

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

In the Matter of)	
)	
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 Services Program)	CG Docket No. 10-51
)	

PETITION FOR WAIVER

Sorenson Communications, Inc. (“Sorenson”) hereby requests a waiver to allow verified Video Relay Service (“VRS”) users to register for international travel *after* they have left the United States so long as they otherwise comply with the Commission’s rules. Sorenson also requests a waiver of the rules to allow verified users travelling abroad to place calls to the United States for up to 60 days. Under the current rules, VRS users may place calls while traveling abroad only if they notify their default provider of their travel plans *before* leaving the United States and only if the trip will last 28 days or less.¹ Sorenson requests a waiver of this rule because these requirements substantially impair eligible VRS users from using VRS in a functionally equivalent manner and potentially risks the safety of VRS users traveling abroad. Additionally, there is little reason to believe that pre-travel registration is a more effective deterrent to fraud and abuse than registration with a provider after travel has commenced, but before it has concluded. Granting Sorenson this waiver is in the public interest because it will

¹ 47 C.F.R. § 64.604(a)(7); *Structure and Practices of the Video Relay Services Program*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd. 5545, 5564, ¶ 32 (2011) (“*TRS Fraud Order*”).

allow Sorenson to provide more functionally equivalent service by treating VRS users more like hearing users without detracting from the purpose of the Commission's VRS international call rules.²

I. THE PRE-TRAVEL REGISTRATION REQUIREMENT AND 28-DAY LIMITATION IMPOSE SIGNIFICANT UNINTENDED BURDENS ON ELIGIBLE VRS USERS AND IS INCONSISTENT WITH THE ADA'S FUNCTIONAL-EQUIVALENCY REQUIREMENT.

In 2011, the Federal Communications Commission ("FCC") adopted rules designed to ensure that users of Video Relay Service ("VRS") could place calls while travelling internationally and at the same time to reduce the risk of fraudulent VRS calls originating abroad. Under those rules, deaf Americans may place VRS calls to the United States while traveling internationally, but in order to do so, they must notify their VRS provider of their travel plans *before* leaving the United States. After nearly four years, it has become clear that this requirement is having vast unintended consequences. Sorenson estimates that only about half of users who travel internationally remember to pre-register with their provider before travelling. For the many users who forget to register, the same situation repeats itself numerous times each month: when users arrive at their destinations and discover that they cannot place calls, they contact Sorenson and report their travel plans. Unfortunately, Sorenson cannot allow these users to place compensable calls because the rules do not permit users to register trips after leaving the United States. Similarly, users frequently notify Sorenson that they will be travelling internationally for more than 28 days, and the Commission's current rules do not permit Sorenson to provide compensable service during those trips.

² See 47 C.F.R. § 1.3; see also *Northeast. Cellular Tel. Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (holding that good cause exists when circumstances warrant a deviation from the general rule).

Depriving these users of their ability to use the telephone while travelling is plainly not in the public interest, nor is it permissible under the Americans with Disabilities Act's functional-equivalence standard. Hearing users take for granted that when they travel internationally, they will be able to call home to communicate with family, contact their airlines to change tickets or discuss missing baggage, and contact their employers to discuss urgent business matters. The pre-registration requirement, however, deprives deaf users of that right. As the Consumer Groups explained more than three years ago, an inability to use VRS while traveling is devastating:

[O]ur members have shared stories with us about traveling abroad and having an emergency situation at home and not being able to call their hearing family at home. Others have told of losing baggage in a foreign country or having a flight canceled and not being able to get in touch with the U.S. based airline company to locate their bag or reschedule their flight. In many of these situations, individuals who are deaf or hard of hearing are reduced to relying on the charity of strangers and have to ask or beg hearing hotel staff, restaurant workers, or airport personnel to make these important and time crucial calls for them.³

II. THE COMMISSION'S PRE-TRAVEL REGISTRATION REQUIREMENT AND 28-DAY LIMITATION ON TRAVEL ARE UNNECESSARY TO PREVENT FRAUD, WASTE, OR ABUSE.

At the same time, requiring users to register *before* they leave the country (as opposed to during their trip) and limiting trips to 28 (as opposed to 60) days is not necessary to accomplish the purposes of the rule. The Commission first required pre-travel registration of international trips following an investigation into fraudulent VRS calls.⁴ In that proceeding, the Commission

³ See Request of National Association of Deaf, Telecommunications for the Deaf and Hard of Hearing, Inc., Association of Late-Deafened Adults, Inc., American Association of the Deaf-Blind, Deaf and Hard of Hearing Consumer Advocacy Network, and California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc., for Reconsideration and Clarification of Part III, Section E: International Calls, at 4, CG Docket No. 10-51 (filed Jun. 1, 2011) (“Consumer Group Clarification Petition”).

⁴ *TRS Fraud Order*, 26 FCC Rcd. at 5564, ¶ 32 (2011) (“*TRS Fraud Order*”).

noted that “some of the allegations of conspiracy, fraud, and other criminal activity that have been associated with VRS minutes billed to the TRS Fund were based, among other things, on evidence of ‘run’ calls initiated by callers with little or no fluency in ASL from international IP addresses in which no conversations were relayed.”⁵ In light of these concerns, the Commission implemented a number of measures to combat waste, fraud, and abuse of the TRS Fund, including a prohibition on VRS calls originating from an international IP address.

Recognizing that its ban on VRS calls from international IP addresses reduced functional equivalence, the Commission carved out an exception for eligible VRS users traveling abroad.⁶ Specifically, the Commission permitted VRS calls originating from an international IP address “that are made by a U.S. resident who has pre-registered with his or her default provider prior to leaving the country, so long as the provider has an accurate means of verifying the identity of such callers and their locations at the time such calls are made” and so long as the trip lasts no more than four weeks.⁷ The purpose of this pre-registration requirement was to reduce potential fraud by allowing the VRS provider to cross-check the caller’s location against the location the user had provided.

⁵ *Id.*

⁶ *Id.* at ¶ 32.

⁷ *Id.* at ¶ 32. Footnote 105 of the *VRS Fraud Order* states that the international travel exception “is not intended to apply to calls made by individuals who remain outside the U.S. for extended periods of time, which we define as more than four weeks.” It recently came to Sorenson’s attention, however, that CSDVRS allows VRS users to “extend” their international travel registration, offering VRS users a total of 85 days of eligible travel. *See, ZVRS, International Travel, available at* <http://www.zvrs.com/customer-care/international-travel> (last visited Jan. 26 2015). Though Sorenson would be interested in providing VRS to its users traveling internationally if it were permissible under the Rules, the Commission has not yet taken the opportunity to reconsider the four week rule. *See Consumer Group Clarification Petition* at 4-5.

Importantly, providers' ability to do this cross-checking does not depend on the user having reported a trip *before* leaving the country or on the user limiting his trip to 28 (as opposed to 60) days. So long as a user confirms that he is traveling internationally and provides the dates and locations of travel, providers can perform the required cross-checking regardless of whether the user does so before or during his trip. Moreover, allowing users to report their travel plans from abroad does not create opportunities for fraud. Sorenson would require any user attempting to report travel plans from abroad to contact a representative via a live video call, which will allow Sorenson to verify that the user possesses a the videophone or software credentials of a registered and verified user and to visually confirm that the user communicates using ASL.

III. CONCLUSION.

The Commission may waive rules if it has good cause to do so and “particular facts would make strict compliance inconsistent with the public interest.”⁸ Here, strict compliance with the Commission’s pre-travel registration rule and 28-day limitation on trips is not only inconsistent with the Commission’s goal of furthering functional equivalence, but it may also jeopardize the health and safety of VRS users traveling abroad. The Commission has ample good cause to allow deaf and hard-of-hearing VRS users to place calls from abroad even when the user fails to follow the pre-registration rule. Ultimately, failure to grant this waiver may force providers to deny service to a user abroad who did not register his or her travel before registration, but who desperately needs this service while abroad. For these reasons the Commission should grant the pre-travel registration requirement waiver and allow providers to

⁸ *Ne. Cellular*, 897 F.2d at 1166 (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

seek compensation for legitimate VRS calls placed to the United States from abroad that are made before travel registration has occurred.

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Respectfully submitted,

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