

July 10, 2015

Ex Parte

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

Re: *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 Service Program*, CG Docket No. 10-51

Dear Ms. Dortch:

On July 8, 2015, Scott Wood, Paul Kershisnik, Bruce Peterson, and Michael Maddix of Sorenson Communications, Inc., (“Sorenson”) and Christopher Wright and I of Harris, Wiltshire & Grannis LLP, on behalf of Sorenson, met with Alison Kutler, Karen Peltz Strauss, Robert Aldrich, Greg Hlibok, and Eliot Greenwald of the Consumer and Governmental Affairs Bureau. On the same date, Scott Wood, Chris Wright, and I also met with Rebekah Goodheart, Legal Advisor to Commissioner Clyburn. In those meetings, Sorenson made some or all of the following points.

We urged that as the Commission moves forward with the implementation of the TRS User Registration Database (TRS-URD), it continue to evaluate and tailor its information collection and data retention requirements to the problem it is seeking to address. For example, the June 2013 VRS Order¹ requires the collection of a deaf user’s birthdate and the last four digits of their Social Security Number, to permit verification of their identity.² Moreover, if a user has no Social Security Number, the provider must collect an alternative form of identity verification – some of which are much more sensitive and contain even more personally identifiable information than the last four digits of the Social Security Number. It has never, however, been apparent what anti-fraud purpose collection of any such information served. The core eligibility requirement for VRS is that the person be deaf, hard of hearing or speech disabled, such that the person requires VRS to communicate using ASL. There is very little likelihood that a hearing person would use VRS to place telephone calls to another hearing

¹ *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 13-82, 28 FCC Rcd. 8618, 8650 ¶ 70 (2013).

² Letter from All Six VRS Providers, to Marlene H. Dortch, Secretary, FCC, at 2, CG Docket Nos. 10-51 & 03-123 (filed June 26, 2015).

person, given the natural translation delays that prevent a full duplex conversation.³ And while an ASL-speaking hearing person might use a videophone to place a point-to-point call, such calls are not compensable, and thus present no risk of fraud against the TRS Fund. Accordingly, identity verification does not serve a significant anti-fraud purpose for VRS – although it likely does for some other forms of TRS such as IP Relay. To the extent a secondary goal of TRS-URD is to obtain a reasonably accurate census of VRS users, that could likely be accomplished with sufficient accuracy for that purpose simply by collecting name, address, and year of birth. By minimizing the data collection and tying collection to the actual goals, the Commission would minimize the risks and harm from a data breach, should one occur. While this was an issue the Commission addressed in the June 2013 Order, it is one that warrants continued reexamination in light of other recent data breaches, including at the Federal Office of Personnel Management. Sorenson stated that this is an issue on which it seeks to continue to work cooperatively with the Commission and Rolka Loube.

Second, Sorenson emphasized that there is an opportunity for a win-win solution on rates. The providers of VRS have unanimously asked that the Commission freeze rates as of June 30, 2015.⁴ Doing so is necessary because the rate reductions since 2010 have already caused deterioration of service, and the further cuts scheduled in the June 2013 VRS Order will result in further deterioration across all providers.⁵ On the other hand, for IP CTS, Sorenson has proposed

³ In this regard, VRS is different than, for example, IP Relay. IP Relay has had substantial problems of misuse by hearing individuals seeking to conduct telemarketing fraud while hiding behind the anonymity that IP Relay allows. The Commission recognized this difference when it eliminated the “guest user” rule for IP Relay, but retained it for VRS.

⁴ Joint Proposal of All Six VRS Providers for Improving Functional Equivalence and Stabilizing Rates at 1, CG Docket Nos. 10-51 & 03-123 (filed Mar. 30, 2015).

⁵ *E.g.*, Sorenson Communications, Inc.’s Response to Staff Questions Re: VRS Providers’ Joint Proposal for Improving Functional Equivalence and Stabilizing Rates at 3, CG Docket Nos. 03-123 & 10-51 (filed Apr. 21, 2015); Joint Comments of All Six VRS Providers on Rolka Loube Payment Formulas and Funding Requirements, CG Docket Nos. 03-123 & 10-51 (filed June 11, 2015); Letter from All Six VRS Providers to Marlene H. Dortch, Secretary, FCC, at 2, CG Docket Nos. 10-51 & 03-123 (filed Apr. 30, 2015); *see also* Letter from Jeff Rosen, General Counsel, Convo Communications, LLC, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51 & 03-123 (filed Apr. 20, 2015); ASL Services Holdings, LLC/GlobalVRS’s Response to Staff Questions re VRS Providers’ Joint Proposal for Improving Functional Equivalence and Stabilizing Rates, CG Docket Nos. 10-51 & 03-123 (filed Apr. 20, 2015); Hancock Jahn Lee & Puckett, LLC d/b/a Communication Access Ability Group (“CAAG”)’s Response to Staff Questions re VRS Providers’ Joint Proposal for Improving Functional Equivalence and Stabilizing Rates, CG Docket Nos. 10-51 & 03-123 (filed Apr. 21, 2015); CSDVRS’s Response to Staff Questions re VRS Providers’ Joint Proposal for Improving Functional Equivalence and Stabilizing Rates, CG Docket Nos. 10-51 & 03-123 (filed Apr. 21, 2015); Purple Communications’ Response to Staff Questions re VRS Providers’ Joint Proposal for Improving Functional Equivalence and Stabilizing Rates, CG Docket Nos. 10-51 & 03-123 (filed Apr. 21, 2015).

a price cap at \$1.67 with a 0.5% annual reduction—21 cents lower than current rates and on a downward trajectory that stands in stark contrast to the repeated rate increases that have occurred over the past several years as IP CTS has eroded the base of CTS minutes of use.⁶ Taken together, these two actions would halt pressure on VRS providers to continue to make cuts in VRS service and would even create room for further innovation, but, at the same time, they would halt the growth of IP CTS rates and put those rates on a predictable, downward path. Moreover, because IP CTS continues to grow, this approach will yield even bigger benefits in later years.

The company has also been working hard both on its own and with other providers to address interoperability issues that had been the subject of consumer complaints. For example, Sorenson's SignMail system is now interoperable, which became possible once Sorenson completed a shift to server-based routing. Sorenson has also worked with the other VRS providers to develop a Session Initiation Protocol ("SIP") interoperability profile for videophones, which every VRS provider has embraced and which providers plan to implement in late 2015 or early 2016. While providers have been able to resolve many interoperability problems through greater interprovider testing and communication, moving all providers onto the same SIP profile will further enhance point-to-point interoperability.

Finally, Sorenson expressed its support for the Commission to permit the placement of telephone numbers of hearing users into the iTRS database. This would be relatively simple to do, by adding a field to the iTRS database to indicate when a number was assigned to a hearing user. All VRS calls placed to or from that number would then be eliminated from compensation, which could be easily checked by Rolka Loube using the call detail records data that providers already submit. This does not require any VATRP development or work by MITRE. Nor would it open the TRS Fund up to additional abuse. In all likelihood, providers would be undercompensated for VRS calls to or from the number assigned to a hearing person (if a

⁶ See Sorenson Communications, Inc., Petition for Rulemaking at 8-9, CG Docket No. 03-123 (filed Feb. 20, 2013).

Ms. Marlene H. Dortch

July 10, 2015

Page 4 of 4

provider even permits such calls, rather than limiting that phone to point-to-point calls), because the VRS provider would not be compensated for a VRS call placed by a deaf person using the endpoint with the number flagged as assigned to a hearing user.

Sincerely,



John T. Nakahata
Christopher J. Wright

Counsel to Sorenson Communications, Inc.

cc: Robert Aldrich
Rebekah Goodheart
Eliot Greenwald
Greg Hlibok
Alison Kutler
Karen Peltz Strauss