

May 6, 2019

Ex Parte via ECFS

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”), pursuant to 47 C.F.R. §1.1206(b)(2)(iv), hereby replies to the ex parte filed by CSDVRS, LLC d/b/a ZVRS and Purple Communications, Inc. (collectively “ZVRS”) on May 2, 2019, the date of the Sunshine notice for the Commission’s upcoming May 9, 2019 Open Meeting.¹ In that ex parte letter, with respect to the portion of the draft Order and Further Notice of Proposed Rulemaking (“*Draft Order*”)² that would adopt a prohibition on non-service related inducements, ZVRS argues that its OneVP, which places an Android app on an NVIDIA SHIELD “streaming media player,”³ would be “service-related,” rather than “non-service related.”⁴ ZVRS claims that OneVP/NVIDIA SHIELD is “service-related” because it is designed, marketed, and used as a videophone.⁵ At the same time, the equipment has multiple non-VRS capabilities that ZVRS also promotes. ZVRS

¹ Letter from Gregory Hlibok, Chief Legal Officer, ZVRS and Purple, to Marlene Dortch, Secretary, Federal Communications Commission, CG Docket Nos. 10-51 & 03-123 (filed May 2, 2019) (“ZVRS Ex Parte”).

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*, Draft Report and Order and Further Notice of Proposed Rulemaking, FCC-CIRC1905-07, CG Docket Nos. 10-51 and 03-123, ¶ 20 (rel. Apr. 18, 2019) (amending 47 C.F.R. § 64.615(a)(1)-(2)) (“*Draft Order*”).

³ This is NVIDIA’s own description of the SHIELD. See <https://www.nvidia.com/en-us/shield/>.

⁴ ZVRS Ex Parte at 2.

⁵ *Id.*

markets the OneVP/NVIDIA SHIELD as an “all-in-one device”⁶ and “multi-function entertainment unit” with streaming and gaming capabilities.⁷ It is difficult to see how ZVRS’ argument here would also not encompass an Xbox, PlayStation 4 or AppleTV, were ZVRS to create a VRS app for those operating systems. Moreover, Sorenson’s understanding is that some ZVRS trainers promote OneVP/NVIDIA SHIELD by emphasizing its ability to reduce the customer’s cable multichannel video service costs through cord cutting—a benefit from the equipment that is neither necessary nor reasonably related to the customer’s ability to communicate using VRS.

The confusion over whether the NVIDIA SHIELD is non-service-related supports Sorenson’s request that the Commission clarify in this Order whether the existing equipment that VRS providers commonly offer users—including iPads or other tablets, laptops, and the NVIDIA SHIELD—will be (1) permitted, (2) permitted under certain conditions, or (3) prohibited.⁸ iPads, laptops such as MacBooks and Chromebooks, and the NVIDIA SHIELD are all concrete examples that the Commission can use to illustrate where, and under what conditions, it is drawing a line between service-related and non-service related equipment. The Commission should provide guidance on the extent that non-VRS functions, such as streaming and gaming, are acceptable ancillary capabilities and the extent, if any, that a provider would need to limit non-VRS functionalities to avoid providing non-service-related inducements;⁹ the Commission should not force providers to file a request for a declaratory ruling for these extant examples.¹⁰ Maintaining the present lack of clarity would only foster uncertainty and undermine compliance and enforcement.

ZVRS’ promotional emphasis on the NVIDIA SHIELD’s non-VRS benefits also demonstrates the need for clear, reasonable guidelines from the Commission to ensure that VRS providers maintain proper marketing practices and avoid equipment offers that “encourage consumers to select a provider based on the value of such free offers rather than the [quality of] service provided.”¹¹ Sorenson has proposed amendments to Section 64.604(c)(8) to guide when a VRS provider may offer or provide equipment at no or reduced charge.¹² Even when

⁶ *OneVP*, ZVRS, <https://www.zvrs.com/onevp/> (last visited May 3, 2019).

⁷ *OneVP FAQs*, ZVRS, <https://www.zvrs.com/about/faqs/faq-for-onevp/> (last visited May 3, 2019); ZVRS, *Can I Buy My Own Game Controller and Use It on the OneVP*, YOUTUBE (Apr. 17, 2019), <https://youtu.be/X3wHI2fuLu0>.

⁸ See Letter from John T. Nakahata, Counsel for Sorenson Communications, LLC, to Marlene Dortch, Secretary, FCC, CG Docket Nos. 03-123 & 10-51, at 7-10 (filed April 30, 2019).

⁹ See ZVRS Ex Parte at 2 (asserting that the NVIDIA SHIELD’s streaming and gaming functions are “standard ancillary capabilities”).

¹⁰ See *Draft Order* ¶ 34 and n. 124.

¹¹ *Draft Order* ¶ 33.

¹² Letter from John T. Nakahata, Counsel for Sorenson Communications, LLC, to Marlene Dortch, Secretary, FCC, CG Docket Nos. 03-123 & 10-51 (filed May 2, 2019).

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equipment is arguably service-related, our proposed rule would require, among other things, that the equipment “be reasonably related to the user’s need for and ability to communicate using VRS.”¹³ This would constrain VRS providers from providing equipment that boast non-VRS benefits, such as cable-cost savings, but contribute little to the quality of VRS service.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Nakahata", written in a cursive style.

John T. Nakahata

Counsel to Sorenson Communications, LLC

¹³ *Id.*