



May 7, 2013

**Ex Parte**

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

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

Dear Ms. Dortch:

Sorenson submits this letter to respond to the recent *ex parte* filed by CSDVRS, LLC, (“ZVRS”),<sup>1</sup> which accuses Sorenson of porting forty-five ZVRS customers in March 2013 without their consent. While Sorenson takes any allegation of slamming seriously, Sorenson does not believe these allegations to be credible. As explained below, Sorenson has adopted stringent procedures to ensure that no customer is ported without permission. ZVRS has not presented any evidence that these procedures were not followed, nor has it presented any other evidence that users were ported without permission. Moreover, it is unclear how ZVRS could have reached such a conclusion. To do so, ZVRS would have had to determine whether a particular user signed a Letter of Authorization (“LOA”) or otherwise consented to port to Sorenson, which would have required ZVRS to consult with Sorenson—the entity that would possess any such documentation. Yet ZVRS has not contacted Sorenson about even one allegation of slamming in March 2013 or about any other specific recent allegation of slamming. For these reasons, Sorenson believes that ZVRS’s allegations are false.

ZVRS presumably has based its allegations on reports from consumers. But as the Commission is undoubtedly aware from its investigations of slamming in the context of hearing telephone users, it is common for users to request to port their telephone number to another provider and then forget that they have done so. This undoubtedly happens in the context of VRS, as well. In fact, Sorenson has recently investigated a number of informal complaints (filed by individual users, not by ZVRS) regarding slamming, and in each case, Sorenson was able to confirm that the user had actually consented to the port. To the extent ZVRS has received any reports of slamming, the same is likely true here.

Moreover, in light of Sorenson’s strong policies against slamming, it is difficult to believe that ZVRS’s allegations could be true. Before porting a number from a competing provider, Sorenson requires a user not only to consent to the port but also to take affirmative

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<sup>1</sup> Letter from Jeff Rosen, General Counsel to CSDVRS, LLC, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 10-51 (filed Apr. 24, 2013).

steps to confirm that consent. Moreover, contrary to ZVRS's assertions, Sorenson does not rely on "a 'verbal' agreement with no follow up documentation of the so-called agreement." It is true that Sorenson allows its users to initiate a port through a "verbal LOA"—a process designed to accommodate the unique needs of deaf users by allowing them to initiate a port in their primary language, American Sign Language. But ZVRS's description of the process is misleading. When a customer selects this process (only one of several that a customer may use to initiate a port), Sorenson follows a two-step process that involves obtaining consent and then obtaining written follow up. First, a Sorenson representative reads to the customer from a script that requests the customer's authority to initiate the port. If the customer grants permission, the representative records the customer's acceptance in Sorenson's computer system. Second, the customer must follow up by electronically accepting Sorenson's provider agreement, which is displayed in writing on his or her videophone. Among other things, the provider agreement states that the user is "selecting Sorenson as your default VRS provider," thus confirming that the customer still intends to port his phone.

Sorenson believes that these procedures are more than adequate to assure that no customer is ported without his or her consent. Nevertheless, it is important for the Commission to adopt rules that clarify the exact procedures that providers may use to obtain and document users' consent to a port. Sorenson has been requesting such a clarification for at least five years<sup>2</sup> and even submitted a draft proposal for such rules in May 2008.<sup>3</sup> Sorenson agrees with ZVRS that the Commission should "require clear documentation of consumer consent to effectuate a port of an iTRS number," but as is the case with porting of numbers assigned to hearing users, this documentation should not be limited to a written LOA, as ZVRS suggests. Moreover, it is important to allow providers flexibility to adapt the procedures commonly used for hearing users to the particular setting of providing services to the deaf, which precludes solutions such as automated third-party verification. Sorenson believes that it is sufficient for a marketing representative to document consent through a verbal LOA, confirmed by a follow-up electronic authorization as described above.

Sorenson does not agree, however, with ZVRS's proposal to impose "a time period following the port where no marketing by the former default provider is permitted." Although the Commission should impose a clear rule against pre-porting marketing based solely upon the receipt of a port request from another carrier,<sup>4</sup> there is no reason to prohibit marketing after the port is complete—a practice that is clearly allowed in the context of hearing users.<sup>5</sup>

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<sup>2</sup> Comments of Sorenson Communications, Inc., CG Docket No. 03-123 (filed Apr. 8, 2008).

<sup>3</sup> Letter from Ruth Milkman, Counsel to Sorenson Communications, Inc., to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123 (filed May 15, 2008).

<sup>4</sup> *Bright House Networks, LLC, et al., v. Verizon California, Inc., et al.*, Memorandum Opinion and Order, 23 FCC Rcd. 10704 (2008).

<sup>5</sup> *Implementation of the Telecommunications Act of 1996; Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the*

Marlene H. Dortch

April 11, 2013

Page 3 of 3

Finally, ZVRS asserts that Sorenson puts its phones into ported mode as soon as it learns that a customer has elected to port and asks the Commission to require Sorenson to wait to do so “until such time as the porting-in provider assumes the role of the new default provider on the Firm Order Commitment (“FOC”) date.” Once again, however, this is false. Sorenson does not put its phones into ported mode until the FOC date.

Sincerely,

A handwritten signature in blue ink that reads "Mark D. Davis". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

John T. Nakahata

Christopher J. Wright

Mark D. Davis

*Counsel for Sorenson Communications, Inc.*

cc: Karen Peltz Strauss  
Bob Aldrich  
Greg Hlibok  
Elliot Greenwald  
Sharon Lee  
Chana Wilkerson