Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:	)	
	)	
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
	)	
OMB Review of Information Collection Under the Paperwork Reduction Act	)	OMB Control No: 3060-XXX

PAPERWORK REDUCTION ACT COMMENTS
OF SORENSON COMMUNICATIONS, INC.

Sorenson Communications, Inc. ("Sorenson") hereby submits these comments in response to the *Notice*[1] published by the Commission in the Federal Register seeking comments pursuant to the Paperwork Reduction Act of 1995 ("PRA") on certain new information collection requirements contained in the *VRS Structural Reform Order*,[2] which are being submitted for review and approval by the Office of Management and Budget ("OMB"). Sorenson fully supports the need to prevent misuse of VRS and greatly appreciates the Commission's recent efforts in reaching out to providers to engage in discussions aimed at improving the establishment of an Internet-based TRS user registration database ("iTRS-URD") that incorporates a centralized eligibility verification requirement.

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[1] Information Collection Being Submitted for Review and Approval to the Office of Management and Budget, 79 Fed. Reg. 48,149 (Aug. 15, 2014) (corrected by 79 Fed. Reg. 49,775 (Aug. 22, 2014)) ("*Notice*").

[2] *Structure and Practices of the Video Relay Service Program, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-82, 28 FCC Rcd. 8618 (2013) ("*VRS Structural Reform Order*" or "*Order*").

However, the Supporting Statement does not provide information to support the proposed collection associated with collection of personally identifiable information ("PII")—user date-of-birth and last four digits of the user's Social Security Number. Collection of this information from every user, along with the user's full legal name and address, exposes consumers to risks of identity theft and raises information security concerns, and is not necessary to prevent waste, fraud and abuse for VRS—the only form of TRS to which the TRS-URD data collection requirements currently apply—although it may be helpful in addressing fraud concerns with IP Relay, a separate and distinct TRS service. Neither the underlying *Order* nor the Supporting Statement provide examples of VRS fraud that resulted from the use of a false identity. The *Notice* and Supporting Statement state that data privacy concerns will be addressed in a yet to be developed new system of records notice ("SORN"), FCC/CGB-4, "Internet-based Telecommunications Relay Service-User Registration Database (iTRS-URD)," which is necessary to enable the information collection to comply with all requirements of the Privacy Act of 1974, as amended. The Office of Management and Budget should decline to approve the collection of user date of birth and last four digits of the Social Security Number until after that SORN has been filed and considered.

In addition, the Commission has not adequately justified its requirement for per-call validation for VRS. Again, while this might be appropriate for IP Relay, neither the *Order* nor the Supporting Statement provides any examples of VRS waste, fraud and abuse that would have been prevented from per call validation. The most notable examples of VRS fraud resulted from eligible individuals placing unnecessary calls, not from calls placed by ineligible individuals.

I. A New System of Records Notice ("SORN") to Handle Personally Identifiable Information ("PII") Should Be Adopted Before Seeking OMB Approval for This Collection.

The rules for which the Commission seeks OMB approval require the collection of PII; by collecting PII and storing it, the Commission will expose the PII to risks of identity theft. Consequently, the PII in the TRS-URD must be handled in a manner consistent with the Privacy Act of 1974, as amended. In order to do so, the Commission is completing the requirements for a new SORN, FCC/CGB-4, "Internet-based Telecommunications Relay Service-User Database (iTRS-URD)," which will cover the PII that may be collected, maintained, used, and stored, and disposed of when obsolete, and which are part of the information associated with the information collection requirements that are the subject of this proceeding.

It is not possible to evaluate fully the privacy risks presented by the TRS-URD until it is more fully specified. For example, although the Commission states that its rules limit access to the database to authorized entities and only for authorized purposes, it is not yet clear what access protections will be in place to prevent unauthorized access or misuse. Furthermore, if the Commission were to permit user access to the database, even for limited purposes such as residential address updates, that could increase the vulnerability of the TRS-URD dramatically.

Moreover, the Commission, both in the *Order* and the Supporting Statement, fails to articulate a clear need for the collection of the most sensitive PII elements—date-of-birth and last four digits of the Social Security Number. The ostensible purpose is to verify that the registrant is who he or she says he is. However, for VRS, so long as the registrant correctly and truthfully completes his or her self-certification of eligibility and is calling within the United States, the VRS call would be a compensable VRS call. As Sorenson previously pointed out, unlike the FCC's Lifeline program, VRS is not limited to a single supported line per household—a rule that

necessitated determining that each subscriber was a unique individual so as not to provide duplicate service to an individual or household.[3]

Notably, neither the *Order* nor the Supporting Statement point to any VRS waste, fraud or abuse that would be prevented through the collection of date-of-birth and last four digits of the user's Social Security Number. Sorenson agrees that such information would be helpful to prevent waste, fraud and abuse in IP Relay, where there is a history of ineligible individuals using the anonymity of IP Relay to commit consumer fraud, but VRS, which requires a user to be fluent in American Sign Language and which allows the Video Interpreter to see the deaf party, has no history of being susceptible to that form of fraud. VRS fraud, when it has occurred, has largely stemmed from unscrupulous, eligible individuals placing unnecessary calls, which the collection of date-of-birth and last four digits of the user's Social Security Number would not prevent.

The Commission should not proceed with OMB approval at least until the Commission has fully evaluated all of the associated burdens and costs and the degree to which the public would actually benefit from this proposal, including completing the required SORN.

II. The Commission Did Not Address Sorenson's Concerns That Per-Call Verification is Unduly Burdensome as Applied to VRS.

In its comments to the FCC, Sorenson raised the concern that the Commission's requirement that VRS providers validate each and every call with the TRS-URD prior to connecting the call is unduly burdensome as applied to VRS. Sorenson does not dispute that per-call validation could be valuable in preventing waste, fraud and abuse in IP Relay, another

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[3] *See Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11, 27 FCC Rcd. 6656, 6709-10, 6712 ¶¶ 111-14, 120 (2012).

separate and distinct form of TRS, but it will be of little utility in preventing waste, fraud and abuse in VRS.

Neither the Order nor the Supporting Statement provides any explanation or example of the types of VRS fraud that would be prevented through per-call validation. The TRS-URD of necessity will not validate the actual party using the videophone, but will simply validate that the videophone has been registered to a person who has had their name and address verified and who has completed a self-certification of eligibility. In other words, it validates only that the call is being placed from or received by an authorized end point.

There is absolutely no evidence—in the *Order*, the Supporting Statement or elsewhere—that VRS waste, fraud or abuse stems from users not being validated prior to placing calls. VRS providers are currently required to scrub their submissions of compensable calls for any ineligible users. The Commission does not explain why permitting providers either to engage in per-call validation or in scrubbing calls under the current procedure would not be adequate to safeguard the fund against waste, fraud and abuse. Without such an explanation, the Commission cannot justify pursuant to the Paperwork Reduction Act the added information collection burden of per-call validation.

III. Conclusion

As detailed above, the Commission must develop a new system of records notice to handle the collection of personally identifiable information. Thus, significant implementation issues must be resolved before the iTRS-URD can be established. Given these factors, and the likelihood that resolution of these issues may also mean that the Commission will adopt processes or other requirements associated with the data collection that have not been reflected in the Commission discussion of the proposed collection, it is premature for the Commission to

submit its request for comments on these collections, not to mention seek OMB approval. In addition, the Commission still has not justified its per-call validation requirement. Accordingly, the Commission should withdraw its request for comments on this collection.

Respectfully submitted,

John T. Nakahata
Mark D. Davis
Randall W. Sifers
HARRIS, WILTSHIRE & GRANNIS, LLP
1919 M Street, NW, Eighth Floor
Washington, DC 20036
(202) 730-1300

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Counsel for Sorenson Communications, Inc.