

October 13, 2017

**VIA ECFS**

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

Re: *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

Dear Ms. Dortch:

Sorenson Communications, LLC (“Sorenson”) writes to urge the Commission to suspend the deadline for providers to comply with the Relay User Equipment (“RUE”) Profile for purposes of ensuring interoperability with the Accessible Communications for Everyone, or “ACE” App.<sup>1</sup> The record is clear and unanimous: suspending the April 27, 2018 compliance deadline is appropriate given that the ACE App is not close to ready for use or even for meaningful testing by VRS providers. In the meantime, the Commission can use the opportunity to conduct a rigorous cost-benefit analysis to determine whether the ACE App project, and implementation of the RUE Profile for the ACE App and for all VRS provider-distributed endpoints, are worth the substantial costs to industry, the Commission, and consumers.

Sorenson has previously pointed out the problems with the RUE Profile and ACE App. The RUE Profile is an expired IETF draft and lacks basic security features to authenticate an endpoint originating a VRS call.<sup>2</sup> The ACE App, which is intended to comply with the RUE Profile, also lacks these basic security features. As a result, VRS providers may be unable to distinguish legitimate calls from ACE App users from threats to their networks. The ACE App also lacks any method for a user to update his or her Registered Location.<sup>3</sup> Four years after the

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<sup>1</sup> See 47 C.F.R. § 64.621(a)(3) (“Beginning no later than April 27, 2018, all VRS providers must ensure that their VRS access technologies and their video communication service platforms are interoperable with the VRS Access Technology Reference Platform, including for point-to-point calls, in accordance with the Interoperability Profile for Relay User Equipment (RUE Profile).”).

<sup>2</sup> Comments of Sorenson Communications, LLC, CG Docket Nos. 10-51 & 03-123, at 6 (filed June 12, 2017).

<sup>3</sup> See Sorenson Communications, LLC, Petition for Partial Reconsideration, or in the Alternative, Suspension of the RUE Implementation Deadline, CG Docket Nos. 10-51 & 03-123, at 16-17 (filed May 30, 2017).

effort began, the ACE App does not yet exist on even one operating platform in a form suitable for testing. Furthermore, we understand that the ACE App in its current form has consistently failed MITRE interoperability testing using the now-mandatory VRS Provider Interoperability Profile (“SIP Profile”), which all providers’ videophones are well on track to support ahead of the December 20, 2017 deadline.

No party in the record supports keeping the current implementation date of April 27, 2018 under these circumstances. Everyone who has weighed in—including not only VRS providers<sup>4</sup> but consumer groups and academic research engineering centers<sup>5</sup>—agrees that suspending the implementation deadline is appropriate. The deadline is now less than seven months away. Consistent with the unanimous views of all stakeholders, the Commission should suspend implementation rather than force providers to incur very substantial costs to support an app that does not comply with the RUE Profile, is not interoperable with VRS providers’ systems, and would not be suitable for use by consumers.

The suspension would also provide the Commission with an opportunity to do a cost-benefit analysis of continuing the ACE App and RUE Profile endeavors in light of the other developments since the ACE App was initially ordered in 2013 to ensure that the costs are “truly justified” by any benefits.<sup>6</sup> The Bureau Order adopted in January 2017 codifying the requirements lacked any form of cost-benefit analysis.<sup>7</sup> While “cost-benefit analysis” may have been “ignored” by the prior Commission, a suspension would allow for this Commission to evaluate “evidence-based, data-driven regulation . . . assessing both costs and benefits.”<sup>8</sup>

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<sup>4</sup> Reply Comments of Convo Communications, LLC, CG Docket Nos. 03-123 & 10-51, at 3 (filed Aug. 17, 2017) (“Convo joins all other VRS providers in urging the Commission to pause with requiring the RUE Profile.”); Reply Comments of ZVRS Holding Company, ZVRS, and Purple Communications, CG Docket Nos. 10-51 & 03-123, at 2 (filed Aug. 17, 2017) (“[T]he Commission should eliminate the implementation of the RUE Profile standards for ACE App communications and similar third-party endpoints.”).

<sup>5</sup> Reply Comments of Consumer Groups, CG Docket Nos. 10-51 & 03-123 (filed Aug. 17, 2017) (agreeing that an implementation delay is appropriate to overcome technical and functional flaws in the RUE Profile and ACE App).

<sup>6</sup> Press Release, FCC, Statement of Commissioner Michael O’Rielly on Commission’s Formation of an Office of Economics and Data (Apr. 5, 2017); *see also* Michael O’Rielly, Commissioner, FCC, Remarks before the Prosperity Caucus, at 2 (Sept. 21, 2015) (calling for the Commission to identify a market failure before acting, carefully tailor its solution, and ensure that the benefit of regulation outweighs the burdens).

<sup>7</sup> *See Structure and Practices of the Video Relay Service Program et al.*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd. 687 (Cons. & Gov’tl Affs. Bur. 2017).

<sup>8</sup> Remarks of FCC Chairman Ajit Pai at the Hudson Institute, “*The Importance of Economic Analysis at the FCC*”, at 3 (Apr. 5, 2017) (quoting Cass Sunstein).

Indeed, much has changed since 2013, and the Commission might now decide against mandating the RUE Profile and ACE App:

- Providers must implement the xCard standard for portability of consumers' contacts by October 24, 2017. The ability to transfer contacts from one provider to another has been a key demand of consumers for years.
- Through regular, ongoing collaborative inter-provider conferences and engineering-focused calls, providers have improved VRS interoperability and cooperation, with the next conference scheduled for early November 2017 in Florida.
- The FCC has funded the VRS National Test lab, which has quickly grown its reporting and testing processes allowing for a third party report on interoperability.
- Through a broad-based, collaborative, industry effort, the SIP Profile has been finalized, and providers are in the final steps of completing the transition away from H.323. The requirement to complete the SIP Profile transition takes effect on December 20, 2017, though most VRS calls today are already using the standard.

Interoperability looks very different now than it did in 2013. Before mandating that industry participants spend millions on implementation costs<sup>9</sup>—and before the TRS Fund pays

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<sup>9</sup> Sorenson has previously documented some of the costs of implementation, but there are also costs to consumers in the form of lost innovation. *See* Comments of Sorenson Communications, LLC, CG Docket Nos. 10-51 & 03-123, at 4-11 (filed June 12, 2017). It is worth noting that all providers have their own software-based apps available for VRS, and the xCard standard format will facilitate switching among these providers. Mandatory dial-around capability already provides the ability for consumers to exercise a call-by-call choice of VRS provider. Finally, although integration with FaceTime and other closed-group video services is desirable, it also moves beyond functional equivalence with telephone services for hearing users.

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more to contractors to further develop the ACE App—the Commission should take a fresh and rigorous look at both the costs and the benefits of the ACE App and the RUE Profile.

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Please be in touch with the undersigned if you have any questions.

Respectfully submitted,



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