



WILTSHIRE
& GRANNIS LLP

**Subject to Request for Confidential Treatment
Pursuant to 47 C.F.R. §§ 0.457 and 0.459**

September 26, 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:

In a meeting with FCC staff and in a corresponding ex parte notice filed in the above-captioned dockets on July 31, 2012, Sorenson Communications, Inc. ("Sorenson") provided Federal Communications Commission ("FCC") staff with data through June 2012 detailing the percentage of hearing-to-deaf calls it handles that terminate to deaf parties' toll-free numbers.

On September 14, 2012, Richard Hovey (Competition Policy Division, Wireline Competition Bureau) requested that Sorenson provide additional data for July and August 2012. That information is contained in the attachment to this letter, for which Sorenson seeks confidential treatment (as covered in more detail below).

We note that the data for the period up to and including June 2012 has been revised as well, for three primary reasons. First, the data that we originally provided included percentages inadvertently calculated using the prior month's number of total calls and the current month's number of calls to toll-free numbers. The chart should have used the current month's data for both figures, and that has been corrected in the version we are providing today. Second, the information originally provided was inadvertently based only on toll-free numbers with an "800" or "866" prefix. The information has been updated to include "877", "888" and "855" numbers as well. Finally, the information we originally provided inadvertently excluded all calls originating from international endpoints; those calls have been included in the revised version.

These revisions to the underlying data change the percentages slightly, but they do not materially impact the overall trajectory.

* * *

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 call volume and termination data Sorenson is submitting in response to Mr. Hovey's request (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 is submitting the Confidential Information at the request of FCC staff. 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 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 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,



Charles Breckinridge
Counsel to Sorenson Communications, Inc.

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

Exhibit B

Sorenson Communications Inc.

Redacted

Hearing-to-Deaf Calls on TFs												
2011						2012						
August	September	October	November	December	January	February	March	April	May	June	July	August

% of H-to-D MOUs on TF #s

Total H-to-D calls

H-to-D Calls to TF #s

% of H-to-D Calls on TF #s