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REDACTED - FOR PUBLIC INSPECTION

April 8, 2019

VIA HAND FILING AND EMAIL

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

RE: Request for Confidential Treatment, Written Ex Parte, Suspension of RUE Profile and VATRP Deadline, CG Docket Nos. 10-51, 03-123.

Dear Ms. Dortch:

ZVRS Holding Company, parent company of CSDVRS, LLC d/b/a ZVRS (“ZVRS”) and Purple Communications, Inc. (“Purple”) hereby submits a written ex parte regarding suspension of the April 29, 2019 deadline for all VRS providers to be fully interoperable with the Video Access Technology Reference Platform (“VATRP”) and its technical specification, the Relay User Equipment (“RUE”) Profile.

Pursuant to 47 C.F.R. §§ 0.457, 0.459, ZVRS and Purple request that the Commission provide confidential treatment for the company-specific, highly-sensitive and proprietary commercial information in the attached letter and withhold that information from public inspection. The confidential information constitutes highly-sensitive commercial information that falls within Exemption 4 of the Freedom of Information Act (“FOIA”).

In support of this request and pursuant to Section 0.459(b) of the Commission’s rules, ZVRS and Purple hereby state as follows:

1. Identification of the specific information for which confidential treatment is sought.

ZVRS and Purple request confidential treatment of the corporate proprietary information on ZVRS and Purple between the notations “[***BEGIN CONFIDENTIAL INFORMATION***]” and “[***END CONFIDENTIAL INFORMATION***]” in the attached letter.

2. Identification of the circumstance giving rise to the submission.

ZVRS and Purple are submitting the attached letter to emphasize the negative impact of the upcoming RUE Profile and VATRP deadline.

3. Explanation of the degree to which the information is commercial or financial or contains a trade secret or is privileged.

The confidential information in the following letter is highly-sensitive commercial information specific to the operations and strategies of ZVRS and Purple. This information is generally safeguarded from competitors and is not made available to the public.



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4. Explanation of the degree to which the information concerns a service that is subject to competition.

The confidential information involves VRS, a nationwide competitive service.

5. Explanation of how disclosure of the information could result in substantial competitive harm.

Disclosure of the information included in the letter could cause substantial competitive harm to ZVRS and Purple, because it would provide competitors insight into ZVRS's and Purple's confidential operational and cost information, which would work to ZVRS's severe competitive disadvantage.

6. Identification of any measures taken to prevent unauthorized disclosure.

ZVRS and Purple routinely treat the information provided in the following letter as highly confidential and exercise significant care to ensure that such information is not disclosed to its competitors or the public.

7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.

ZVRS and Purple do not make the data provided in the following letter available to the public, and this information has not been previously disclosed to third parties, except where required by the Commission and the TRS Fund Administrator, each of whom protect the confidentiality of such submissions.

8. Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.

ZVRS and Purple request that the information identified in the following letter be treated as being confidential on an indefinite basis, as they cannot identify a date certain on which this information could be disclosed without causing competitive harm to ZVRS and Purple.

Respectfully submitted,

/s/ Gregory Hlibok

Gregory Hlibok
Chief Legal Officer and Chief Compliance
Officer
ZVRS Holding Company, parent company of
CSDVRS, LLC d/b/a ZVRS and Purple
Communications, Inc.
595 Menlo Drive
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Attachment:



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April 8, 2019

VIA ELECTRONIC FILING AND HAND FILING

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

Re: Ex Parte Letter – Suspension of RUE Profile and VATRP Deadline
CG Docket Nos. 10-51 and 03-123

Dear Ms. Dortch:

CSDVRS, LLC d/b/a ZVRS (“ZVRS”) and Purple Communications, Inc. (“Purple”) (collectively, the “Companies,” and each, individually, a “Company”) wish to emphasize the negative impact of the upcoming April 29, 2019 deadline for all VRS providers to be fully interoperable with the Video Access Technology Reference Platform (“VATRP”) and its technical specification, the Relay User Equipment (“RUE”) Profile. As the record reflects, it is not possible for VRS providers to implement the RUE profile by April 29, 2019. Implementation on a longer timeline would be excessively costly, and a waste of resources given the ongoing progress made with regard to interoperability.

While interoperability is an ongoing effort that requires continual collaboration and communication between providers to account for the similarly ongoing development and improvement of VRS, the current efforts of the providers, not the RUE Profile, are the best means of improving interoperability. To implement the RUE Profile, resources that would otherwise be spent directly improving the VRS service must be diverted, including from several essential VRS developments that will significantly enhance VRS. If the Commission does not suspend the deadline, the entire VRS ecosystem will be harmed, including the deaf and hard of hearing community.

The Companies agree with the opinions expressed by Sorenson on March 4, 2019 regarding the RUE Profile and VATRP.¹ The Companies have similarly been frustrated in their efforts to comply with the RUE Profile and VATRP requirement because the RUE Profile has yet to be finalized and has undergone significant changes over the past year. For example, as of January 2019, fewer than half of the provisions of the July RUE Profile remained unchanged. At the same time, MITRE has added 39 new provisions to the RUE Profile and modified another 41. VRS providers have been clear that, once the RUE Profile is finalized, a year is necessary for

¹ Letter from Julie A. Veach, Counsel to Sorenson Communications LLC, to Michael Carowitz, Special Counsel to Chairman Pai, CG Docket Nos. 03-123, 10-51 (filed Mar. 4, 2019).

implementation. Implementation before the RUE Profile is finalized would have been costly, overly burdensome, and inefficient to the point of wasteful given the evolving requirements. Additionally, the Companies agree that before any standard may be adopted or updated, it must be made available for notice and comment, which the RUE Profile has not. Given the extremely short time period before the implementation deadline, the required comment period is impossible to complete.

The Companies also believe that the costs to implement and maintain the RUE Profile and VATRP interoperability well exceed any potential benefits provided by either requirement. This is particularly true given the major strides in interoperability achieved by providers, without the need for either the RUE Profile or VATRP, since the Commission first adopted the RUE Profile project in 2013. Because interoperability is a continual process as VRS evolves, VRS providers hold twice-yearly conferences in which the providers and MITRE meet, virtually or in person, to conduct interoperability testing and resolve any issues that may be discovered. Additionally, the VRS providers hold biweekly calls designed to prevent interoperability problems by coordinating development efforts and discussing upcoming changes. Finally, regular testing by MITRE delivers results of interoperability testing to the Commission. Maintaining provider resources for these efforts, which are working to improve interoperability should be the priority, rather than diverting these resources to RUE Profile and VATRP implementation. The ongoing progress on interoperability calls into question the incremental utility of the RUE Profile and VATRP platform, particularly in light of the tremendous time and costs of implementation. The Companies do not believe that any incremental benefit provided by the RUE Profile and VATRP platform outweigh the substantial costs of implementation.

The Companies estimate that implementing the RUE profile would require *****BEGIN CONFIDENTIAL*****

*****END CONFIDENTIAL***** This estimate assumes that the RUE Profile is available for testing and implementation purposes, if it is not, the Companies' IT development team would have to develop test harnesses to validate the Companies' implementation. Lack of availability of the RUE for testing and implementation would drastically increase the overall level of effort required for compliance with these requirements, the full effect of which has not been scoped at this time.

Additionally, compliance with the RUE Profile requirement would require the purchase of *****BEGIN CONFIDENTIAL*****

*****END CONFIDENTIAL***** Reallocation of these resources to RUE Profile implementation would have severe impacts on customers by diverting development resources from several essential features such as *****BEGIN CONFIDENTIAL*****

² ***** BEGIN CONFIDENTIAL *****

*****END CONFIDENTIAL*****

[REDACTED] ***END

CONFIDENTIAL ***

As described above, implementation of the RUE Profile is not possible before the April 29th deadline because the RUE Profile has been undergoing significant changes, is still not final, and once the standard is finalized it must be made available for notice and comment. In addition, implementation of the RUE Profile and VATRP is excessively costly and will divert resources away from other efforts to tangibly improve the VRS service, including service quality improvements, essential features, and the presently ongoing progress towards interoperability. Accordingly, the Commission should expeditiously suspend the RUE Profile and VATRP deadline.

Respectfully submitted,

/s/Gregory Hlibok

Gregory Hlibok

Chief Legal Officer

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