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February 11, 2013

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**BY EMAIL**

Gregory Hlibok  
Chief, Disability Rights Office  
Consumer and Governmental Affairs Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**BY EMAIL**

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**Re: Submission of Additional Justification for Compensable Telecommunications Relay Service Calls Pursuant to 47 C.F.R. § 64.604(c)(5)(iii)(L)(2)**

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

**Structure and Practices of the Video Relay Service Program, CC Docket No. 10-51**

Sorenson Communications, Inc. (“Sorenson”) hereby supplements the “additional justification” it submitted on December 28, 2012, with respect to RLSA’s determination that deaf-to-hearing TRS calls to misdialed numbers are noncompensable.

On October 30, 2012, Matt Saltzer from RLSA stated that RLSA will withhold compensation “for misdialed phone numbers (such as [numbers] with 8 digits or 5 digits).”<sup>1</sup> On November 7, 2012, Mr. Saltzer provided more information, explaining that “RLSA will continue to withhold compensation for conversation time that involves an outbound phone number that is

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<sup>1</sup> See email chain attached as Exhibit A to Sorenson’s December 28, 2012, submission.

obviously not valid, including 4, 5, 6, 8, 9 digits and a series of digits that cannot complete a call, such as ‘1’ or ‘123’ or ‘5555555555’.”<sup>2</sup> On December 28, 2012, Sorenson argued pursuant to 47 C.F.R. § 64.604(c)(5)(iii)(L)(2) that the Determination was improper because TRS providers are obliged to handle all calls, including failed call sequences that result in recordings alerting the caller that the call did not go through.

In this supplemental submission, Sorenson makes a separate argument. Namely, even if the Commission and RLSA conclude that providers are not entitled to compensation for misdialed calls, RLSA’s approach to identifying such calls is improperly overbroad. The reality is that many perfectly legitimate and compensable calls result from call sequences that RLSA would improperly treat as “obviously not valid.” A few examples illustrate the point:

- Many standard voice telecommunications providers have dialing shortcuts that enable users to access voicemail or speed dial their contacts. For example, many Comcast customers can dial \*99 (and then a password) to access voicemail, and many providers offer truncated speed dialing or truncated sequences for calling within a particular community or office setting. For IP Captioned Telephone Service (“IP CTS”)—which requires customers to procure voice service from a standard voice provider—this results in fully compensable calls that exhibit a wide array of atypical digit sequences.
- In many local calling areas, calls to “1411” are routed to the 411 system, and calls to “1911” are routed to public safety answering points. These four-digit call strings are legitimate calls.
- In many local calling areas, callers still dial 7-digit sequences for local calls and 8-digit sequences (1+7 digits) for intraLATA and certain interLATA toll calls. These eight-digit call strings are legitimate calls.<sup>3</sup>

RLSA’s overly broad filter would treat all of these valid calls as noncompensable, even though they are not the result of “misdialing” at all. Rather, they all result in entirely compensable conversation time despite their atypical dialing sequences, and there is therefore no justification for withholding payment for them.<sup>4</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> This list of examples is illustrative but by no means exhaustive. Sorenson has requested a meeting with RLSA to discuss the various dialing sequences that result in legitimate and compensable calls.

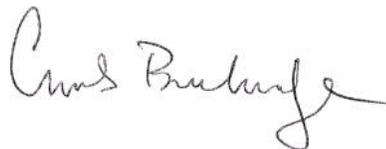
<sup>4</sup> These calls also reinforce one of the points Sorenson made in its December 28, 2012, submission—namely, providers have no way of determining in real time which atypical dialing sequences will fail and which will result in conversations. Either way, the TRS provider has an obligation to serve as the equivalent of a “dial tone” and to relay the audio generated by the other side of the call, regardless of whether that’s a voicemail message, a live human, or a recording stating that the call cannot be completed as dialed.

While this issue affects all forms of TRS, it is particularly relevant to IP CTS because, as noted above, IP CTS customers must procure telecommunications service from traditional providers. IP CTS providers make their services available essentially as an adjunct to that traditional circuit-switched, analog technology-based service. Accordingly, IP CTS providers have no insight into the truncated dialing sequences that various regional carriers may have activated for their customers. For the same reasons, IP CTS providers have no control over what customers dial (since they are not involved in call routing), and they have no ability to create or extend calls.<sup>5</sup>

Even in the event that the Commission and RLSA conclude that genuinely misdialed calls are not compensable, RLSA should not impose the overbroad filter it described in the Determination. Rather, the Commission and RLSA should instruct providers to flag, on a call-by-call basis, every call that reaches a recording indicating a misdialed sequence or fails to connect. All calls that have been flagged as misdialed in this manner may be treated as noncompensable, but other calls should be compensated even if they have dialing sequences that appear to be atypical. (Over time, the Commission, RLSA and providers could attempt to develop an algorithm or other automated method to detect call strings that will result in failed calls.)

In light of this supplemental justification for payment and the justification submitted on December 28, 2012, Sorenson requests that the Commission and RLSA reevaluate and reverse RLSA's Determination as applied to misdialed calls and calls with atypical dialing sequences.

Sincerely,



John Nakahata  
Chris Wright  
Charles Breckinridge

*Counsel to Sorenson Communications, Inc.*

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<sup>5</sup> This further bolsters Sorenson's argument in its December 28 filing that misdialed calls should be considered compensable even when they connect to recordings directing the caller to check the number and dial again. IP CTS providers have no direct connection to their customers' call origination, dialing sequences, call routing, or call termination. Since IP CTS providers supply a service that rides on top of telecommunications services provided by others, their only practical approach is to relay every IP CTS call, without relying on processes over which they have no control to cull out certain calls as misdials.