



December 19, 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 December 17, 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 Linda Oliver and Terry Cavanaugh of the Office of General Counsel. The Joint VRS Provider attendees were Gabrielle Joseph (by telephone) on behalf of Global VRS; Jeff Rosen of Convo; Michael Maddix of Sorenson; Julie Veach of Harris, Wiltshire & Grannis LLP, counsel to Sorenson; and Greg Hlibok of ZVRS.

The Joint VRS Providers repeated the concerns they raised in recent filings regarding the development of the VRS Access Technology Reference Platform (“VATRP App”) and associated technical specifications (“RUE Profile”). In particular, the Providers explained that the VATRP App has grown beyond the scope required for interoperability testing and that the RUE Profile now contains “features” that are not relevant to interoperability.¹ We focused on the Commission’s specific delegation of authority to the Consumer and Governmental Affairs Bureau to require standards and features that are developed by a voluntary, consensus standard organization and noted the lack of delegated authority to adopt features and standards not developed through such a process.² The Providers noted that the April 29, 2019 implementation

¹ 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, at 2-3 & Attach. (filed Oct. 17, 2018) (“October 17, 2018 Joint Provider *Ex Parte*”).

² See *id.* at 3-4; Letter from Andrew O. Isar, consultant to ASL Services Holdings, LLC dba Global VRS, Jeff Rosen, Convo Communications, LLC, Michael Maddix, Sorenson

deadline is no longer achievable. The Providers need one year to develop and test the necessary systems to support the VATRP with the RUE Profile *after* they are finalized,³ but MITRE has not yet produced its VATRP and RUE Profile proposals to the Commission. Moreover, the Bureau must first release and seek comment on any standard before adopting it as a requirement, making the April deadline wholly unrealistic.⁴

The Providers expressed their position that the Commission should pause the VATRP and RUE Profile project while it considers whether it is still necessary given that the Providers have addressed the interoperability issues that concerned the Commission when it adopted the VATRP in 2013.⁵ The Providers also noted that the Consumer Groups have no objection to pausing the VATRP and RUE Profile project to allow the Providers to focus on more important matters—developing an encryption standard through the SIP Forum, addressing 911 autolocation, and working with the Commission to enable skills-based routing and the use of certified Deaf Interpreters.⁶

We also provided copies of attached summary of the relevant Commission precedent and current status. The attached summary makes one correction from the version that we provided at the meeting to reflect that MITRE’s interoperability testing occurs at least monthly (not just quarterly).

Communications, LLC, and Gregory Hlibok, ZVRS Holding Company, CG Docket Nos. 10-51 & 03-123, at 4-5 (filed November 21, 2018) (“November 21, 2018 Joint Provider *Ex Parte*”); October 17, 2018 Joint Provider *Ex Parte* at 3-4; *see also* Sorenson Communications, LLC, Petition for Partial Reconsideration, or in the Alternative, Suspension of the RUE Implementation Deadline, CG Docket Nos. 10-51 & 03-123 (filed May 30, 2017).

³ See November 21, 2018 Joint Provider *Ex Parte* at 3-4 n.9.

⁴ See *id.* at 4 n.11; October 17, 2018 Joint Provider *Ex Parte* at 4.

⁵ See November 21, 2018 Joint Provider *Ex Parte* at 3.

⁶ 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 Technology for the Deaf and Hard of Hearing, Gallaudet University, CG Docket Nos. 03-123 & 10-51, at 2 (filed Oct. 31, 2018) (not opposing a pause); *id.* at 3 & n.7 (supporting the development of encryption, automatic 911 geolocation, and “ ‘mainstream interoperability’ with non-VRS video communications platforms” as well as implementation of skill-based routing and the use of certified Deaf interpreters).

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Respectfully submitted,

/s/

Gabrielle Joseph
Chief Executive Officer
ASL SERVICES HOLDINGS, LLC
DBA GLOBALVRS

/s/

Jeff Rosen
General Counsel
CONVO COMMUNICATIONS, LLC

/s/

Michael Maddix
Director, Government and Regulatory Affairs
SORENSEN COMMUNICATIONS, LLC

/s/

Gregory Hlibok
Chief Legal Officer
ZVRS HOLDING COMPANY
Parent Company of CSDVRS, LLC
d/b/a ZVRS and Purple
Communications, Inc.

cc: Linda Oliver
Terry Cavanaugh

VATRP and RUE Profile—Commission Orders, Rules, and Comparison with Current Status

Orders and Rules	Current Status and Activity
<p>Lack of Interoperability: “[T]he VRS industry has not fully achieved the standardization needed for full interoperability and portability. . . . The record uniformly supports the need for action to improve the effectiveness of our interoperability and portability requirements.”¹</p>	<p>No longer a problem. The providers have established a cooperative process of regular calls and biannual interoperability conferences to anticipate and address any interoperability concerns. MITRE has confirmed through its testing performed at least monthly that providers are interoperable.</p>
<p>2013 Remedy #1—VRS Provider Interoperability Profile: “We therefore direct the CTO and the Chief of OET, in consultation with the Chief of CGB, to coordinate Commission support of and participation in [the SIP Forum] process in order to ensure the timely development of voluntary, consensus standards to facilitate interoperability and portability.”²</p>	<p>Done. The VRS Providers participated in the voluntary, consensus standard development process that led to the VRS Provider Interoperability Profile. The Bureau adopted the Profile³ and incorporated it into the rules.⁴ All providers have implemented it.</p>
<p>Remedy #2—Speed Dial and Address List Portability: “We find that VRS interoperability and portability standards should include the portability of address book and speed dial features.”⁵</p>	<p>Done. The Bureau adopted the xCard standard⁶ and incorporated it into the rules.⁷ All providers have implemented it.</p>
<p>Remedy #3—VATRP: “[W]e direct that a ‘VRS access technology reference platform be developed to provide a benchmark for interoperability.’”⁸ “In order to maximize the benefit of this investment from the TRS Fund, the VRS access technology reference platform shall be available for use by the public and by developers.”⁹</p>	<p>Not done. Five-and-a-half years after the Commission ordered the VATRP, it is not complete. The app under development would not be suitable for use by the public for many reasons including lack of security.</p>
<p>Authority to Adopt VATRP “standard,” or “RUE Profile”: The Commission ordered “[a] reference platform compliant with standards developed consistent with section II.C.2 above.” Section II.C.2 states: “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</p>	<p>Not consistent with Commission Order. The RUE Profile is being prepared by MITRE, the Commission’s contractor, not by a “voluntary, consensus standard organization.” The Bureau does not have authority to adopt standards developed outside of a “voluntary, consensus standard organization.”</p>

Orders and Rules	Current Status and Activity
<p>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.”¹⁰</p>	
<p>Authority to require new features: “[W]e also delegate to 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 as new or updated mandatory minimum standards any standards or recommended standards developed by the SIP Forum (or such other voluntary, consensus standard organization as may be formed to address these issues) that the Chief of CGB finds will advance the statutory functional equivalency mandate or improve the availability of TRS, in the most efficient manner.”¹¹</p>	<p>Not consistent with Commission Order. The current draft of the RUE Profile requires VRS providers to implement new features, or minimum standards. The Bureau lacks delegated authority to require new features that are not developed in a voluntary, consensus standard organization.</p>
<p>Commission participation in development of standards: “We also continue to believe that the Commission should play the role of an active observer in this process.”¹²</p>	<p>Not consistent with Commission Order. The Commission, through its vendor, is directing the process to prepare the RUE Profile as well as its content.</p>
<p>Rulemaking process: “We also delegate to the Chief of CGB, after consultation with the CTO and the Chief of OET, the authority to <i>conduct rulemaking proceedings</i> 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.”¹³</p>	<p>Unknown. The providers do not know whether the Bureau plans to conduct a notice-and-comment rulemaking before acting on MITRE’s final RUE Profile.</p>
<p>Reasonable Implementation Period: “In conducting such rulemakings, the Chief of CGB shall provide guidance on implementation, including the need for a transition period for existing VRS access technologies”¹⁴</p>	<p>Not consistent with Commission Order. The current deadline to implement that VATRP and RUE Profile is April 29, 2019.¹⁵ The providers have consistently maintained that they require one year <i>after</i> release of the RUE Profile and VATRP. Moreover, lack of reasonable time for implementation would be arbitrary and capricious.</p>

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- ¹ *Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd. 8618, 8640 ¶¶ 41-42 (2013) (“*2013 VRS Reform Order*”), vacated in part and remanded on other grounds *sub nom. Sorenson Communications, Inc. v. FCC*, 765 F.3d 37 (D.C. Cir. 2014).
- ² *2013 VRS Reform Order* at 8642-43 ¶¶ 47-49.
- ³ *Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd. 687, 689-90 ¶ 7 (CGB 2017) (“*2017 SIP & RUE Order*”).
- ⁴ 47 C.F.R. § 64.621(c)(1)(i).
- ⁵ *2013 VRS Reform Order* at 8643 ¶ 50.
- ⁶ *2017 SIP & RUE Order* at 692-93 ¶¶ 15-16.
- ⁷ 47 C.F.R. § 64.621(c)(2)(ii).
- ⁸ *2013 VRS Reform Order* at 8640 ¶ 42.
- ⁹ *Id.* at 8644-45 ¶ 53.
- ¹⁰ *Id.* at 8643-45 ¶¶ 49, 53.
- ¹¹ *Id.* at 8643 ¶ 49.
- ¹² *Id.* at 8642 ¶ 48.
- ¹³ *Id.* at 8643 ¶ 49; *see also 2017 SIP & RUE Order* at 693 ¶ 17 (adopting the use of a notice and comment process for updating and amending standards).
- ¹⁴ *2013 VRS Reform Order* at 8643 ¶ 49.
- ¹⁵ 47 C.F.R. § 64.621(a)(3). The deadline was extended to April 29, 2019, in *Structure and Practices of the Video Relay Service Program et al.*, Order, 33 FCC Rcd. 4042, 4044 ¶ 6 (CGB 2018).