



WILTSHIRE  
& GRANNIS LLP

December 4, 2011

Ex Parte Notice – Via ECFS

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

Re: *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:

On Thursday, December 1, 2011, representatives of several providers of Internet-based telecommunications relay service (“iTRS”) met with officials from the FCC’s Wireline Competition Bureau (“WCB”), Consumer and Governmental Affairs Bureau (“CGB”), and the Office of the Managing Director (“OMD”) to discuss the Commission’s *Toll-Free Number Order*, 26 FCC Rcd. 11,779 (2011).

The following people attended the meeting:

FCC

William Dever, WCB  
Richard Hovey, WCB  
Carol Simpson, WCB  
Heather Hendrickson, WCB (by telephone)  
Lisa Gelb, WCB  
Andrew Mulitz, WCB  
Gregory Hlibok, CGB  
Eliot Greenwald, CGB  
Diane Mason, OMD

Industry

Toni Acton, AT&T  
Gail Sanchez, AT&T (by telephone)  
Doug Coutee, AT&T (by telephone)

Robert Vitanza, AT&T (by telephone)  
Bob Gorman, AT&T (by telephone)  
Jeff Rosen, CSDVRS LLC  
Kelby Brick, Purple Communications, Inc.  
Lydia Yomogida, Purple Communications, Inc. (by telephone)  
Nancy Bloch, Snap Telecommunications, Inc. (by telephone)  
Michael Maddix, Sorenson Communications, Inc.  
Michael Fingerhut, Sprint Nextel Corporation (by telephone)  
David O'Connor, Wilkinson Barker Knauer, LLP (representing Hamilton Relay, Inc.)  
Charles Breckinridge, Wiltshire & Grannis (representing Sorenson Communications)

In the meeting, the industry representatives raised several concerns about rules adopted in the *Toll Free Numbering Order*. First, the industry participants requested information from the Commission regarding the timing of the Paperwork Reduction Act (“PRA”) approval of the new rules. We explained that the *Toll Free Numbering Order* itself stated that PRA comments would be due 60 days after the order was published in the Federal Register, which resulted in a deadline of November 28, 2011. On November 22, 2011, however, a notice was published in the Federal Register stating that the Office of Management and Budget had approved the rules and that they are in effect. The staff from WCB stated that they are assessing this issue internally.

Second, the industry participants explained that the new rules result in a substantial paperwork-related burden because, as written, they appear to require iTRS providers to include a significant amount of explanatory information related to toll-free service on all promotional materials related to numbering or 911. See 47 C.F.R. § 64.611(g)(1)(v)-(vi). The industry participants agree that such information should be made available to iTRS users, but that it would be far less burdensome and far more effective if it were posted on providers’ websites. Promotional materials could include statements referring users to the appropriate websites to access the more detailed information. This would parallel the approach described in the recently issued Advisory Guidance for Compliance with Open Internet Transparency Rule, which 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.” *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, at 4 (rel. June 30, 2011).

Third, the industry participants encouraged the FCC to release guidance (including an American Sign Language video) that would, from an objective and authoritative source, inform iTRS users of their options related to toll-free service. Mr. Hlibok stated that he expects such guidance to be released soon.

Fourth, the industry participants encouraged the FCC to provide guidance to the industry on the process for transferring control of a toll-free number to an individual user. Mr. Dever responded that the FCC could help gather information on that step, but that iTRS providers must

assess their own internal administrative processes in order to inform users about toll-free numbering processes.

Fifth, the industry participants explained that it would be burdensome for them to compile lists of toll-free service providers, and include those lists on their websites and in all promotional materials related to numbering or 911. *See Toll Free Numbering Order*, ¶ 34. Instead, the industry participants recommended that the FCC permit providers to post a link on their websites that points to the same list of toll-free providers that the FCC itself links to on its own website.

Sixth, the industry participants recommended that the FCC adopt an expiration date for the rules requiring them to provide information to users regarding the process for acquiring toll-free numbers, transferring toll-free service, and requesting that toll-free numbers be included in the TRS Numbering Directory. They based this recommendation on the fact that much of this information will be irrelevant after the one-year transition period has ended.

Finally, the industry participants asked the FCC to clarify the rule requiring providers to ensure that a user's toll-free number is associated with the same URI as the user's local number in the TRS Numbering Directory. *See* 47 C.F.R. § 64.613(a)(3). The industry participants explained that they no longer have any ability to verify whether a user has toll-free service or, if he or she does, what toll-free number has been assigned. As a result, providers can only rely on the information their customers provide to them, which raises the possibility of error, number spoofing, and even fraud. On behalf of Sorenson, Charles Breckinridge suggested that the Commission place this duty on the toll-free service providers, as they are the only entities that can verify whether a user has toll-free service and what his or her toll-free number is. Alternatively, the industry participants urged the FCC to clarify that iTRS providers bear no liability for erroneous toll-free numbering information that is placed in the Numbering Directory.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Breckinridge". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Charles Breckinridge  
*Counsel to Sorenson Communications, Inc.*

Marlene H. Dortch

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