapping toll free numbers to local ten-digit numbers in the iTRS database.

As further set forth below, to the extent that iTRS providers will no longer supply toll free numbers, they will have no way to validate that users claiming to hold toll free numbers are in fact entitled to those numbers. Instead, in order to update the iTRS database, Sorenson and other iTRS providers would be obliged to rely on users’ representations, which will at a

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<sup>1</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, CG Docket No. 03-123, WC Docket No. 05-196, WC Docket No. 10-191 (rel. Aug. 4, 2011) (“iTRS Toll Free Order” or “Order”).

minimum result in errors in the iTRS database and may also permit individuals to engage in number spoofing or even fraud. Sorenson seeks Commission reconsideration of this portion of the iTRS Toll Free Order or, at a minimum, clarification that the Commission is aware of the problems that may result from the approach reflected in the Order and will not hold iTRS providers responsible for such problems over which they have no control.

In addition, Sorenson seeks reconsideration of the requirements that it “must include an advisory on its website and in any promotional materials addressing numbering or E911 services for VRS or IP Relay”<sup>2</sup> providing: 1) the process by which an iTRS user may acquire a toll free number from a toll free service provider; 2) the process by which an iTRS user may transfer control of an existing toll free number from an iTRS provider to the user; 3) the process by which an iTRS user may request that a toll free number be linked to a ten digit number in the iTRS Directory; and 4) the contact information for toll free service providers or RespOrgs.<sup>3</sup>

Sorenson agrees that “the success of the Commission’s new iTRS toll free numbering rules will be enhanced by outreach efforts,”<sup>4</sup> and that it would be beneficial to include information about the new toll free numbering rules, policies, and procedures in targeted outreach materials. However, the requirement that iTRS providers place all of this information in “any promotional materials” addressing numbering for iTRS makes little sense, and is at odds with the Commission’s desire *not* to “impose overly burdensome obligations on any one sector involved.”<sup>5</sup> Sorenson is not well situated to maintain an up-to-date list of toll free number providers—again, there are a great many of them and they come and go. Moreover, the

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<sup>2</sup> See iTRS Toll Free Order, Appendix A (amending 47 C.F.R. § 64.611(g)).

<sup>3</sup> See *id.*, ¶¶ 34, 35.

<sup>4</sup> *Id.*, ¶ 32.

<sup>5</sup> *Id.*, ¶¶ 34, 32.

requirement that iTRS providers include these disclosures in all promotional materials addressing numbering or E911 services could easily overwhelm the intended purposes of those materials. Finally, it is unclear whether the Commission intended to include a temporal limitation on this requirement; such a limit would seem necessary to avoid perpetually bombarding users with lengthy, distracting, and redundant information.

In addition to being counterproductive and leading to negative impacts on users, these requirements are contrary to the Paperwork Reduction Act (“PRA”), which is intended to “minimize the paperwork burden . . . resulting from the collection of information by or for the Federal Government.”<sup>6</sup> Accordingly, the Commission should, at a minimum, limit what is meant by *any* promotional materials “addressing numbering or E911 services”<sup>7</sup>; should place a temporal limitation on the requirements; and should make clear that iTRS providers would not be vouching for the quality of services or even the continued existence of the innumerable toll free number providers if they are required to list any of them.

**I. REQUIRING iTRS PROVIDERS TO MAP TOLL FREE NUMBERS TO THE iTRS DATABASE WILL INTRODUCE ERRORS INTO THE DATABASE, AS WELL AS THE POTENTIAL FOR FRAUD AND ABUSE BY INDIVIDUALS FALSELY CLAIMING TOLL FREE NUMBERS.**

In the iTRS Toll Free Order, the Commission 1) “prohibit[ed] iTRS providers from assigning or issuing toll free numbers to users,”<sup>8</sup> but also 2) “require[d] that iTRS providers ensure that the toll free number of a user associated with a geographically

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<sup>6</sup> 44 U.S.C. § 3501(1); Sorenson intends to file at a later date separate PRA comments regarding the PRA burdens imposed by the Order.

<sup>7</sup> iTRS Toll Free Order, Appendix A (amending 47 C.F.R. § 64.611(g)).

<sup>8</sup> *Id.*, ¶ 13.

appropriate NANP number will be associated with the same URI as that geographically appropriate NANP number.”<sup>9</sup> These requirements may be counterproductive.

**A. The Order Will Result in Errors in the iTRS Database and Some iTRS Calls Will Not be Delivered.**

In its Comments on the NPRM,<sup>10</sup> Sorenson opposed “removing the iTRS provider from its role in provisioning toll free numbers” on the ground that it would “introduce errors into the iTRS database.”<sup>11</sup> Sorenson explained that removing iTRS providers from this role would leave them without the knowledge necessary to ensure accurate matches between toll free numbers and IP addresses in the iTRS database:

Because the iTRS provider will not be providing the toll-free number, the iTRS provider will have to rely on users to provide the correct toll-free number to associate with the user’s IP address in the iTRS database. When a user provides an incorrect number—as will inevitably occur—the incorrect number will be placed in the iTRS database and the user will not be able to receive calls placed to the toll-free number from hearing callers as well as point-to-point calls to the toll-free number from other deaf or hard-of-hearing persons.<sup>12</sup>

In short, Sorenson was concerned that if iTRS providers do not *issue* toll free numbers, they will be *unable* to ensure the accuracy of the toll free number information supplied by users, resulting in undelivered calls. In the Order, however, the Commission responded that it did “not find this a compelling reason to maintain an administrative role for iTRS providers.”<sup>13</sup> According to the Commission, “[i]f Sorenson expects such errors to occur,

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<sup>9</sup> *Id.*, ¶ 25.

<sup>10</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Notice of Proposed Rulemaking, CG Docket No. 03-123, WC Docket No. 05-196, WC Docket No. 10-191 (rel. Sept. 17, 2010) (“NPRM”).

<sup>11</sup> Comments of Sorenson Communications, Inc. at 8, CG Docket No. 030123, WC Docket No. 09-196, WC Docket No. 10-191 (filed Dec. 2, 2010) (“Sorenson Comments”).

<sup>12</sup> *Id.*

<sup>13</sup> iTRS Toll free Order, ¶ 17 n.56.

it—and all other iTRS providers—may notify the iTRS user of the potential mistake and make several verifications of the toll free number to ensure correctness.”<sup>14</sup>

The Commission’s response seems to miss the point of Sorenson’s objection. Again, the point is that if it does not issue the toll free numbers, there is no way for Sorenson to know if the information it receives from users about those numbers is accurate—and accordingly no way for it to identify “potential mistake[s].” Moreover, even if Sorenson could identify such errors, there is no way for it to “make . . . verifications of the toll free number.” Under the toll free number regime adopted by the Order, Sorenson would simply receive toll free number information from a user, and would associate the toll free number provided by the user with the same URI as that to which the user’s geographically appropriate ten-digit number points. Thus, Sorenson would have no control at all over whether the toll free number provided by the user was accurate.

Even if users accurately provide Sorenson toll free numbers that they believe to be theirs, it is significant that Sorenson has no way to verify whether the users *retain* the right to use those numbers. Most toll free number providers supply the right to use toll free numbers on a month-to-month basis. Accordingly, a deaf user may have the right to use a number one month, but not the next. Over time, some users might voluntarily choose to stop using a particular toll free number, while others might lose the right due to non-payment or other issues—but in either event, there is no process in place for the iTRS provider to be made aware of the change in status of the number. Accordingly, the toll free number will be left in the iTRS database, and will route calls to a user who is no

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<sup>14</sup> *Id.*

longer assigned to the telephone number. In short, the fact that iTRS providers like Sorenson cannot tell when these changes to toll free number assignments occur will result in additional errors in the iTRS database.

**B. The Order May Enable Fraud and Number Spoofing.**

As discussed above, Sorenson's comments pointed out that user *mistakes* in providing toll free numbers to their iTRS providers will result in calls that cannot be completed. But such mistakes may not be the most serious problems caused by the Order—there may be opportunities for fraud and other mischief as well.

Again, under the mapping regime set forth in the Order, iTRS providers will lack the ability to verify that users really have the right to use the toll free numbers that they seek to have mapped to their ten-digit numbers. This may present unscrupulous individuals with the opportunity to engage in fraudulent behavior. An iTRS user could, for example, supply a provider with a toll free number that is actually assigned to a service organization, a financial institution, or even a government agency. Suppose a user gives his iTRS provider a toll free number actually assigned to a credit counseling organization with no relationship to the user. Under the Order, the iTRS provider must map that toll free number to the same IP address as the user's ten-digit number. When other iTRS users attempt to reach that credit counseling organization by dialing its toll free number, the call would be misrouted to the user who falsely claimed it. If that user were to pose as a credit counselor when such calls came in, he or she could obtain sensitive information like social security numbers, credit card numbers, and so on. Because iTRS providers have no way to verify which toll free numbers are assigned to which individuals, such schemes might well go undetected, at least for a period of time.

There are also less sinister, but still troubling, possibilities. For instance, an iTRS user might give his provider a toll free number that he does not have the right to use simply to cause mischief. By directing the iTRS provider to use the toll free number as a caller ID, the user would be engaging in prohibited “spoofing” activity that could lead the person on the other end of the line to believe that the call originated with the individual or entity to which the toll free number is actually assigned. Of course, there may well be other possible sources of mischief as well—our purpose here is not to catalog all the possibilities, but only to illustrate that unintended (and very negative) consequences may arise from having iTRS providers map toll free numbers into the iTRS database when they are unable to verify those numbers.

**C. Other Approaches to Managing Toll Free Numbers for the Deaf and Hard-of-Hearing May be Preferable to that Adopted by the Order.**

Sorenson believes that the Commission should consider alternatives to the toll free number mapping regime adopted by the Order. Other possible approaches exist that would not lead to errors in the iTRS database or invite fraud and other bad behavior.

The most straightforward solution—consistent with the Commission’s desire to eliminate iTRS providers from any role in supplying toll free numbers—may be to sever any connection between the toll free number and the iTRS database. Under this approach, deaf and hard-of-hearing individuals would obtain toll free numbers from RespOrgs (or port their existing toll free numbers to RespOrgs), and those toll free numbers would not appear anywhere in the iTRS database (except in cases where the Commission waives its new iTRS toll free numbering rules).

Since there would be no toll free numbers in the iTRS database, all point-to-point calls would require the use of local 10-digit-numbers—which would never result in a

financial burden for callers since point-to-point calls are free. Hearing end users, by contrast, could dial an iTRS user's valid toll free number and, since such calls would route through the 800/SMS database, those calls would be directed to the iTRS user's local number and, hence, to an interpreter. (If a VRS user dialed another VRS user's 800 number, the result would be a non-compensable dual relay call, which the callers would presumably abandon very quickly after realizing that they were not connected via point-to-point.) While this approach could result in some user inconvenience (since iTRS users could no longer use toll free numbers for point-to-point calls), it would eliminate the possible mistakes, fraud and mischief that could arise if providers were obliged to enter toll free numbers in the iTRS database.

A second possible solution to the problems identified above might be to leave toll free numbers in the iTRS database, but to require an entity that *is* capable of verifying the connection between the user, a toll free number, and a ten-digit number to do that verification each time a toll free iTRS call is made. For example, it may be that Neustar could query the SMS/800 database to make sure that the toll free number is valid, verify the local number to which it points, and then confirm that the toll free number points to the same place in the iTRS database. Sorenson has grave doubt whether Neustar could do this, however—it appears that the SMS/800 database does not contain this information, but rather that only the toll free number provider stores the routing information reflecting the link between the toll free number and the associated ten-digit number.

In sum, Sorenson has not conducted an exhaustive study of how to solve the problems introduced by the Order. In its Comments, Sorenson argued that the

Commission should not remove iTRS providers from their role providing toll free numbers to their users. Now that the Commission has rejected that argument, it should take care that unintended consequences do not result.

**II. THE COMMISSION SHOULD RECONSIDER THE ORDER'S REQUIREMENTS THAT iTRS PROVIDERS INCLUDE INFORMATION IN "ANY PROMOTIONAL MATERIALS" THAT MAY RENDER THOSE MATERIALS INCOMPREHENSIBLE TO iTRS USERS.**

In its Comments, Sorenson indicated that “providers should ensure that consumers have full information on the new rules’ requirements, the timeline for their implementation, and the options (and consequences) consumers face.”<sup>15</sup> Sorenson suggested that iTRS providers should supply “this information via mail or by other comparably effective means.”<sup>16</sup> Sorenson further indicated that “[i]f the proposed rules are implemented, Sorenson will include in its already-robust outreach information about the new toll free number rules, policy and procedures.”<sup>17</sup> Sorenson is thus clearly not averse to doing its part to ensure that iTRS users have the information they need to make the changes required by the Order. But the specific mandates imposed by the Order are unlikely to achieve that end.

**A. The Required Disclosures Will Make iTRS Promotional Materials Read Like Pharmaceutical Advertisements.**

We have all seen advertisements from drug companies where the fine print is so voluminous that it is hard to say what the advertisement is for. Perhaps that is unavoidable in the context of pharmaceuticals where the fine print can literally be a matter of life or death. That is not the case here, yet the disclosures required by the Order similarly threaten to overwhelm the actual purposes of iTRS providers’ promotional materials.

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<sup>15</sup> Sorenson Comments at 10.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 13.

As noted above, the Order mandates that iTRS providers include four categories of information “on its website and in any promotional materials addressing numbering or E911 services for VRS or IP Relay”<sup>18</sup>: 1) the process by which an iTRS user may acquire a toll free number from a toll free service provider; 2) the process by which an iTRS user may transfer control of an existing toll free number from an iTRS provider to the user; 3) the process by which an iTRS user may request that a toll free number be linked to a ten digit number in the iTRS Directory; and 4) contact information for toll free service providers or RespOrgs.<sup>19</sup> Each of the first three items on this list will, of course, require some explanation to be comprehensible to the average iTRS user. Together, the descriptions of these processes will be lengthy. But the fourth category of information will be more voluminous still. Sorenson does not know precisely how many providers of toll free numbers exist—and, indeed, that number would be difficult to ascertain because such providers come and go—but it is certainly in the hundreds. Providing all of this information with *any* “promotional materials” related to numbering or E911 will, in many cases, swamp the intended message of those materials.

Subject to the concern addressed directly below, however, Sorenson has no problem with providing detailed explanatory material on its website, and providing a link to this material on promotional materials addressing numbering or E911 services for VRS or IP Relay. Nor would Sorenson object to targeted outreach to provide its users with the information they need. But requiring that this information be included in “any” promotional materials related to numbering or E911 is unnecessarily burdensome. Sorenson estimates, for example, that it distributes roughly 55,000 pieces of hard-copy promotional materials addressing numbering or E911 for VRS or IP Relay in a year. Assuming—conservatively—that all of the disclosure information

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<sup>18</sup> See iTRS Toll Free Order, Appendix A (amending 47 C.F.R. § 64.611(g)).

<sup>19</sup> See *id.*, ¶¶ 34, 35.

required by the Order would fit on two pages, that would mean 110,000 extra pages of hard-copy promotional materials for Sorenson to distribute in a year.

Recent Commission actions in other contexts appear to recognize that such burdensome distributions make little sense. In the recently issued Advisory Guidance for Compliance with Open Internet Transparency Rule,<sup>20</sup> for example, the Office of General Counsel and the Enforcement Bureau chose *not* to place a similar compliance burden on broadband providers to distribute physical materials disclosing network management practices, performance characteristics, and commercial terms “at the point of sale.”<sup>21</sup> Instead, the Guidance clarified that “[b]roadband providers can comply with the point-of-sale requirement by, for instance, directing prospective customers at the point of sale . . . to a web address at which the required disclosures are clearly posted and appropriately updated.”<sup>22</sup> In a similar vein, the Commission has just announced plans to “reduce burdens on the broadcasting industry” by replacing the requirement that television stations maintain hard-copy public inspection files on their premises with a system whereby stations would submit documents to a central online public file “hosted by the Commission.”<sup>23</sup> At a time when the Commission is moving to reduce the compliance burden on regulated entities to distribute physical materials in other contexts, it makes little sense for the FCC to be mandating that iTRS providers distribute many thousands of pages of additional physical materials when a link to an online database would serve iTRS users’ needs

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<sup>20</sup> *FCC Enforcement Bureau and Office of General Counsel Issue Advisory Guidance for Compliance with Open Internet Transparency Rule*, Public Notice, GN Docket No. 09-191, WC Docket No. 07-52 (rel. June 30, 2011).

<sup>21</sup> *Id.* at 3.

<sup>22</sup> *Id.* at 4.

<sup>23</sup> See Press Release, *Federal Communications Commission Takes First Step to Modernize Television Broadcast Public Inspection Files* (Oct. 27, 2011) at [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2011/db1027/DOC-310696A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db1027/DOC-310696A1.pdf).

equally well. Notably, however—as further discussed directly below—while Sorenson would be happy to prominently link to a list of toll free number providers, it also bears emphasis that Sorenson and other iTRS providers are not well situated to compile such a list.

**B. iTRS Providers are not Well Positioned to Compile and Keep Current a List of Toll Free Number Providers.**

The Commission’s requirement that iTRS providers inform users of their options for obtaining toll free numbers is ill considered, particularly since “[t]he Commission will also provide this information on its website.”<sup>24</sup> While Sorenson would be happy to link to the Commission’s list—and in fact recommends such an approach—Sorenson has little knowledge of or experience with the vast majority of toll free number providers, and it would be time consuming to attempt to compile an exhaustive list. More important, Sorenson is concerned that it would be seen as endorsing or vouching for providers about which it knows little or nothing—which would seem an almost inevitable consequence of any such list, particularly one that is *not* exhaustive but rather selects only certain providers. Relatedly, the Order’s requirement raises the possibility that some iTRS providers would give certain toll free number providers preferential treatment in their materials, or might even “sell” positions on their list or endorsements to such providers.

Sorenson would prefer to avoid being caught in the middle between its iTRS users and toll free number providers about which Sorenson has no information. If the Commission wishes to require users to find their own toll free number providers—as the Order requires—then users should find their own toll free number providers without the potential to blame infelicitous results on Sorenson or another iTRS provider. Again, since the iTRS Toll Free Order states that

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<sup>24</sup> iTRS Toll Free Order, ¶ 35.

contact information for toll free providers will be available on the Commission’s website,<sup>25</sup> Sorenson urges the Commission to amend its rules to allow iTRS providers to publish a link to the Commission’s list, rather than requiring them to develop and publish lists of their own.

**C. The Commission Should at Least Impose a Temporal Limitation on the Order’s Disclosure Requirements.**

Finally, as noted above, it seems unlikely that the Commission intended to require providers to include this information in promotional materials forever—but that is simply unclear from the Order. Sorenson asks that the Commission at least limit this requirement to the one-year “transition period” for shifting users from toll free numbers provided by iTRS providers to numbers supplied directly to users by RespOrgs.<sup>26</sup>

**III. CONCLUSION**

Sorenson is concerned that the iTRS Toll free Order may have unintended consequences, including calls that cannot be completed and the potential for fraud and other mischief. Sorenson asks the Commission to reconsider the Order to ensure that such problems do not ensue, as well as to prevent iTRS providers’ promotional materials from becoming incomprehensible (and thus useless) to users, and from imposing a substantial burden on iTRS providers.

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<sup>25</sup> *Id.*, ¶ 35.

<sup>26</sup> *Id.*, ¶¶ 28-29.

Respectfully submitted,

Michael D. Maddix  
Director of Government and  
Regulatory Affairs  
SORENSEN COMMUNICATIONS, INC.  
4192 South Riverboat Road  
Salt Lake City, UT 84123

\_\_\_\_\_/s/  
John T. Nakahata  
Timothy J. Simeone  
WILTSHIRE & GRANNIS LLP  
1200 Eighteenth Street, N.W.  
Washington, D.C. 20036  
T: (202) 730-1300

*Counsel to Sorenson Communications, Inc.*

October 27, 2011