

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20544**

*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

**REPLY COMMENTS OF SORENSON COMMUNICATIONS, LLC IN RESPONSE TO  
THE FURTHER NOTICE OF PROPOSED RULEMAKING**

Sorenson Communications, LLC (“Sorenson”) hereby submits reply comments with respect to Sections IV.B-C of the Further Notice of Proposed Rulemaking regarding Video Relay Services (“VRS”).<sup>1</sup>

**INTRODUCTION**

The remarkable consensus among commenters on the majority of questions posed in the *FNPRM* show the way for the Commission to act swiftly to improve VRS service and safeguard against waste, fraud, and abuse, while not imposing costly regulations that would overburden VRS users and providers and undermine the functional-equivalence requirement of the Americans with Disabilities Act (“ADA”) for negligible benefits.

First, the Commission should adopt the proposal, supported by all commenters, to allow VRS providers to begin to provide service and, once a user is verified, to receive compensation

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<sup>1</sup> *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 No. 19-39, 34 FCC Rcd. 3396 (2019) (“*Report and Order*” or “*FNPRM*”).

for providing service to new and porting users for up to two weeks during the completion of TRS-URD verification.

Second, the Commission should reject the proposed log-in requirement for enterprise and public videophones.<sup>2</sup> As all commenters observe, data in the record and common sense both suggest, at most, a negligible risk that these phones will be used to place ineligible calls, and the proposal improperly dismisses the real burdens that would be unreasonably imposed on VRS users. Further, as noted by several commenters, the cost of implementing the full OAuth 2.0 standard would be prohibitive and implementing a “streamlined” version would expose users and providers to serious security vulnerabilities. Sorenson continues to believe that a self-certification through a digital signature for all VRS users before they can use a public or enterprise videophone for a VRS call would sufficiently safeguard against the negligible risk of waste, fraud, and abuse. While there are other potentially less burdensome options than the *FNPRM*’s proposal, the Commission must be mindful of legitimate privacy concerns involved with some of them and must not unjustifiably undermine functional equivalence.

Finally, Sorenson notes its support for making permanent the at-home interpreting program, but believes that all providers should be subject to equal, light-touch regulation that does not undermine functional equivalency or impose undue burdens on providers, both during and after the trial period.

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<sup>2</sup> *Id.* ¶¶ 58-59.

**I. ALL COMMENTERS AGREE WITH AT LEAST A TWO-WEEK SERVICE ALLOWANCE PENDING COMPLETION OF IDENTITY VERIFICATION.**

In the initial round of comments, no one disagreed with Sorenson<sup>3</sup> in supporting the FNPRM's proposed rule to allow VRS providers to provide service to new and porting users for up to two weeks pending the completion of identity verification.<sup>4</sup> Sorenson also observes and appreciates the Consumer Groups' additional point regarding the possibility that two weeks may not be sufficient in all cases, in particular for customers who are Deaf-Blind or Deaf with additional disabilities.<sup>5</sup> Sorenson therefore supports the proposal that providers be permitted to extend this initial two-week temporary registration period in these limited cases. Doing so would not meaningfully add to "any resulting risk of waste, fraud, or abuse is minimal" since "no compensation may be requested or paid until the user's identity has been verified."<sup>6</sup> The benefits clearly outweigh any costs, and we encourage the Commission to act promptly to implement this rule change.

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<sup>3</sup> See Comments of Telecommunications for the Deaf and Hard of Hearing, Inc., et al. at 2-3, GC Docket Nos. 10-51 and 03-123 (filed Aug. 5, 2019) ("Consumer Groups' August 2019 Comments") (in support); Comments of CSDVRS, LLC d/b/a ZVRS and Purple Communications, Inc. at 14, GC Docket Nos. 10-51 and 03-123 (filed Aug. 5, 2019) ("ZVRS/Purple August 2019 Comments") (in support); Comments of Convo Communications, LLC at 4-5, GC Docket Nos. 10-51 and 03-123 (filed Aug. 5, 2019) ("Convo August 2019 Comments"). ASL Services Holdings, LLC d/b/a GlobalVRS did not comment on this proposal, though joined all VRS providers in petitioning for this rule. See Joint Petition of VRS Providers for a Waiver, CG Docket Nos. 10-51 and 03-123 (filed June 20, 2018) ("VRS Providers Petition").

<sup>4</sup> FNPRM ¶¶ 55-57; see also Comments of Telecommunications for the Deaf and Hard of Hearing, Inc., et al., CG Docket Nos. 10-51 and 03-123 (filed July 26, 2018); Consumer Groups' August 2019 Comments at 2-3; VRS Providers Petition at 2, 7.

<sup>5</sup> Consumer Groups' August 2019 Comments at 3.

<sup>6</sup> FNPRM ¶ 57; see also VRS Providers Petition at 10.

## **II. ALL COMMENTERS FURTHER AGREE THERE SHOULD BE NO LOG-IN REQUIREMENT FOR PUBLIC AND ENTERPRISE VIDEOPHONES.**

### **A. A Log-in Requirement Would Burden VRS Users and Undermine Functional Equivalency.**

Sorenson reiterates its opposition to the FNPRM's proposed log-in requirements for individuals using public and enterprise videophones for VRS calls.<sup>7</sup> Any log-in requirements “would be a move away from functional equivalency,” the guiding principle for Telecommunications Relay Services (“TRS”), including VRS.<sup>8</sup> Hearing users can simply pick up a public or enterprise phone to access the critical communications services they need, without having to clear the extra hurdles of logging-in and placing themselves at heightened security risk.<sup>9</sup>

As the Consumer Groups noted in their opening comments (and have submitted repeatedly over the years), any log-in requirement would impose significant burdens on users, and improperly minimize consumers' legitimate privacy and security concerns. Moreover, such a requirement fails to address the problem that those consumers who are most likely to depend on public phones—the elderly, the homeless, children, those with cognitive disabilities, and those without access to mobile VRS devices or functioning VRS equipment at home, among others—are also the least likely to regularly access smartphones, voicemail, email, computers, and commercial, retail, and financial accounts. Moreover, consumers in rural and other unserved areas without access to broadband would be unable to use public phones because they lack iTRS

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<sup>7</sup> FNPRM ¶¶ 58-59.

<sup>8</sup> Comments of Telecommunications for the Deaf and Hard of Hearing, Inc., et al. at 2, 6, CG Docket Nos. 10-51 and 03-123 (filed May 30, 2017).

<sup>9</sup> See Comments of Sorenson Communications, LLC at 10-14, CG Docket Nos. 10-51 and 03-123 (filed Aug. 5, 2019) (“Sorenson August 2019 Comments”) (discussing the security risks that VRS users would face as a result of the Neustar's proposed log-in procedure).

numbers to input. The log-in requirement's burdens would especially harm these vulnerable groups.

**B. A Log-in Requirement Would Fail to Meaningfully Reduce Waste, Fraud, or Abuse to Justify Its Significant Regulatory Burdens.**

The Commission cannot justify the proposed log-in procedure by claiming that consumer burdens would be offset by its “substantial benefit in preventing the misuse of enterprise and public videophones,”<sup>10</sup> when the record suggests precisely the opposite.

Indeed, Commenters agree with Sorenson's observation that the Commission cannot lump together the VRS minutes from all enterprise and public videophones, including minutes from enterprise settings such as private offices and shared workspaces or common areas with restricted access, to justify placing log-in requirements. As Sorenson noted in its opening comments, the majority of minutes reported by Rolka Loube,<sup>11</sup> come from enterprise videophones, particularly private enterprise phones assigned to specific individuals, and not public phones.<sup>12</sup> Because the Commission now requires the enterprise responsible for an enterprise phone to “make reasonable efforts to ensure that only persons with a hearing or speech disability are permitted to use the phone for VRS,”<sup>13</sup> the chance of misuse is even further decreased. Given the relatively limited use of public phones relative to enterprise phones, and safeguards the Commission has already adopted, a log-in requirement for public and enterprise phones would fail to meaningfully reduce waste, fraud, or abuse, and the FNPRM fails to justify imposing costly and burdensome regulatory requirements to reduce a negligible risk.

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<sup>10</sup> *FNPRM* ¶ 62.

<sup>11</sup> *FNPRM* ¶ 61.

<sup>12</sup> Sorenson August 2019 Comments at 8-10.

<sup>13</sup> *Report and Order* ¶ 29.

**C. Neustar’s Proposed OAuth Log-in Procedure is Prohibitively Expensive and Technically Infeasible.**

The opening comments on the *FNPRM* contained substantial criticism of the OAuth proposal.<sup>14</sup> The OAuth log-in procedure proposed by Neustar and the *FNPRM* would impose prohibitive costs on VRS providers and remains technically infeasible for Sorenson’s current public and enterprise videophones. Other commenters noted similar cost issues<sup>15</sup> or uncertainties,<sup>16</sup> and those who did not failed to present any reasonable argument for why providers should be punished for having spent years, and millions of dollars already, in developing the access technology that aims to achieve functional equivalency. And in any event, even VRS providers that do not currently deploy any public or enterprise phones still must face the costs to create a server to communicate with the central OAuth server to authenticate users and retrofit their phones to support the OAuth protocol.<sup>17</sup>

Furthermore, as Sorenson explained in its opening comments the “streamlined version” of OAuth proposed by Neustar<sup>18</sup> and alluded to by the *FNPRM*<sup>19</sup> is not a real solution. Indeed, it is a hypothetical concept that does not meet the OAuth security standard or any widely accepted

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<sup>14</sup> Sorenson August 2019 Comments at 10-15; ZVRS/Purple August 2019 Comments at 15-18; Comments of ASL Services Holdings, LLC d/b/a GlobalVRS at 11, CG Docket Nos. 10-51 and 03-123 (filed Aug. 5, 2019) (“Global August 2019 Comments”).

<sup>15</sup> ZVRS/Purple August 2019 Comments at 17-18.

<sup>16</sup> Global August 2019 Comments at 11 n.21.

<sup>17</sup> Letter from John T. Nakahata, Counsel for Sorenson Communications, LLC, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51 and 03-123, at 4 (filed Jan. 22, 2018) (“Sorenson January 22, 2018 Ex Parte”).

<sup>18</sup> Letter from Richard L. Fruchterman, III, Senior External Affairs Counsel, Neustar, Inc., to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51 and 03-123, at 1 (“Neustar March 5, 2018 Ex Parte”).

<sup>19</sup> *FNPRM* ¶ 65.

industry security standard. It is exactly the type of “home-brewed adaptation[,]” as critiqued in the studies cited by Sorenson, that expose providers and users to significant security vulnerabilities. As previously noted, it exposes users to man-in-the-middle attacks and provides the default VRS provider for the enterprise or public videophone access to the user credentials for other providers, thus defeating the purpose of the OAuth protocol’s security standards.<sup>20</sup>

Given the costs, technical challenges, and security risks, the Commission should not impose a log-in requirement using the OAuth standard or its ill-developed alternative. At a minimum, the Commission should exempt unmodifiable ntouch public and enterprise videophones from a log-in requirement. This would save the estimated total of \$25 million to \$37 million in implementation costs.

**D. Sorenson’s Proposed Alternative Strikes a Balance Better than other Proposed Alternatives.**

Sorenson’s proposal of self-certification through a digital signature before using a public videophone would not burden Deaf users with having to struggle to remember a passcode or PIN number.<sup>21</sup> Moreover, in light of the scant evidence of actual misuse of public phones, such a minimal requirement best balances the need to prevent waste, fraud, and abuse with the associated burden on functional equivalency.

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<sup>20</sup> Sorenson August 2019 Comments at 13-14; *see also* Sorenson January 22, 2018 Ex Parte at 3; *see* Letter from John T. Nakahata, Counsel for Sorenson Communications, LLC, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51 and 03-123, at 2 n.5 (filed Nov. 30, 2017) (citing OAuth 2.0 Threat Model and Security Considerations: “[c]lient developers should not write client applications that collect authentication information directly from users and should instead delegate this task to a trusted system component, *e.g.*, the system browser.”).

<sup>21</sup> *See* Letter from Tamar Finn and Danielle Burt, Counsel for Telecommunications for the Deaf and Har of Hearing Inc., to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51 and 03-123, at 1-2 (filed Feb. 20, 2018) (“Consumer Groups’ February 20, 2018 Ex Parte”) (explaining burdens of log-in requirement for consumers).

Although Sorenson believes the Commission should not require more, requiring a user to enter his or her VRS phone number, instead of a passcode or PIN, before completing a call, is less burdensome and implicates fewer concerns than other proposals. For instance, GlobalVRS seems to advocate for visual verification of an individual placing a VRS call by, presumably, requiring providers to keep copies of “individuals’ driver’s license photo or other form of approved picture”<sup>22</sup> on file and either having an interpreter—going well beyond their important duties and potentially frustrating functional equivalence—decide if the caller looks sufficiently like the picture, or use facial recognition software. Either approach implicates serious, legitimate privacy concerns<sup>23</sup> that cannot be fully addressed here beyond saying the Commission most assuredly should not adopt any such requirement without separate notice and comment.

In any case, we continue to caution, as the Consumer Groups note,<sup>24</sup> that requiring users to enter their VRS phone number would still burden VRS users by preventing access for those without a VRS phone number, such as consumers in rural areas or homeless individuals. Sorenson does not support imposing these burdens on VRS users given the extremely low risk for fraud or abuse in public and enterprise videophones. This alternative, however, is significantly less burdensome and exclusionary than the FNPRM’s log-in requirement.

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<sup>22</sup> *Id.*

<sup>23</sup> This discussion highlights the need for the Commission to consider carefully the privacy implications of *any* new or existing rule or requirement, including whether its systems and those of the TRS Administrator adequately safeguard personal information. For illustration, providers are required to collect and transmit personal information to the Administrator—the Commission should monitor the Administrator’s implementation of a data security system that complies with current and evolving privacy laws, such as the California Consumer Privacy Act.

<sup>24</sup> Consumer Groups’ August 2019 Comments at 4-5.



### **III. THE COMMISSION SHOULD MAKE PERMANENT AT-HOME INTERPRETING, AND APPLY EQUAL, LIGHT-TOUCH REGULATION ON ALL PROVIDERS BOTH DURING AND AFTER THE TRIAL.**

Sorenson applauds the Commission's decision to trial a program for at-home interpreting and appreciates the opportunity to participate therein. Sorenson expects that the benefits already reported will continue to accrue to interpreters, VRS users, and VRS providers.

We respond to several points raised in the initial comments. First, the Commission should reject the invitation that at-home interpreters be permitted to transfer emergency calls to call centers, rather than relying on the required remote teaming abilities providers developed for the program.<sup>25</sup> Emergency callers should not be subjected to an additional hurdle to functionally equivalent communication on the basis that an at-home interpreter is unable to handle the call. The better course for a provider concerned about the ability of an at-home interpreter to handle an emergency call is to ensure that 911 calls are routed to the next available agent in a traditional call center environment.<sup>26</sup>

Regarding data collection during the pilot, there are several unknowns—labor availability, labor and technical costs, handling of 911 issues for some providers, and training issues, among them—that suggest the Commission should continue to cap at 30% of a provider's overall minutes the amount of minutes interpreted at-home. Regarding cost data, it is reasonable to expect that, if approved on a final basis, more providers and interpreters would utilize this ability than the number currently involved in the trial (in particular if the Commission lifts the

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<sup>25</sup> Convo August 2019 Comments at 2-3.

<sup>26</sup> To the extent at-home interpreters are in the queue to handle emergency calls, the 3-year experience requirement is reasonably calculated to ensure that only more skilled and seasoned interpreters will be able to handle these kinds of difficult calls.

percentage cap),<sup>27</sup> and that costs for ensuring this larger number of at-home interpreters may increase non-linearly.

Finally, to promote equity and fairness, the Commission should treat all providers who are participating in the extended trial program equally and subject to the same conditions as set forth the pilot requirements.<sup>28</sup> Either the Commission presently has sufficient data to determine the program should be made permanent, or it does not. If the former, it should dispense with the requirements for all providers; if the latter, then no participating provider should be exempt from providing the data the Commission deems necessary to make a final determination.

### CONCLUSION

The Commission should (1) allow VRS providers to provide service to new and porting users for up to two weeks pending the completion of TRS-URD verification; (2) not adopt the proposed log-in requirement for enterprise and public phones—at minimum, the Commission should exempt public and enterprise videophones that are currently in use and cannot be modified to support a system web browser from the log-in requirement; and (3) make permanent the at-home interpreting program while applying equal, light-touch regulation to all participants both during and after the trial.

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<sup>27</sup> See ZVRS/Purple August 2019 Comments at 8 (advocating to allow market forces to set the percentage of VRS calls handled by at-home interpreters rather than setting a 30% maximum).

<sup>28</sup> See *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, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, FCC No. 17-26, 32 FCC Rcd. 2436, 2455-64 ¶¶ 46-60 (2017) (“*VRS Improvements Report and Order*”) (adopting 47 C.F.R. § 64.604(b)(4)(iii), (8)).

Respectfully submitted,



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