Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matters of	)	
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Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CG Docket No. 03-123
	)	
Structure and Practices of the Video Relay Service Program	)	CG Docket No. 10-51

RESPONSE OF THE VRS PROVIDERS TO VTCSECURE'S PETITION FOR WAIVER AND REQUEST FOR DECLARATORY RULING

August 17, 2016

INTRODUCTION

All five providers of Video Relay Service ("VRS Providers" or "Providers")[1] file these comments in response to VTCSecure LLC's ("VTCSecure's") Petition and Request for Declaratory Ruling, requesting access to the Telecommunications Relay Service ("TRS") Numbering Directory.[2] Although the Providers recognize the benefits of direct sign-language customer-support services, expanding access to the Numbering Directory to non-VRS providers would create significant security and interoperability challenges that must be considered before doing so. These issues should be addressed in a comprehensive rulemaking proceeding which appropriately considers the technical, security, and cost issues of expanding access to the Numbering Directory—not through a waiver that sets aside the current rules only for a single company. The Commission should not grant any waiver or any access until the rulemaking is complete.

The rulemaking would have to address several issues. *First*, before granting any non-VRS provider access to the database, the Commission must ensure that broadening access does not threaten the security and reliability of the database. Entities with access to the directory have the ability to control how deaf-initiated calls to any number are routed and how any hearing-initiated calls to a deaf user are routed. The Commission should not bestow this control indiscriminately. If the Commission determines through the rulemaking that greater access

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[1] The providers of VRS service are ASL Services Holdings LLC dba GlobalVRS ("ASL/GlobalVRS"), Convo Communications, LLC ("Convo"); CSDVRS, LLC ("CSDVRS"), Purple Communications, Inc. ("Purple"), and Sorenson Communications, Inc. ("Sorenson").

[2] Petition for Waiver of Sections 64.613(a)(1), 64.613(a)(2), 64.613(a)(4), 64.613(b)(2) and 64.623(c) of the Commission's Regulations and Request for Declaratory Ruling to Permit Providers of Direct Sign Language Customer Support Service to Access the TRS Numbering Directory, CG Docket Nos. 03-123 & 10-51 (filed July 6, 2016) ("VTCSecure Petition").

would not compromise the technical and security integrity of the database and therefore may be granted, the Commission would need to create rules establishing a process by which non-VRS providers that wish to access the database must apply for and explicitly be granted access. That process should require an application to demonstrate both a need for access and the intent and ability to comply with the rules. In addition, the Commission needs to fix a security issue with the database and establish rules to ensure that any non-VRS providers granted access do not threaten the reliability of the data.

Second, should the Commission determine through rulemaking that greater access to the database may be granted, the Commission should also ensure that, to the extent relevant, providers of direct sign-language customer-support services are subject to the same rules as point-to-point calls handled by VRS providers. Contrary to VTCSecure's petition, direct sign-language customer-support services are not TRS because they are not a "telephone transmission service." As a result, the Commission would need to adopt rules to ensure, for example, that direct sign-language customer-support services are interoperable with all VRS providers and that these providers are subject to the same privacy rules as the VRS providers. Moreover, to the extent that the Commission permits non-VRS providers to put hearing numbers in the Numbering Directory, it should also modify its rules to allow VRS providers to do so.

Third, the Commission must ensure that any use of direct sign-language customer-support service is optional, not mandatory, and that users are still able to place a VRS call to every company's standard customer-support numbers. Relegating deaf consumers to deaf-only hotlines would not be consistent with the Americans with Disabilities Act's mandate of functional equivalence, which requires deaf consumers to be able to reach the same telephone numbers as hearing users. Among other things, doing so would prevent deaf consumers from

escalating problems to supervisors or higher-level employees who do not know American Sign Language ("ASL"). So the Commission must ensure that direct sign-language support service is a deaf consumer-chosen alternative to, not a substitute for, VRS.

Finally, if providers of direct sign-language support service are permitted to access the database pursuant to rulemaking, the Commission should ensure that they—and not VRS providers—bear the costs of allowing them access to the database. Although the Commission should not impose any new obligations on VRS providers in order to enable access, it should ensure that—to the extent that it does impose any new obligations on VRS providers—those costs are reimbursable through an exogenous-cost adjustment.

ARGUMENT

I. The Commission Should Consider in a Rulemaking Whether It Can Expand Access to the Numbering Directory Without Endangering the Security or Reliability of the Database.

Although multiple entities currently provide direct sign-language services through the support of certified providers, the Commission's rules currently prohibit non-VRS providers from accessing the Numbering Directory directly because of "significant concerns" regarding the "security of the central database" and "the privacy of the data contained therein."[3] Before changing this rule, which was adopted through notice-and-comment rulemaking, the Commission should consider—through the rulemaking process—whether it is possible to expand access without diminishing the security or the reliability of the database. As explained below, the Commission should consider what qualifications an entity must demonstrate to gain access to

[3] *Telecommc'ns Relay Servs. & Speech-to-Speech Servs. for Individuals with Hearing & Speech Disabilities; E911 Requirements for IP-Enabled Serv. Providers*, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd. 11,591, 11,616-17 ¶¶ 66-67 (2008) ("*iTRS Numbering Order*").

the Directory and how entities may demonstrate those qualifications, how to fix existing security flaws in the database, and how to ensure the reliability of any data submitted by non-VRS providers. Because the rule prohibiting non-VRS providers from accessing the database was adopted through notice-and-comment rulemaking, any changes must also be accomplished through the notice-and-comment rulemaking process.

A. The Commission Rulemaking Should Consider the Certification Qualifications of Any Entity That Wishes to Provide Direct Sign-Language Support Services.

To protect the security of the database, the Commission must, at a minimum, ensure that only entities with a legitimate need can access the database. As the Commission recognized in its order establishing the TRS Numbering Directory, allowing the public direct access to the database would "jeopardize the privacy of Internet-based TRS users" and would threaten the security of the system.[4] To avoid turning the database into a *de facto* public system, any Commission rulemaking should solicit comment about the criteria, qualifications and obligations of any non-TRS entities that wish to gain access to the database in the same standard that certified TRS providers are obligated to comply with the relevant rules.

It is not sufficient, as VTCSecure appears to suggest, to ensure that all entities with access to the database are subject to the Commission's Customer Proprietary Network Information ("CPNI") rules.[5] Any entity with access to the database can control how calls to a particular number are routed (via an interpreter or by a direct point-to-point call) and where (to which IP address) those calls are routed. And, as explained in Part B below, access to the system also allows entities to access the customer telephone numbers of any VRS provider, a serious

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[4] *Id.* ¶ 66.

[5] VTCSecure Petition at 14-15.

security risk that the Commission should fix. These capabilities should not be granted lightly. A criminal or disreputable entity with access to the database could wreak havoc with the VRS system. The Commission must ensure that entities seeking access have a legitimate need for that access (*i.e.*, that they actually intend to provide direct sign-language support services) and that they have demonstrated both familiarity and the ability to comply with the rules. A rulemaking should also consider what information non-VRS providers should be required to provide to enable VRS providers to informally resolve any issues that arise. Under the current system, only five providers have access to the Directory. These providers can and do work cooperatively when numbering-related issues arise. If the Commission grants additional entities access to the Directory, it must ensure that these entities provide contact information for an appropriate representative for conflict resolution purposes and compel non-VRS providers to address problems within a specific time limit.

B. The Commission Should Fix the Existing Security Flaw in the Database Before Expanding Access.

The Commission should also ensure through rulemaking the security of entries in the TRS Numbering Directory before any non-VRS provider is given access to the Directory. A 2012 filing with the Commission[6] explains that the Directory permits any provider to conduct a "reverse lookup" whereby the provider can identify with a single search which ten-digit numbers are associated with an IP address. Providers who rely on server-based routing can, and often do, associate one IP address with all of their subscribers' numbers, meaning that a provider's list of

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[6] *See* Petition to Limit Access to Data in the iTRS Numbering Directory at 1 & 3-5, CG Docket Nos. 03-123 & 10-51 (filed Feb. 16, 2012); Letter from John T. Nakahata, Counsel to Sorenson Communications, to Marlene H. Dortch, Secretary, FCC, at 1, CG Docket Nos. 03-123 & 10-51 (filed May 16, 2012); *see also* Letter from John T. Nakahata, Counsel to Sorenson Communications, to Marlene H. Dortch, Secretary, FCC, at 2-3, CG Docket Nos. 03-123 & 10-51 (filed Nov. 14, 2013).

numbers is currently accessible by all other providers with Directory access. This security hole has not yet been resolved. It should be addressed before any new entity is provided access to the Directory.

Similarly, before expanding access to the Directory, the Commission should also make the necessary changes to its Numbering Directory rules to ensure that VRS providers can make the transition to Session Initiation Protocol ("SIP"). As the Providers have previously explained,[7] two regulatory changes are urgently needed before this transition can occur:

1. The Commission needs to direct Neustar to change its documentation for the Numbering Directory to allow SIP uniform resource indicators ("URIs"). The current documentation requires H.323 URIs.

2. The Commission needs to clarify that server-based routing is permissible—*i.e.*, that it is permissible to populate the Numbering Directory with SIP URIs that include provider domain names for routing servers.

The Commission should address these two urgent issues affecting the Numbering Directory prior to initiating a new rulemaking.

C. The Commission Rulemaking Should Consider Rules to Ensure the Reliability of Data Provided by Non-VRS Providers.

If the Commission allows non-VRS providers to use telephone numbers that they have obtained from another entity (for example, their local phone company), the Commission should through rulemaking consider requirements which verify that any such number is actually assigned to its customer. In the Providers' experience, customers sometimes attempt to port numbers that do not belong to them—either inadvertently or maliciously. To guard against this, the Commission rulemaking should consider the appropriate documentation (for example, a

[7] Letter from VRS Providers to Marlene H. Dortch, Secretary, FCC, CG Dockets No. 03-123 & 10-51 (filed Jan. 8, 2015); Letter from VRS Providers to Marlene H. Dortch, Secretary, FCC, CG Dockets No. 03-123 & 10-51 (filed May 19, 2016).

phone bill) demonstrating that a customer has been assigned the actual number that the non-VRS provider is attempting to place in the database and that the customer has authority to port the actual number. Second, the Commission rulemaking should propose prohibiting a non-VRS provider from modifying any entry that has been placed in the directory by a VRS provider. Because VRS numbers and direct sign-language customer-support service numbers are used for completely different purposes, there should be no need for an entity to port its number from a VRS provider to a direct sign-language customer-support service provider.

II. A Comprehensive Rulemaking Proceeding Is Needed to Establish Uniform Standards for Providers of Direct Sign-Language Customer-Support Services, Perhaps Requiring Providers of Such Services to Follow Some of the Same Rules as VRS Providers.

The Providers believe it is an admirable and worthy goal to enable more direct video services for businesses and the deaf and hard-of-hearing community, including direct sign-language customer-support services. However, allowing for these services and expanding access to the Numbering Directory raises significant legal issues and challenges that must be addressed before this step is taken. For example, the Commission needs to consider who will be qualified to provide these services, how the certification process will work, how new numbers will be added into the Numbering Directory, how to ensure interoperability among non-VRS and VRS providers, how the privacy of users and the security of existing systems will be ensured, and what audit rights the Commission will have, among other things. These issues should be addressed in a comprehensive rulemaking proceeding that establishes a uniform standard for all similarly situated companies—not through a waiver that sets aside the current rules, affording special treatment to a single company. Although there is conceptual support for clearing a path for direct sign-language customer-support services, the Commission should not grant access to

the Numbering Directory until all the important issues have had a full and fair hearing through notice-and-comment rulemaking.

As VTCSecure recognizes, providers of direct sign-language customer-support service ought to be subject to many of the same rules as VRS providers generally.[8] Although VTCSecure correctly recognizes that direct sign-language customer-support service does not qualify as VRS and thus is not subject to VRS-specific rules, it argues that the Commission need not pass new rules because direct sign-language customer-support service qualifies as Telecommunications Relay Service and is therefore subject to the more general TRS rules. This is incorrect. Both the Americans with Disabilities Act and the Commission's rules define TRS as a "telephone transmission service." 47 U.S.C. § 225(a)(3). But VTCSecure's proposed service does not involve the use of the telephone; it allows users to place and receive point-to-point video calls over the Internet. These are not relay calls, as the Commission has previously held,[9] any more than Skype or any other Internet-based video messaging service is a relay service. As a result, the Commission must engage in rulemaking to ensure that direct sign-language customer-support services providers are subject to relevant VRS rules.

VTCSecure appears to acknowledge that it must be bound by the Commission's CPNI rules.[10] But the CPNI rules are only the tip of the iceberg. Because direct sign-language

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[8] *See* VTCSecure Petition at 13.

[9] *See Telecommc'ns Relay Servs. and Speech-to-Speech Servs. for Individuals with Hearing Disabilities*, Declaratory Ruling and Further Notice of Proposed Rulemaking, 21 FCC Rcd. 5442, 5448 n.53 (2006) (noting that direct point-to-point calls are not TRS calls); *iTRS Numbering Order* at 11,616 n.161 (discussing the CSDVRS proposal that would allow the public "to directly connect to Internet-based TRS users without the direct involvement of any Internet-based TRS provider" and concluding that "such calls are not TRS calls and therefore are not regulated or compensated under section 225").

[10] *See* VTCSecure Petition at 15.

customer-support service is essentially the same as a point-to-point call, the Commission must ensure that the same rules that govern point-to-point calls govern direct sign-language customer-support service.

Chief among these are the interoperability rules. The Commission should require any provider of direct sign-language customer-support service to demonstrate that its technology is fully interoperable with the technology offered by VRS providers.[11] Moreover, to avoid increasing the financial burden on the TRS Fund and/or the VRS Providers, the Commission should not require VRS providers (whose expenses must be reimbursed from the TRS Fund) to make changes to facilitate interoperability with a provider of direct sign-language customer-support service, and assume the exogenous costs of ensuring interoperability with direct sign-language customer-support service providers. The burden of ensuring and funding interoperability should fall on the provider of direct sign-language customer-support service.

Moreover, the Commission should ensure that its rules do not unfairly disadvantage VRS providers as compared to providers of direct sign-language customer-support services. The VRS rules currently prohibit VRS providers from placing telephone numbers assigned to hearing users into the TRS Numbering Directory. Yet if the Commission grants VTCSecure's petition, providers of direct sign-language customer-support services would be allowed to do just that. There is no justification for such disparate treatment. The Commission should propose to amend the VRS rules through the rulemaking process to permit VRS providers to place numbers assigned to hearing customers and institutions into the Numbering Directory.[12]

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[11] *Structure and Practices of the Video Relay Serv. Program; Telecommc'ns Relay Servs. and Speech-to-Speech Servs. for Individuals with Hearing and Speech Disabilities*, Further Notice of Proposed Rulemaking, 2016 WL 4158730 (2016).

[12] *See* Reply Comments of Sorenson Communications, Inc., and CaptionCall, LLC at 25-27, CG Docket Nos. 03-123 & 10-51 (filed Sep. 18, 2013).

Alternatively, providers of direct sign-language customer-support services could assign telephone numbers that are registered in the TRS Numbering Directory to an "entity" videophone to provide customer support service in the same manner as it is provided by VRS providers. For example, VRS providers are allowed to place telephone numbers assigned to an entity (*e.g.*, hospitals and airports) into the TRS Numbering Directory so long as an authorized official of the entity certifies that the videophone to which the telephone number is assigned is available for use only by eligible deaf and hard of hearing users. A similar method could be used to allow certified providers of direct sign-language customer-support services to place direct sign-language customer-support telephone numbers in the TRS Numbering Directory, so long as the provider certifies that the telephone number is used exclusively for point-to-point, customer service calls to deaf and hard of hearing customers. The power and privilege to place such numbers in the TRS Numbering Directory is all the more reason a provider of direct sign-language customer-support services should be required to undergo a certification process and why a rulemaking is needed to fully consider these issues.

III. The Commission Should Ensure That Deaf Consumers Can Still Place VRS Calls to Customer-Support Lines.

While there may be some benefits to allowing deaf consumers to *choose* to place point-to-point calls to customer service lines, the Commission must ensure that these consumers can still place standard VRS calls to the same customer-support lines that hearing consumers use. Indeed, requiring deaf consumers to use separate hotlines that serve only deaf people is inherently discriminatory, and it is not functionally equivalent. This is true for a number of reasons. First, customers frequently need to speak to multiple people in order to resolve a problem and may need to escalate issues to one or more supervisors. A VRS call to a standard customer-support line allows this flexibility, but a point-to-point call does not. Moreover, deaf

users may find VRS to be better for other reasons. For example, the quality of the sign language provided by the particular consumer service representative could be subpar, or the consumer service representative on a direct video service may not be available to answer the call. Or, given the relatively small size of the deaf community and the fact that customer service requires sharing personal information, a consumer simply may not wish to share that information via direct ASL.

As a result, the Commission's rulemaking should propose prohibiting providers of direct sign-language customer-support services from placing the same telephone number available to hearing users into the TRS Numbering Directory. Placing such a number in the directory will cause providers to route all deaf-initiated calls to that number via a point-to-point call and will prevent deaf consumers from placing a VRS call to that number. By requiring direct sign-language customer-support numbers to be separate from the number used by hearing users, the Commission can ensure that deaf users have the choice of using VRS or making a point-to-point call.

IV. The Commission Should Not Impose New Costs on the VRS Industry.

Finally, the Commission should ensure that providers of direct sign-language support services—and not VRS providers—bear any costs that are incurred to grant them access. The Commission can and should do so by clarifying that any modifications to the rules do not impose obligations on VRS providers or otherwise further tax the TRS Fund. The VRS Providers have detailed the financial constraints under which they currently operate.[13] Assumption of an additional obligation to implement interoperability with direct sign-language support services

[13] *See, e.g.*, Joint Proposal of All Six VRS Providers for Improving Functional Equivalence and Stabilizing Rates at 7, CG Docket Nos. 03-23 & 10-51 (filed Mar. 30, 2015).

would only exacerbate the VRS Providers' financial condition. However, if the Commission ultimately decides to impose new obligations on VRS providers, it should make clear that the costs of complying with these obligations can be recovered through an exogenous-cost adjustment consistent with the adjustments authorized when the Numbering Directory was first implemented.

CONCLUSION

Accordingly, the Commission should deny VTCSecure's petition for a waiver and consider the issues raised by VTCSecure through the rulemaking process.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this day, a true and correct copy of the foregoing Response of Sorenson Communications, Inc. was sent by U.S. Postal Service, postage prepaid, to the following parties to the proceeding:

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August 17, 2016