

**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
)	

**REPLY IN SUPPORT OF PETITION FOR RECONSIDERATION AND
CLARIFICATION**

Sorenson Communications, Inc. (“Sorenson”) submits this reply to highlight the absence of any opposition to its Petition for Reconsideration and Clarification of the Commission’s *Toll Free Numbering Order*,¹ to emphasize that the rest of the industry shares the concerns that Sorenson identified in the Petition,² and to note that those concerns were not addressed in the letter that the Deputy Chief of the Wireline Competition Bureau sent recently to the Office of

¹ See Sorenson Communications, Inc., *Petition for Reconsideration and Clarification*, CG Docket No. 03-123, WC Docket Nos. 05-196 and 10-191 (filed Oct. 27, 2011) (“Petition”); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, 26 FCC Rcd. 11,779 (2011) (“*Toll Free Numbering Order*”).

² See Letter from Charles Breckinridge to Marlene H. Dortch, CG Docket No. 03-123, WC Docket Nos. 05-196 and 10-191 (Dec. 4, 2011) (describing meeting between providers and FCC staff in which industry explained its concerns about the toll-free numbering rules) (“Industry Meeting Letter”).

Management and Budget (“OMB”) on the subject of Paperwork Reduction Act (“PRA”) compliance.³

BACKGROUND

Sorenson filed its Petition on October 27, 2011, seeking reconsideration of three discrete aspects of the Commission’s *Toll-Free Numbering Order*. First, Sorenson seeks reconsideration of the requirement in new rule 64.613(a)(3) that providers of Internet-based Telecommunications Relay Services (“iTRS”) “ensure” that a user’s toll-free number is associated with the same URI as the user’s local ten-digit number.⁴ Under the new rules, iTRS providers will no longer have a role in provisioning toll-free numbers, however, and as a result they will have no means of learning or verifying a user’s toll-free number apart from simply asking the user. But relying on users to provide accurate information raises not only the likelihood of error but also the prospect of fraud and spoofing. In the Petition, Sorenson requests that the FCC amend the rule to shift this obligation to Neustar or another entity (or entities) that have the ability to verify toll-free numbering assignments. Alternatively, Sorenson requests that the FCC confirm that iTRS providers will bear no liability or responsibility for the errors, fraud and spoofing that may occur under the rules as written.

Second, Sorenson requests reconsideration of the requirement that iTRS providers’ websites and promotional materials related to 911 or numbering include contact information for providers of toll-free services.⁵ Sorenson explains in its Petition that iTRS providers are not in a position to identify all toll-free providers and keep the list up to date. Instead, Sorenson proposes

³ See Letter from Lisa Gelb, Deputy Chief, Wireline Competition Bureau, to Nicholas Fraser, Office of Management and Budget, WC Docket No. 10-191 (Jan. 6, 2012) (“PRA Letter”).

⁴ See Petition at 3-9.

⁵ See *id.* at 12-13.

that the FCC revise the rule to permit iTRS providers to provide a link to a list maintained by the FCC or a third party, as the FCC has permitted in the context of point of sale disclosures under the Open Internet Rules.

Finally, Sorenson seeks reconsideration of the rules requiring that iTRS providers' promotional materials related to 911 or numbering include: (1) a list of contact information for providers of toll-free services; (2) a description of the process for transferring an existing toll-free number to a toll-free provider; (3) a description of the process for acquiring a new toll-free number from a toll-free provider; and (4) a description of the process for requesting that an iTRS provider update the iTRS database to include a toll-free number.⁶ Including all of this information on all promotional materials would make iTRS materials resemble pharmaceutical advertisements in magazines, where legal boilerplate fills more space than the message itself. Instead, Sorenson proposes that the FCC amend the rule to require that providers make this information available on their websites and that they provide the link on their promotional materials.

DISCUSSION

On December 23, 2011, the Commission issued a Public Notice inviting oppositions to Sorenson's Petition.⁷ Tellingly, not a single party filed in opposition to the Petition. While the absence of any opposition is clearly informative as a general matter, it is particularly instructive here since the new rules were in part designed to serve consumers' interests. The lack of opposition from any consumer group or any other entity that advocates for the rights of deaf and

⁶ See *id.* at 9-12. Separately, Sorenson proposes that the Commission adopt a sunset date for these requirements. See *id.* at 13.

⁷ See Public Notice, Petition for Reconsideration in Rulemaking Proceeding (Dec. 23, 2011). When the Public Notice was published in the Federal Register on January 9, 2012, the deadline for oppositions was set for January 24, 2012. See 77 Fed. Reg. 1039 (Jan. 9, 2012).

hard-of-hearing individuals suggests strongly that the challenged rules do not serve the interests of iTRS users as written, and that the Commission should reconsider them as Sorenson proposes.

Not only has there been no opposition, other iTRS providers have voiced strong support for Sorenson's arguments. On December 1, 2011, representatives of seven iTRS providers (including Sorenson) met with officials from the Wireline Competition Bureau, Consumer and Governmental Affairs Bureau, and the Office of the Managing Director to highlight their concerns with the *Toll-Free Numbering Order*, including each of the issues that Sorenson identifies in its Petition. As the ex parte letter filed after that meeting notes, the participants expressed their shared concern about their inability to ensure that toll-free numbers are mapped to the same URIs as local ten-digit numbers, about the requirement to generate and publish lists of toll-free service providers, and about the obligation to include an abundance of printed information related to toll-free service and numbering on all promotional materials related to 911 or numbering.⁸

Finally, Sorenson notes that the January 6, 2012, letter from Lisa Gelb, Deputy Chief of the Wireline Competition Bureau, to Nicholas Fraser in OMB does not address or resolve the concerns that Sorenson presents in its Petition. Instead, the letter addresses confusion with respect to the timing of OMB approval and PRA submissions pertaining to the new toll-free numbering rules. Without addressing Sorenson's Petition, Ms. Gelb informed OMB that the Commission's internal assessment of the paperwork-related burden was not altered by PRA comments that Sorenson filed, and she therefore argued that there is no reason for OMB to revisit its PRA-related conclusions.⁹ Ms. Gelb acknowledged in the letter that Sorenson had

⁸ See Industry Meeting Letter.

⁹ See PRA Letter; see also Paperwork Reduction Act Comments of Sorenson Communications, Inc. at 1-2, CG Docket No. 03-123, WC Docket Nos. 05-196 and 10-191 (filed

filed its Petition and that the Commission would review it, but she did not purport to present or predict the results of that review in her letter.¹⁰ Accordingly, Sorenson's Petition remains unresolved.

For all of the foregoing reasons, Sorenson reiterates its request that the Commission reconsider certain aspects of its *Toll-Free Numbering Order*.

Respectfully submitted,

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Nov. 28, 2011) (explaining that the FCC issued notice that OMB had approved the information collections embodied in the new rules *before* the deadline for PRA comments had passed, and asking OMB to reopen its assessment to include comments that were timely filed).

¹⁰ See PRA Letter at 3 n.14.