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

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

COMMENTS OF CONVO COMMUNICATIONS, CSDVRS, PURPLE COMMUNICATIONS, AND SORENSON COMMUNICATIONS

September 14, 2016

INTRODUCTION AND SUMMARY

Four providers of Video Relay Service—Sorenson Communications, Inc.; Purple Communications, Inc.; CSDVRS, LLC; and Convo Communications, LLC (collectively, "Providers")—file these comments in response to the Consumer and Governmental Affairs Bureau's Further Notice of Proposed Rulemaking ("FNPRM")[1] dated August 4, 2016.[2] The Providers thank the Commission for allowing the industry time to collaborate and reach consensus on the Video Relay Service (VRS) Provider Interoperability Profile ("SIP Profile"),[3] and they support the Bureau's proposal to incorporate the SIP Profile into the TRS rules. The Bureau should not, however, incorporate the Interoperability Profile for Relay User Equipment ("RUE Profile") because doing so would have the unintended consequence of imposing the RUE Profile on all provider-distributed endpoints. This goes far beyond the purpose of the RUE Profile, which was intended solely to govern the interactions between the Commission's Accessible Communications for Everyone ("ACE") software and VRS providers. And it would force providers to *remove* any innovative or useful features of their endpoints that are not specified in the RUE Profile and to subject their networks to lower security than they employ today.

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1 *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, CG Docket Nos. 10-51, 03-123, 2016 WL 4158730 at *8 (CGB Aug. 2014, 2016) ("*FNPRM*").

2 These comments reflect the joint position of the four above-named Providers. Certain individual providers are concurrently filing separate comments reflecting their own individual positions.

3 SIP Forum Video Relay Service (VRS), *US VRS Provider Interoperability Profile*, SIP Forum Document No. VRS US Providers Profile TWG-0.15 (Aug. 20, 2015), *available at* http://www.sipforum.org/component/option,com_docman/task,cat_view/gid,160/Itemid,75/;.

In addition, 60 days is insufficient time to implement either standard. For the SIP Profile, providers have been working diligently to make the transition but need at least 120 days to finish implementation and testing. For the RUE Profile, providers would need significant time to make their networks compliant with the RUE Profile, which has not yet been successfully implemented in *any* endpoint. Because the ACE software (which was supposed to be the endpoint that followed the RUE standard and which was supposed to be the standard against which to assess interoperability) is not yet completed, it is not even possible for providers to test their networks for compliance with the standard. Accordingly, the Providers respectfully request that the Bureau allow them 12 months following the availability of a certified profile-compliant version of the ACE application to ensure that their networks are compliant with the RUE Profile.

BACKGROUND

The FNPRM proposes to incorporate by reference two different documents developed by two different groups for two different purposes. The first document—the US VRS SIP Profile—is the product of many years of industry collaboration through the SIP Forum. In 2012, providers began working on the Profile, with the goal of improving interoperability across VRS providers. The industry provided periodic updates on its progress on the US VRS SIP Profile, which are cited in Footnote 18 of the FNPRM, and in August 2015, providers reached consensus on a final version of the Profile, which was then adopted and published by the SIP Forum in October 2015. Subsequent to the publishing of this standard, providers have worked consistently to conform to the published document, including conducting biannual interoperability testing events to ensure that each providers platform interoperate as specified in the Profile.

The second specification—the RUE Profile—was developed by a distinct group for an entirely different purpose: to standardize the interactions between providers' back-end platforms and the ACE software. After the Commission contracted with VTC Secure to develop the ACE

software, VTC Secure began to solicit provider feedback regarding the standard that would govern the interactions between providers' back-end platforms and the ACE software. To address these questions, VTC Secure (and subsequently MITRE) began to host periodic calls in the fall of 2015 to address this separate issue. These calls were attended by VRS providers as well as representatives of the FCC.

As the RUE Profile was being developed, VTC Secure and the Commission maintained tight control of the document. VTC Secure initially made drafts of the RUE Profile available through Google Docs, but the document might change drastically from day to day, and was clearly in a pre-draft state. Given the constant changes, it was difficult for providers to offer meaningful edits. Eventually a representative of the FCC took control of the document, substantially revised it, and distributed it as draft zero to the providers for comment and revisions in March 2016.

Providers were initially concerned about certain provisions of the newly revised document because they appeared to impose requirements on all provider endpoints rather than solely on the ACE as originally intended. Specifically, the newly revised document purported to impose numerous requirements on all "relay user equipment" or "RUE," which it defined (in relevant part) as a "SIP user agent (UA) enhanced with extra features to support a subscriber in requesting and using relay calls."[4] The definition further clarified that "[a] RUE may take many forms, including a stand-alone device . . . or proprietary equipment . . . ."[5]

Providers objected to this definition because it appeared to suggest that the RUE Profile imposed requirements on provider-distributed devices and software, which had never been the

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4 Interoperability Profile for Relay User Equipment (RUE) draft-vrs-rue-dispatch-00 at 4 (July 20, 2016), *available at* https://www.ietf.org/id/draft-vrs-rue-dispatch-00.txt.

5 *Id.*

purpose of the document. However, the FCC's representatives declined to change the definition but assured participants that the RUE Profile would not impose any obligations on provider-distributed software or equipment. They reiterated that the requirements imposed on a RUE would apply only to the ACE software and that VRS providers' sole obligation under the RUE Profile would be to ensure that their back ends could process calls from a RUE-compliant endpoint.

ARGUMENT

I. THE COMMISSION SHOULD NOT ADOPT THE RUE PROFILE.

The purpose of the RUE Profile was to define an interface between the ACE software and VRS providers' networks. If the RUE Profile were adopted into the Commission's rules, however, it would impose this standard on all *provider-distributed* VRS hardware and software—something that was never intended when the profile was developed. As explained already, this is because the Profile purports to impose obligations on all "RUE," which is defined so broadly as to encompass all VRS equipment and software.

Imposing the RUE Profile on provider-distributed endpoints would be needlessly expensive and unduly burdensome. No provider-distributed equipment or software currently complies with the RUE Profile, and providers would be able to comply with such a mandate only by undertaking substantial redesign of their equipment—an expensive and time-consuming undertaking. And that undertaking would serve no purpose: the RUE Profile was not designed to govern the interactions of provider-distributed equipment with providers' back end, and the record does not reflect any current problem with these interactions. Rather, provider-distributed endpoints contain a much richer and more secure set of functionality and features than are specified by the RUE Profile, and forcing provider endpoints to adhere to that profile would

require that providers *remove* any innovative or useful features of their endpoints that are not specified in the RUE Profile and subject their networks to lower security than they employ today.

Moreover, adopting the RUE Profile as a generally applicable rule applicable to all VRS equipment goes beyond what the Commission permitted in its June 2013 Order delegating to the Bureau the authority to conduct rulemakings to adopt "interoperability and portability standards developed under the auspices of the SIP Forum, now or in future, or such other voluntary, consensus standard organization as may be formed to address these issues [*i.e.*, interoperability and portability standards]."[6] The informal biweekly phone calls that produced the RUE Profile were not, however, a voluntary, consensus standard organization formed to address interoperability or portability issues.[7] Rather, they were a series of calls organized and managed by the FCC's contractor—first VTC Secure and then MITRE—to solicit feedback about how the ACE software would interact with providers' networks.

The close control of the RUE Profile by the FCC Staff and the Commission's contractors is inconsistent with the idea that the RUE Profile was the product of a "voluntary, consensus standard organization." The Commission's June 2013 VRS Order made clear that the Commission's representatives were authorized to participate in standard-setting organizations

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6 *Structure and Practices of the Video Relay Servs. Program; Telecommc'ns Relay Servs. and Speech-to-Speech Servs. for Individuals with Hearing and Speech Disabilities,* Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd. 8618, 8643 ¶ 49 (2013) ("*June 2013 Order*"). Absent an express delegation to the Bureau, a rulemaking must be initiated by the full Commission. 47 C.F.R § 0.361(a) (providing that a notice of proposed rulemaking "shall be referred to the Commission en banc for disposition.").

7 *See* OMB Circular No. A-119, *Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities*, at § 2.e (Jan. 2016) (defining "[v]oluntary consensus standards body"). The weekly calls to discuss the RUE Specification lacked any of the defining features of a voluntary consensus standard organization—including openness, balance, due process, an appeals process, and consensus.

only as "an active observer,"[8] and that Order further adopted the then effective version of OMB Circular No. A-119, § 7, which requires agency representatives serving on voluntary consensus standards bodies to participate "on an equal basis with other members," to "refrain from involvement in the internal management of such organizations," and not to "dominate such bodies."[9] But the informal calls in which providers discussed the RUE Specification with VTC Secure and the FCC staff were organized and controlled by the FCC and its contractor. At all times, FCC staff or contractors maintained sole control of the document, unilaterally revised the document, and decided which feedback to accept or reject. This was entirely appropriate to the extent that these meetings were designed to give the FCC's contractor feedback about the specifications for software being funded by the Commission—which is what all participants understood. But such handling cannot be construed as a voluntary, consensus standard-setting organization.

II. TRANSITIONING TO EITHER PROFILE REQUIRES SOME ADDITIONAL TIME.

SIP Profile. Although the Providers support incorporating the SIP Profile into the TRS rules, 60 days is not sufficient time to complete the transition, and this is true across all four Providers and endpoints. Although the Providers have been working diligently to facilitate the transition to SIP, further testing and inter-provider collaboration is still needed to ensure that the

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8 *June 2013 Order*, 28 FCC Rcd. at 8642 ¶48.

9 OMB Circular No. A-119, *Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities*, at § 7.f-g (Feb. 10, 1998). A revised version of the circular was released in January 2016, and much of § 7 has been moved to § 6. OMB Circular No. A-119, *Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities*, at § 6 (Jan. 2016). But the current version imposes essentially the same requirements: "agency representatives should avoid the practice or the appearance of undue influence relating to their participation in standards bodies and activities." *Id.* § 6.a (Jan. 2016). Similarly, they must participate "on an equal basis with other members." *Id.* § 6.d.

transition occurs without degradation or loss of service. The industry has scheduled an interoperability event in October to continue this testing and collaboration and believe that they can complete a transition to SIP within 120 days of an order incorporating the SIP Profile into the rules.[10]

The FNPRM suggests that 60 days is appropriate because providers have worked on the SIP Profile "over a period of several years." But of course, providers could not begin implementing the standard until after it was completed only one year ago. And testing has been significantly delayed because the Commission *still* has not issued the clarifications to its rules that are needed to permit testing.[11]

RUE Profile. Regardless of whether the RUE Profile governs all VRS endpoints or solely the ACE's interactions with providers' networks, it is not possible for the Providers to implement the RUE Profile within 60 days. This is true across all four Providers' networks and endpoints. The FNPRM tentatively concludes that 60 days is reasonable because providers "had an opportunity to debate the various technical issues over a period of several years" and "have had ample opportunity to incorporate the standards into their software development processes, and "have had sufficient opportunity to familiarize their suppliers with any necessary design changes."[12] This conflates the SIP Profile—which the Providers worked on for several years—

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[10] This assumes that the FCC issues clarifications that are required to enable providers to conduct testing before issuing the order incorporating the SIP Profile into the rules. *See* Letter from All Six VRS Providers to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 & 10-51 (filed Jan. 8, 2015) ("2015 Joint Providers Ex Parte"); Letter from All Five VRS Providers to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 & 10-51 (filed May 19, 2016) ("2016 Joint Providers Ex Parte"); Letter from Mark D. Davis, Counsel, Sorenson Communications, Inc., to Marlene H. Dortch, Secretary, FCC, in CG Docket Nos. 03-123 & 10-51 (filed Aug. 5, 2016) ("Sorenson Aug. 5 Ex Parte").

[11] 2015 Joint Providers Ex Parte; 2016 Joint Providers Ex Parte; Sorenson Aug. 5 Ex Parte.

[12] *FNPRM* ¶8.

with the RUE Profile, which has only been published in draft form since March 2016. Moreover, providers did not have notice until the release of the FNPRM that the Bureau might incorporate the RUE Profile into its rules, thereby requiring *all* provider endpoints (rather than just the ACE) to comply with this standard.

Even if the Bureau clarifies that the RUE Profile does not govern provider-distributed endpoints and only governs the interactions between the ACE and providers' networks, 60 days would still be insufficient time to allow providers to modify their networks to be in compliance. No provider's back end is currently compliant with the RUE Profile. To bring their networks into compliance, providers would have to make extensive modifications, including building configuration websites, xCard and/or CardDAV access, and ACE-specific access to their SIP infrastructures. Providers estimate that this would take at least 12 months. Moreover, after making these modifications, providers would have to engage in extensive testing with a compliant endpoint. But there is currently no compliant endpoint available. The ACE software—which was supposed to be the endpoint that complied with the standard and against which compliance was tested—has not even been completed. Requiring providers to comply with the RUE Profile before they even have software against which they can test their compliance would be arbitrary and capricious.

CONCLUSION

Accordingly, the Commission should incorporate the VRS Provider Interoperability Profile into its rules and require compliance within 120 days of the order[13], but it should not incorporate the RUE Profile into the TRS rules.

[13] *See* n.11, *supra*.

Respectfully submitted,

Convo

/s/ Jeff Rosen
Jeff Rosen
General Counsel
Convo Communications, LLC

Purple

/s/ Michael Strecker
Michael Strecker
Vice President of Regulatory Affairs
Purple Communications, Inc.

CSDVRS

/s/ Lydia Runnels
Lydia Runnels
Vice President Product Development and IT
CSDVRS, LLC

Sorenson

/s/ Michael Maddix
Michael Maddix
Director, Government and Regulatory Affairs
Sorenson Communications, Inc.

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