



WILTSHIRE
& GRANNIS LLP

Redacted

July 30, 2012

CONFIDENTIAL VERSION VIA HAND DELIVERY
REDACTED VERSION VIA ECFS

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

Re: **Notice of Ex Parte Meeting and Request for Confidential Treatment, and Request for Confidential Treatment Pursuant to 47 C.F.R. §§ 0.457 and 0.459**

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:

Due to an inadvertent clerical error, the attached confidential ex parte notice dated July 26, 2012, was not filed in hard copy with the Office of the Secretary. We are hereby filing the attached copy of the notice immediately after discovering the error. (A redacted copy was filed via ECFS on July 26, and courtesy copies of the confidential and redacted versions were distributed to the individuals identified below.)

Sincerely,

John Nakahata
Charles Breckinridge
Counsel to Sorenson Communications, Inc.

cc: William Dever (by email)
Carol Simpson (by email)
Richard Hovey (by email)
Heather Hendrickson (by email)



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Dear Ms. Dortch:

On July 24, 2012, Michael Maddix of Sorenson Communications, Inc. (“Sorenson”), together with the undersigned, met with William Dever (Chief, Competition Policy Division, Wireline Competition Bureau), Carol Simpson (Deputy Chief, Competition Policy Division, Wireline Competition Bureau), Richard Hovey (Competition Policy Division, Wireline Competition Bureau), and Heather Hendrickson (Competition Policy Division, Wireline Competition Bureau) to discuss the Commission’s *Toll-Free Numbering Order*, 26 FCC Rcd. 11,779 (2011). Ms. Simpson and Ms. Hendrickson joined the meeting by telephone.

The meeting began with a discussion of VRS call record data that, based on review by FCC staff, suggests a Spring 2012 uptick in the percentage of hearing-to-deaf VRS calls that terminate on toll-free numbers. We explained that Sorenson we cannot definitively provide an explanation since the company does not monitor or track call content, pursuant to applicable regulations. We noted, however, that the trend appears to track the nationwide upsurge in calls related to the 2012 election campaigns. We also noted that the overall trajectory of VRS calls to toll-free numbers is decidedly downward and that Sorenson’s numbering team has begun the process of deactivating subscribers’ toll-free numbers and removing them from the TRS Directory. Sorenson provided the attached breakdown of hearing-to-deaf VRS calls since August 2011 to illustrate the trends. (As noted below, Sorenson requests that the Commission accord confidential treatment to the attachment.)

We also followed up on previous discussions on the subject of seeking a waiver of the rule barring providers from issuing toll-free numbers to any subscribers. As noted in past meetings, we explained that Sorenson is unable to issue geographically appropriate local numbers to small minority of its subscribers. (This limitation arises because Sorenson does not directly provision and supply numbers, but instead works with third-party numbering providers, but no numbering providers have numbering resources in every rate center nationwide.) 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 proposed filing a waiver petition that would cover all numbers affected by this issue, including numbers that it issues to new subscribers in the future.

* * *

Sorenson requests pursuant to Sections 0.457 and 0.459 of the Commission’s rules, 47 C.F.R. §§ 0.457, 0.459, that the Commission withhold from any future public inspection and accord confidential treatment to the highly confidential business-sensitive VRS call volume and termination data Sorenson distributed at the meeting (the “Confidential Information”), a copy of which is attached here as Exhibit A. All of the Confidential Information has been redacted from the version attached as Exhibit B and filed electronically.

The Confidential Information constitutes highly sensitive commercial information that falls within Exemption 4 of the Freedom of Information Act (“FOIA”). Exemption 4 of FOIA provides that the public disclosure requirement of the statute “does not apply to matters that are ... (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential.” 5 U.S.C. § 552(b)(4). Because Sorenson is providing commercial information “of a kind that would not customarily be released to the public”, this information is “confidential” under Exemption 4 of FOIA. See *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992).

In support of this request and pursuant to Section 0.459(b) of the Commission’s rules, Sorenson hereby states as follows:

1. Identification of the Specific Information for Which Confidential Treatment Is Sought (Section 0.459(b)(1))

Sorenson seeks confidential treatment with respect to the Confidential Information—all of which has been redacted from the version of the attachment attached as Exhibit B and filed electronically.

2. Description of the Circumstances Giving Rise to the Submission (Section 0.459(b)(2))

Sorenson provided the Confidential Information to FCC staff in an ex parte meeting requested by FCC staff to discuss trends in hearing-to-deaf VRS calls. It is submitting a copy of the same Confidential Information pursuant to the Commission’s ex parte rules.

3. Explanation of the Degree to Which the Information Is Commercial or Financial, or Contains a Trade Secret or Is Privileged (Section 0.459(b)(3))

The Confidential Information constitutes highly sensitive information about Sorenson's VRS call volumes, calling trends, and business decisions related to numbering. This information constitutes highly sensitive commercial information "which would customarily be guarded from competitors." 47 C.F.R. § 0.457.

4. Explanation of the Degree to Which the Information Concerns a Service that Is Subject to Competition (Section 0.459(b)(4))

The Internet-based Telecommunications Relay Services market is highly competitive throughout the United States.

5. Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (Section 0.459(b)(5))

Disclosure of the Confidential Information would result in harm because it would provide Sorenson's competitors with sensitive insights related to Sorenson's VRS call volumes, calling trends, and business decisions related to numbering—all of which would work to Sorenson's severe competitive disadvantage.

6. Identification of Any Measures Taken to Prevent Unauthorized Disclosure (Section 0.459(b)(6))

Sorenson does not make the Confidential Information publicly available.

7. Identification of Whether the Information Is Available to the Public and the Extent of Any Previous Disclosure of the Information to Third Parties (Section 0.459(b)(7))

Sorenson does not make the Confidential Information publicly available.

Sincerely,



John Nakahata
Charles Breckinridge
Counsel to Sorenson Communications, Inc.

cc: William Dever (by email)
Carol Simpson (by email)
Richard Hovey (by email)
Heather Hendrickson (by email)

Exhibit B

