

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

In the Matter of

Structure and Practices of the Video Relay  
Service Program

CG Docket No. 10-51

**REQUEST FOR CLARIFICATION**

Sorenson Communications, Inc. (“Sorenson”) hereby submits this request for clarification that ten-digit-number and IP address collection and submission are required by Section 64.604(c)(5)(iii)(C)(2) only when that information is provided to the telecommunications relay service (“TRS”) provider. Section 64.604(c)(5)(iii)(C)(2), which took effect on September 26, 2011, requires TRS providers to collect the “[i]ncoming telephone number and IP address (if call originates with an IP-based device) at the time of the call” and the “[o]utbound telephone number (if call terminates to a telephone) and IP address (if call terminates to an IP-based device) at the time of call.”<sup>1</sup> As Sorenson has previously noted,<sup>2</sup> that call data is not always provided to TRS providers, making literal compliance with the rule’s requirements impossible in some instances. Sorenson accordingly seeks clarification that TRS providers may be compensated from the TRS Fund without submitting this data when it is not provided to them.

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<sup>1</sup> 47 C.F.R. § 64.604(c)(5)(iii)(C)(2)(v) and (vi).

<sup>2</sup> See Request for Waiver of Sorenson Communications, Inc., CG Docket No. 10-51 (filed Aug. 31, 2011) (seeking a waiver in certain circumstances of the requirement in 47 C.F.R. § 64.604(c)(5)(iii)(C)(2) to collect and submit IP addresses) (“*Sorenson IP Waiver Request*”).

## DISCUSSION

Section 64.604(c)(5)(iii)(C)(2) requires TRS providers to submit data associated with each TRS call for which TRS Fund compensation is sought. The rule identifies ten specific categories of data that “TRS providers seeking compensation from the TRS Fund” must collect and submit to the Fund administrator.<sup>3</sup> Sorenson has no concerns about most of these data collections and submissions.

As noted above, however, the rule purports to require TRS providers to collect the “[i]ncoming telephone number and IP address (if call originates with an IP-based device) at the time of the call” and the “[o]utbound telephone number (if call terminates to a telephone) and IP address (if call terminates to an IP-based device) at the time of call.”<sup>4</sup> But this information is not always provided to TRS providers. While Sorenson will gladly collect and submit the requested information when it is provided by the interconnecting carrier, Sorenson cannot submit data that it does not receive.

The Commission is well-familiar with the fact that not all telecommunications carriers transmit the calling party’s number with all calls. Indeed, on October 27, 2011, the Commission adopted a rule requiring all telecommunications carriers and providers of interconnected VoIP services to include the calling party’s telephone number in all signaling, as well as requiring intermediate carriers to pass this information on, unaltered, to the next provider in the call path.<sup>5</sup>

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<sup>3</sup> 47 C.F.R. § 64.604(c)(5)(iii)(C)(2).

<sup>4</sup> 47 C.F.R. § 64.604(c)(5)(iii)(C)(2)(v) and (vi).

<sup>5</sup> *See Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal State Joint Board on Universal Service; Lifeline and Link-up*, Executive Summary at 5 (rel. October 27, 2011); *see also Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal State Joint Board on*

Although the details of the rule have not yet been published, the need for such a requirement demonstrates that currently not all calls include all such. Indeed, the record in that proceeding indicated that traffic can arrive at its destination intentionally or unintentionally without the calling party number.<sup>6</sup> Moreover, as parties noted in comments in that docket, for some services—especially non-interconnected VoIP traffic terminated to the PSTN—no originating telephone number exists or is assigned, and thus there is no calling party telephone number to be transmitted or collected.<sup>7</sup>

Another important example of data required by Section 64.604(c)(5)(iii)(C)(2) that Sorenson does not in fact receive involves IP Relay calls completed over messaging services such as Google Talk. Google Talk uses the XMPP protocol, which is an open source protocol that specifically states that “[a] client’s IP address and method of access MUST NOT be made public by a server (e.g., as typically occurs in IRC [Internet Relay Chat]).”<sup>8</sup> In such circumstances, Sorenson does not receive the data requested by Section 64.604(c)(5)(iii)(C)(2) because communicating that data to Sorenson would be inconsistent with the XMPP protocol.<sup>9</sup>

Significantly, however, even in the case of a non-IP Relay call, Sorenson has no control over the caller information that it receives from an interconnecting carrier. As such, the incoming ten-digit-number may or may not be provided to Sorenson, such as occurs with phantom traffic (discussed above), and also when users employ caller-ID blocking products or

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*Universal Service; Lifeline and Link-up*, Notice of Proposed Rulemaking, 26 FCC Rcd. 4554, 4752-54 ¶¶ 622-623 (2011).

<sup>6</sup> *Id.* at 4752-53 ¶ 622.

<sup>7</sup> See e.g. Verizon Comments at 50, WC Docket No. 10-90 et al., (filed Apr. 1, 2011); Level 3 Comments at 10, WC Docket No. 10-90 et al., at 10 (filed Apr. 1, 2011).

<sup>8</sup> RFC 6120, 13.10.1, available at <http://xmpp.org/rfc6120.html#security-leaks-ipadress>.

<sup>9</sup> See *Sorenson IP Waiver Request*.

features from their carrier. Such caller-ID blocking products and features often result in TRS providers receiving incoming call information labeled “PRIVATE” or “RESTRICTED.” In addition, in some circumstances, interconnected carriers pass incomplete or malformed information, such as a phone number with less or more than ten digits.

Sorenson has no way to control the information it receives and, accordingly, it interprets Section 64.604(c)(5)(iii)(C)(2) as requiring the submission of required data only when it is provided to Sorenson, but as excusing that data from the rule’s submission requirements when accurate information is not provided or it is obscured. Sorenson hereby seeks clarification from the Commission that this interpretation is correct.

Sorenson’s interpretation is supported by the Commission’s reasoning for adopting 64.604(c)(5)(iii)(C)(2).<sup>10</sup> Importantly, the Commission did not adopt the rule to deny compensation for legitimate calls when TRS providers receive less than a complete ten-digit-number or an IP address from the interconnecting carrier. Instead, the rule was adopted so that “with this expanded information, the Fund administrator will be better able to detect patterns of calls made to or from a particular IP address or telephone number, as well as patterns related to the length of calls made to or from certain locations.”<sup>11</sup> The Commission designed the data collection and submission requirement to aid the investigation of fraudulent calls, not to deny compensation for a whole category of legitimate calls.

Sorenson believes clarifying this interpretation of Section 64.604(c)(5)(iii)(C)(2) best serves TRS users. Sorenson does not control or limit the calls that a TRS user may receive, but it thereby opens itself up to an imperfect regime of data gathering and at times may be unable to

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<sup>10</sup> See *Structure and Practice of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd. 5545, 5579-80 ¶73 (2011).

<sup>11</sup> *Id.*

comply with some of the specific submission requirements of Section 64.604(c)(5)(iii)(C)(2). Interpreting the rule to bar compensation from the TRS Fund for calls for which the TRS provider receives less than a complete ten-digit-number or IP address suggests that TRS providers should not complete such calls, which runs counter to the minimum standards obligations and could interpose an unnecessary barrier for callers seeking to reach deaf or hard-of-hearing TRS users.

### CONCLUSION

The most important goal of TRS providers is to provide quality services to TRS users. But providing such services causes TRS providers to incur costs, regardless of whether TRS providers receive the information identified in Section 64.604(c)(5)(iii)(C)(2). Accordingly, TRS providers should be compensated for their reasonable costs of providing service even when they do not receive—and therefore cannot supply to the administrator—all of the data required by Section 64.604(c)(5)(iii)(C)(2). Sorenson therefore asks the Commission to clarify that the call data submission requirements of Section 64.604(c)(5)(iii)(C)(2) apply only to information provided to TRS providers.<sup>12</sup>

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<sup>12</sup> Sorenson intends to operate under its interpretation that the rule requires the collection and submission of required call data only when that information is provided to Sorenson. Sorenson respectfully requests that if its interpretation is incorrect, the Commission treat this Request for Clarification instead as a Petition for Waiver of the rule as applied to calls for which TRS providers do not receive complete ten-digit-number information or IP address information.

Respectfully submitted,

/s/

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*\*Admitted only in Iowa; supervised by Timothy J. Simeone, a member of the D.C. Bar, while D.C. Bar application is pending.*