



WILTSHIRE
& GRANNIS LLP

November 4, 2011

Ex Parte Notice – Via ECFS

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

Re: *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51; *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:

Michael Maddix of Sorenson Communications, Inc. (“Sorenson”), together with the undersigned, participated in two meetings on November 2, 2011, related to the dockets identified above.

In our first meeting, we met with Gregory Hlibok (Chief, Disability Rights Office, Consumer and Governmental Affairs Bureau), William Dever (Chief, Competition Policy Division, Wireline Competition Bureau), Richard Hovey (Competition Policy Division, Wireline Competition Bureau), and Heather Hendrickson (Competition Policy Division, Wireline Competition Bureau). In the first meeting, we discussed the process for seeking waivers of the requirement adopted in the recent *Toll Free Numbering Order*¹ prohibiting VRS and IP Relay providers from issuing toll-free numbers to subscribers. We explained that a waiver is necessary to ensure functional equivalence for the subset of subscribers to whom Sorenson is unable to issue geographically appropriate local numbers. For these subscribers, Sorenson issues numbers from the closest available rate center — which means as a practical matter that a neighbor would have to make a long distance call to reach a VRS user living next door. We discussed whether it would appropriate to file a single waiver request addressing all of the subscribers affected by this issue.

¹ *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).

In the first meeting, we also summarized Sorenson's recently filed petition for reconsideration of certain aspects of the *Toll Free Numbering Order*.² We explained that the petition requests that the FCC reconsider (1) the rule requiring Internet-based TRS providers to ensure that a user's toll-free number is associated with the same URI as the user's NANP number, since iTRS providers will no longer have a reliable means of verifying a user's toll free number; (2) the rule requiring VRS and IP Relay providers to develop and publish a list of toll-free service providers, since VRS and IP Relay providers are not in a position to identify all such providers and should instead be permitted to simply post a link to the list to be maintained on the FCC's website; and (3) the rule requiring VRS and IP Relay providers to include certain disclosures and informational materials related to toll-free numbering in their promotional materials, since that would create an undue burden and providers could achieve the same result by posting such information on their websites.

In the first meeting, we also discussed the impact of 47 C.F.R. § 64.604(c)(5)(iii)(C)(2), which was adopted in the *Fraud Order* issued on April 6, 2011, and which took effect on September 26, 2011. Among other things, this rule requires TRS providers to include in their submissions to the TRS Fund administrator the "incoming telephone number and IP address (if call originates with an IP-based device) at the time of the call." This requirement is impossible for TRS providers to meet for some calls, as TRS providers have no control over the data they receive from the interconnected carrier on the other end of a call. We explained that phantom traffic results in incomplete data of this kind, as do services that use the XMPP protocol in connection with IP Relay (like Google Talk). We proposed that the Commission clarify that the rule should be understood to mean that iTRS providers are required to provide telephone number and IP address data only to the extent they receive such data from the interconnected carrier, and that iTRS providers are entitled to compensation regardless of whether they receive complete IP address and telephone number data.

In our second meeting, we met only with Gregory Hlibok. In the second meeting, we discussed the Petition for Limited Reconsideration that Hamilton Relay, Inc. filed on June 1, 2011, requesting that the Commission apply an interest rate to reimbursements that TRS Fund administrator originally withholds but ultimately determines to be compensable. We noted Sorenson's support for Hamilton's proposal, particularly in light of new rules that allow the FCC and the Fund administrator to withhold payments for up to a year.³

In the second meeting, we also informed Mr. Hlibok that Sorenson is preparing a petition urging the Commission to extend some fraud protections currently applicable only to VRS. In a Declaratory Ruling issued in February 2010,⁴ the Consumer and Governmental Affairs Bureau clarified that VRS calls made by or to an employee of a VRS provider are not eligible for

² See Sorenson Petition for Reconsideration and Clarification, CG Docket No. 03-123, WC Docket No. 05-196, WC Docket No. 10-191 (filed Oct. 27, 2011).

³ See 47 CFR 64.604(c)(5)(iii)(L).

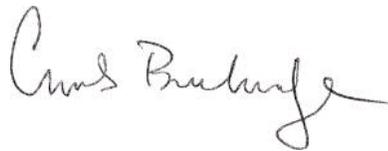
⁴ *Structure & Practices of the Video Relay Serv. Program*, Declaratory Ruling, 25 FCC Rcd. 1868 (2010).

compensation from the Fund. We noted that the rationale for this rule applies to all forms of TRS, and that it should accordingly be extended to the other forms of TRS.

In the second meeting, we also informed Mr. Hlibok that someone recently approached Sorenson about obtaining IP Caption Telephone Service for his daughter, who is dyslexic. She does not have hearing loss, but we explained that her dyslexia may be tantamount to a hearing disability because it apparently impacts her ability to comprehend spoken language. We asked Mr. Hlibok whether this person is eligible to receive Fund-supported IP CTS service, and he responded that he will need to assess the issue.

Finally, in the second meeting, we informed Mr. Hlibok that CSDVRS has implemented a new policy under which it will provide service to a former Sorenson customer following a port only if the customer first relinquishes his or her Sorenson videophone to CSDVRS. We noted our general concern with this policy — particularly since it degrades the customer's ability to port back to Sorenson service if he or she chooses to do so, and since it is Sorenson's view that CSDVRS has no right to take possession of the phones which remain Sorenson property. We also noted that, for competitive reasons, Sorenson would be compelled to employ a similar policy if the Commission does not take action to indicate that CSDVRS's approach is not permitted.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles Breckinridge".

Charles Breckinridge
Counsel to Sorenson Communications, Inc.

cc: Gregory Hlibok
William Dever
Heather Hendrickson
Richard Hovey