PATTON BOGGS LLP

2550 M Street, NW
Washington, DC 20037
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

STAMP-IN

March 19, 2012

Monica S. Desai
Direct: 202-457-7535
MDesai@pattonboggs.com

VIA ELECTRONIC FILING
Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

FILED/ACCEPTED

MAR 19 2012

Federal Communications Commission
Office of the Secretary

Re: FOR PUBLIC INSPECTION

Comments to Refresh the Record Regarding Misuse of Internet Protocol Relay Service, CG Docket No. 12-38

Dear Ms. Dortch:

On March 15, 2012, on behalf of Purple Communications, Inc. ("Purple"), John Cannon and Kathleen Marcus of Stradling Yocca Calrson & Rauth, and Monica Desai of Patton Boggs, met with the following Commission staff regarding the above-referenced proceeding: Kris Monteith, Karen Peltz Strauss, Robert Aldrich, Greg Hlibock, Eliot Greenwald, all in the Consumer & Governmental Affairs Bureau, and Sean Lev and Diane Griffin Holland, of the Office of the General Counsel.

During the meeting, Mr. Cannon, Ms. Marcus and Ms. Desai discussed the attached Presentation, which contains a summary of Purple's recommendations for combating IP Relay misuse. The Presentation emphasized that the lack of uniformity among provider registration and verification systems hurts the integrity of the entire program, and that there are inherent tensions between the current TRS rules and the ability of providers to most effectively eliminate questionable calls and callers from the program. The recommendations presented include options for third-party registration and verification, uniform procedures, and modifications of existing rules.

The Presentation also reviewed the approaches Purple has taken to combat fraud and misuse.

The version of the Presentation attached to this ex parte letter is a Public Version, containing redactions of highly confidential, proprietary information. A separate, unredacted version is being concurrently filed along with a request to maintain the confidentiality of the redacted information.

Sincerely,

Monica Desai
Patton Boggs, LLP
2550 M Street, NW
Washington, DC 20037
(202) 457-7535

Counsel for Purple Communications, Inc.

cc:
Kris Monteith
Acting Chief, Consumer & Governmental Affairs Bureau

Karen Peltz Strauss
Deputy Bureau Chief, Consumer & Governmental Affairs Bureau

Robert Aldrich
Consumer & Governmental Affairs Bureau, Legal Advisor

Greg Hlibock
Chief, Disability Rights Office, Consumer & Governmental Affairs Bureau

Eliot Greenwald
Disability Rights Office, Consumer & Governmental Affairs Bureau

Sean Lev
Office of General Counsel, Deputy General Counsel

Diane Griffin Holland
Office of General Counsel, Deputy Associate General Counsel, Administrative Law Division

Attachment:
Public Version, Ex Parte Presentation of Purple Communications (March 15, 2012)

Introduction to Purple Communications, Inc.'s IP Relay Services and Call Handling Practices

Presentation to:

U.S. Federal Communications Commission
Consumer and Governmental Affairs Bureau

March 15, 2012

New rulemaking should address:

- Lack of uniformity among providers for:
  - Registration and verification processes;
  - Length of delays between registration and verification;
  - Compliance procedures;
  - Back-end scrubbing.
- Lack of visibility through AIM.
- Conflicts between call handling requirements and prevention of misuse.

CONFIDENTIAL FOIA TREATMENT REQUESTED

Option 1: Third-Party Registration/Verification

- The Commission should establish an industry-wide database of registered relay users.
- The database should be managed by a third-party.
- User eligibility should be verified by the third-party at the time of registration.
- Database should include name, address, date of birth, last four digits of social security number, and evidence of eligibility.
- This would eliminate the need for modified call handling procedures and extensive back-end measures.

Option 2: Uniform Procedures and Database

- Alternatively, the Commission should establish uniform registration and verification procedures applicable to all providers.

- All providers must utilize a universal database to check name, address, date of birth, last four digits of social security number, and evidence of eligibility.

- This would eliminate the need for modified call handling procedures and extensive back-end measures.

CONFIDENTIAL FOIA TREATMENT REQUESTED

Option 3: No Database and Modified Rules

- Should the Commission instead continue to allow providers to establish their own registration/verification methods, call handling requirements should be modified to allow providers to combat misuse.

- Providers should be permitted to intervene during and terminate suspicious calls.

- Providers should be permitted to track and report suspicious call content.

Universal Recommendations

- Callers should not be permitted to place, and providers should not be allowed to process, non-emergency calls prior to registration and verification.
- Callers should not be permitted to place more than one IP Relay call at a time.
- Limit the amount of 10-digit numbers that IP Relay users can obtain.
- Industry-wide approach to IP Relay calls conducted over anonymizing services (ranging from mandating disclosure by these services of call location information to blocking calls through these services).

CONFIDENTIAL FOIA TREATMENT REQUESTED

A Case Study: Purple's Approach

- Purple has invested substantially in preventing misuse while still adhering to the Commission's call handling requirements.
- The Company's numerous measures to address illegitimate traffic predate ten-digit registration (November 2009).
- As misuse has become more sophisticated, efforts have evolved, but these tools continue to be used by the Company today.

CONFIDENTIAL FOIA TREATMENT REQUESTED

Call Processing Requirements

- The purpose of relay is to allow deaf/HOH individuals the same ability to communicate over the telephone as hearing persons.
- Therefore:
  - CAs must relay all conversation verbatim.
  - CAs must not interfere with a conversation.
  - CAs cannot disconnect a call.
  - Call content is confidential and CAs may not act in a law enforcement role by monitoring the calls they relay.

47 C.F.R. § 64.601(a)(2)(i) and (ii); FCC Reminds Public of Requirements Regarding Internet Relay Service and Issues Alert, Public Notice, Public Notice (June 18, 2004) (DA 04-1738).

[

]

[

]

[

]

[

]

[

]

[

]

[

]

[

]

[

]

[

]

[

]

[

]

[

]

10-Digit Registration and Verification

- In 2008, the FCC required IP Relay customers to register with a provider of choice to obtain a ten-digit number linked to the North American Numbering Plan.

- As part of registration, providers are required to obtain "Registered Location" information from their users to support E911 services.*

- The Commission expected that "*the requirement for each user to provide a 'Registered Location'* would reduce the misuse of IP Relay." **

* E911 Requirements for IP-Enabled Service Providers, WC Docket No. 05-196, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591, ¶ 95 (June 24, 2008)(FCC 08-151)(First Internet-based TRS Order); see also 47 C.F.R. § 64.605.

**Consumer & Governmental Affairs Bureau Seeks to Refresh the Record Regarding Misuse of Internet Protocol Relay Service, CG Docket Nos. 12-38 and 03-123, Puiblic Notice, DA 12-208, 2012 FCC LEXIS 732 at *4 (Feb. 13, 2012).

Provider Methods Are Not Uniform

- The Commission mandated registration for all users but elected not to require a central database to store registration location information.*
- The Commission also chose not to implement a specific registration verification process, requiring instead that, as of May 2010, providers implement a "reasonable means of verifying registration and eligibility information that is not unduly burdensome" on the deaf/HOH.*
- As a result, each provider has a unique registration and verification process, with some providers adopting more stringent procedures than others.

* 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, Second Report and Order and Order on Reconsideration, 24 FCC Rcd 791, ¶ 39 (2008) (Second Internet-based TRS Order).

CONFIDENTIAL FOIA TREATMENT REQUESTED

The Necessity of a Simultaneous Solution

- While not initially acknowledged by the Commission, the requirement that providers process non-emergency calls following registration *even if* verification is pending essentially requires that providers develop simultaneous registration and verification procedures.

- Purple has and continues to invest substantial efforts in developing an industry-leading simultaneous combined registration and verification process.

[

]

[

]

[

]

[

]

[

]

QUESTIONS?

CONFIDENTIAL FOIA TREATMENT REQUESTED