



November 21, 2018

**Ex Parte**

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

Re: VRS Access Technology Reference Platform and RUE Profile (CG Docket Nos. 10-51 & 03-123)

Dear Ms. Dortch,

On November 19, 2018, representatives of ASL Services Holdings, LLC dba Global VRS, CSDVRS, LLC dba ZVRS, Convo Communications, LLC, Purple Communications, Inc., and Sorenson Communications, LLC (collectively the “Joint VRS Providers” or “Providers”) met with Michael Carowitz, Special Counsel to Chairman Pai, and Robert Aldrich, Legal Advisor to the Chief of the Consumer and Governmental Affairs Bureau. The Joint VRS Provider attendees were Andrew O. Isar (by telephone) on behalf of ASL Services Holdings, LLC dba Global VRS; Jeff Rosen of Convo; Zarko Roganovic (by telephone) and Ed Sayers (by telephone) of Purple; James Hamlin (by telephone), consultant to Purple; Michael Maddix, Isaac Roach (by telephone) of Sorenson; Julie Veach of Harris, Wiltshire & Grannis LLP, counsel to Sorenson; and Greg Hlibok of ZVRS. As described below, the Joint VRS Providers discussed the concerns they raised in their recent letter regarding the development of the VRS Access Technology Reference Platform (“VATRP”) and associated technical specifications (“RUE Profile”) and provided copies to Messrs. Carowitz and Aldrich.<sup>1</sup> They also provided copies of the *ex parte* letter filed by VRS Consumers, which also addresses the VATRP App and RUE Profile issues.<sup>2</sup>

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<sup>1</sup> See Letter from Gabrielle Joseph, ASL Services Holdings, LLC dba Global VRS, Jeff Rosen, Convo Communications, LLC, Michael Maddix, Sorenson Communications, LLC, and Gregory Hlibok, ZVRS Holding Company, CG Docket Nos. 10-51 & 03-123 (filed Oct. 17, 2018) (“October 17, 2018 Joint Provider *Ex Parte*”).

<sup>2</sup> See Letter from Claude L. Stout, Telecommunications for the Deaf and Hard of Hearing, Inc., Howard Rosenblum and Zainab Alkebsi, National Association of the Deaf, Mark Hill, Cerebral Palsy and Deaf Organization, Nancy B. Rarus and Alfred Sonnenstrahl, Deaf Seniors of America, Christian Vogler, Rehabilitation Engineering Research Center on

As explained more fully below, the Providers urged the Chairman's Office to pause any further implementation and development of the VATRP and waive the current implementation deadline of April 2019. A pause would create room for the Commission to re-assess the need for the VATRP as an interoperability test tool. After millions in TRS Funds spent on vendors to develop the VATRP, it is far from functional, much less consistent with the Commission's requirements. Nor is it needed, as the providers have implemented the Provider Interoperability Profile ("SIP Profile") effective December 20, 2017,<sup>3</sup> held semi-annual interoperability conferences for over four years, and established with MITRE an effective monthly testing process that monitors on-going interoperability.

The Providers' interoperability efforts have eliminated the problems with interoperability that motivated the Commission to adopt the VATRP in the first place. In no case since the implementation of these new processes have the Providers been unable to diagnose a problem. A pause would also free up resources to act on consumers' priorities, involve consumer groups in the development of the next generation of VRS, save TRS Fund resources for tangible improvements in the program, and allow the Commission to realign with the legal standards it set out for standards development and updates.

The Providers affirmed the importance of interoperability to the VRS customer experience and in particular its importance to the survival of the smaller providers. Since 2013, the Providers have addressed interoperability through regular provider meetings and cooperative engagement as well as successful implementation of the SIP Profile and xCard standard for portability of consumers' speed dial lists. MITRE's monthly testing confirms the effectiveness of these efforts. That process is working well and has successfully addressed the periodic interoperability issues that can arise with the introduction of new hardware or software-based VRS applications.

At the same time, the VATRP and RUE Profile have expanded beyond the original scope that the Commission established and authorized in 2013 on the record as a testing tool for interoperability, adding new "features" that providers must support, at the cost of millions to the Fund and the Providers.<sup>4</sup> The new features and requirements are solely the invention of the Commission's contractors without factual basis for the requirements that can explained by any interoperability problem or consumer need. For example, each provider provides a way for consumers to navigate their video mailboxes, yet the RUE Profile requires a "new" way that uses a dated "press 3 to delete" method relying on twentieth century dual-tone multi-frequency

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Technology for the Deaf and Hard of Hearing, Gallaudet University, CG Docket Nos. 03-123 & 10-51 (filed Oct. 31, 2018) ("Consumer Groups Oct. 31 Letter").

<sup>3</sup> See 47 C.F.R. § 64.621(b)(1).

<sup>4</sup> See *Structure and Practices of the Video Relay Service Program et al.*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd. 8618, 8644 ¶ 53 (2013) ("*VRS Reform Order*"), *vacated in part on other grounds sub nom. Sorenson Commc'ns, Inc. v. FCC*, 765 F.3d 37 (D.C. Cir. 2014).

signaling. It is not clear why interoperability requires video mail navigation to be subject to a unifying standard, much less one that is less user-friendly than what the Providers already offer.

In light of these diverging trends—good interoperability among providers but an increasingly expansive and expensive “testing tool”—the Providers explained that the Commission should pause the implementation of the VATRP and RUE Profile, which would provide time for the Commission and all stakeholders to re-assess the current direction of the VATRP and RUE Profile and ensure that no more resources are spent to address problems that have already been solved. The Consumer Groups—representing the people that this effort is intended to benefit—do not oppose a pause.<sup>5</sup>

The Providers gave several reasons why a pause is necessary. First, the current draft of the RUE Profile contains features that are not relevant to testing interoperability but appear instead to be intended to standardize VRS endpoints and go beyond the scope of the *VRS Reform Order*.<sup>6</sup> Second, the Providers will incur millions in additional development and engineering costs (which should be compensable from the Fund as new, unanticipated requirements) to ensure that their platforms support the VATRP per the RUE Profile, yet these costs will not yield any tangible service improvements for VRS consumers. Third, the Providers’ engineering and development teams are devoting substantial time and resources to participate in the development of the RUE Profile, which diverts resources from other projects on which consumers place a higher priority. These efforts will increase substantially once the RUE Profile is finished and the Providers must begin implementation. This diversion of resources means that the Providers have less capacity to innovate and improve their products and, importantly, less capacity to devote to the improvements that the Consumer Groups identify as *their* technical priorities—encryption, automatic geolocation for 911 calls, and “mainstream interoperability” with non-VRS video communications platforms.<sup>7</sup> Finally, a pause will allow the RUE Profile to develop consistent with the recommendations of the North American Numbering Council’s Interoperable Video Calling Working Group.<sup>8</sup>

The Providers also highlighted that with just five months left until the current April 2019 implementation deadline, no RUE Profile with consensus definition, and no working version of the VATRP that has passed MITRE testing using the SIP Forum’s Provider Interoperability Profile, it will be impossible for providers to meet the April 2019 deadline.<sup>9</sup> It is not at all clear

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<sup>5</sup> See Consumer Groups Oct. 31 Letter at 1.

<sup>6</sup> Further information about the specific problems with the features was provided in the October 17, 2018 Joint Provider *Ex Parte*.

<sup>7</sup> Consumer Groups Oct. 31 Letter at 2–3. The Providers also support implementation of skills-based routing and use of certified Deaf interpreters—which are other requests of the Consumer Groups—once the Commission establishes the necessary conditions.

<sup>8</sup> See *id.* at 2 (“Consumer Groups and RERC agree that the VATRP App should be developed consistent with work by the North American Numbering Council (‘NANC’).”).

<sup>9</sup> See Comments of Convo Communications, CSDVRS, Purple Communications, and Sorenson Communications, CG Docket Nos. 03-123 & 10-51, at 2, 8 (filed Sept. 14, 2016)

when the VATRP will be completed in a manner that complies with the SIP Profile and the other requirements of the 2013 *VRS Reform Order*. In the interoperability tests performed by MITRE last week, the providers demonstrated strong interoperability among themselves, but the VATRP exhibited substantial problems with pixilation, black screens, and timing out after 30 seconds, making it wholly unsuitable for ASL communication or as a test tool. In response to a question, the VRS Providers explained that they do not know the root cause of the problems with the VATRP. Given the VATRP App's uncertain history of multiple developers using different open source and custom code bases, the problem with VATRP App features such as poor video could be in a single line of code or in the underlying architecture that was based on a system for communications for hearing people—where video quality is less important. Moreover, the Providers note that MITRE is apparently developing the VATRP only to function on Windows devices, despite the Providers' experience that VRS users prefer iOS devices due to the availability of FaceTime.

In addition, the Providers pointed out that the 2013 *VRS Reform Order* directed that standards such as the RUE Profile be developed by a voluntary, consensus standard organization like the SIP Forum VRS Task Group.<sup>10</sup> The Bureau's delegated authority to incorporate new standards into the VRS rules does not extend to standards that Commission staff and its vendors adopt.<sup>11</sup> The only *rulemaking* authority delegated to CGB beyond standards developed by a

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(explaining that providers need at least one year for implementation *after* there is a fully compliant VATRP App); Comments of ASL Services Holdings, LLC dba GlobalVRS in Response to Further Notice of Proposed Rulemaking at 7, CG Docket Nos. 03-123 & 10-51 (filed Sept. 14, 2016) (“It is impossible to establish a provider compliance timeline in the absence of completed ACE [VATRP] applications for testing.”); Sorenson Communications, LLC, Petition for Partial Reconsideration, or in the Alternative, Suspension of the RUE Implementation Deadline, CG Docket Nos. 03-123 & 10-51, at 18 (filed May 30, 2017) (“To the extent that the Bureau presses forward with the RUE Profile and ACE [VATRP] App, the implementation deadlines should be suspended until after the RUE Profile is corrected and the certified-compliant version or versions of the ACE App are released for testing. At that time, providers should have no less than one year for implementation and testing.”).

<sup>10</sup> See *VRS Reform Order* at 8643 ¶ 49 (“We also delegate to the Chief of CGB, after consultation with the CTO and the Chief of OET, the authority to conduct rulemaking proceedings to incorporate into our rules by reference any 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.”); *id.* at 8644 ¶ 53 (“A reference platform compliant with standards developed consistent with section II.C.2 above [i.e. ¶¶ 47-52] will provide a concrete example of a standards specific VRS access technology implementation and will allow providers to ensure that any VRS access technology they develop or deploy is fully compliant with our interoperability and portability requirements.”).

<sup>11</sup> Even if it did, the Bureau must conduct a notice and comment proceeding before adopting standards or updates to standards. See *Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd. 687,

voluntary, consensus standard organization was for “a standard data interchange format for exporting and importing user personal contacts lists (i.e., address books) and user speed dial lists.”<sup>12</sup> Thus, the Providers stated that the RUE Profile work—like any standard development or new mandatory features—needs to be transitioned to the SIP Forum VRS Task Group, which successfully developed the SIP Profile now in use.<sup>13</sup> In addition to being consistent with the *VRS Reform Order*, this approach would also allow the standard more directly to incorporate input from consumer organizations and to be updated from time to time as needed by an established consensus standard organization, whereas MITRE’s relationship to the project will last only as long as the term of its contract with the Commission. Moreover, the success of the SIP Profile, developed by the SIP Forum VRS Task Group, shows that the SIP Forum has the structure, procedures, capability, and experience to craft and update standards for VRS. The Providers would support working with the SIP Forum to develop a new consensus encryption standard, for example—one of the Consumer Groups’ technical priorities. To turn these development priorities into functioning capabilities, and for the other reasons given above, the Providers respectfully urge the Commission to pause any further development of the VATRP and RUE Profile and suspend the current compliance deadline of April 2019.

Respectfully submitted,

/s/

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/s/

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/s/

Gregory Hlibok  
Chief Legal Officer  
ZVRS HOLDING COMPANY  
Parent Company of CSDVRS, LLC  
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Communications, Inc.

cc: Michael Carowitz, Office of Chairman Pai  
Robert Aldrich, Consumer and Governmental Affairs Bureau

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693 ¶ 17 (Consmr. & Gov’tl Affs. Bur. 2017), *pet. for recon. pending*; *VRS Reform Order* at 8643 ¶ 49.

<sup>12</sup> *VRS Reform Order* at 8643 ¶ 50.

<sup>13</sup> Similarly, the Consumer Groups and RERC “fully support the Joint VRS Providers’ recommendation to transition the RUE Profile from the Commission’s vendor to an appropriate standards organization.” Consumer Groups Oct. 31 Letter at 2.