

**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)	CC Docket No. 98-67
Disabilities)	
)	CG Docket No. 03-123
)	
Americans With Disabilities Act of 1990)	
)	

COMMENTS OF SORENSON MEDIA, INC.

Sorenson Media, Inc. (“Sorenson”), by its attorneys, hereby submits these comments in response to the Commission’s *Notice of Proposed Rulemaking* in the above-captioned proceeding.¹ Sorenson is a start-up provider of video relay services (“VRS”) and a recognized industry leader in supplying technology solutions to the Deaf and hard of hearing communities, including affordable videophone appliances and CD-based American Sign Language training tutorials. Sorenson’s video communication solutions are used by other telecommunications relay service (“TRS”) providers, including Sprint and Communication Service for the Deaf, as well as by educational institutions such as Gallaudet University. Sorenson offers these comments in favor of the Commission’s proposal to institute a federal certification program for TRS providers. As described below, Sorenson believes that a federal certification process – if properly designed and

¹ Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Americans With Disabilities Act of 1990, *Second Report and Order on Reconsideration and Notice of Proposed Rulemaking*, CC Docket No. 98-67, CG Docket No. 03-123 (rel. June 17, 2003) (the “*NPRM*”).

administered – will encourage additional TRS providers to enter the market, ensuring the widespread availability of TRS services.

I. THE COMMISSION SHOULD ADOPT A FEDERAL TRS CERTIFICATION PROGRAM.

Sorenson believes that a federal certification process would be consistent with the Commission’s mandate under Section 225 of the Communications Act to ensure that TRS services be made widely available to the Deaf community in the most efficient manner possible.² As the *NPRM* notes, TRS providers currently can be reimbursed from the Interstate TRS Fund only if they are participants in a certified state program, even though many providers that would offer these services operate primarily, if not exclusively, on an interstate basis.³ The state certification requirement creates a burden for potential providers, discouraging providers that are unfamiliar with state regulatory processes. The additional administrative costs of this process no doubt keep some qualified providers from entering the market. This is inconsistent with the Commission’s responsibility to ensure that TRS services become widely available.

A streamlined federal certification process would address this problem by providing potential providers with a single entity – the FCC – through which they could both gain the information necessary to evaluate entry into the TRS market and obtain authority to provide service. This would reduce the administrative and regulatory costs experienced by potential providers and ensure they are not stymied by individual state regulatory processes. In this way, the Commission can minimize both the real and

² 47 U.S.C. § 225(b)(1).

³ *NPRM*, ¶ 140.

perceived regulatory burden of TRS certification, helping to ensure a wider availability of TRS services.

II. ANY FEDERAL CERTIFICATION PROGRAM MUST ENSURE THAT PROSPECTIVE TRS PROVIDERS ARE FINANCIALLY CAPABLE.

Sorenson believes that one of the most important features of any federal certification program should be adequate safeguards to ensure that only financially sound prospective providers be granted federal certification. The short and long-term purpose of federal certification should be to expand the pool of *bona fide* TRS providers, not to create opportunities for unprepared or unscrupulous prospective providers to exploit the Interstate TRS Fund.

Providing TRS services is very expensive, requiring significant capital to fund start-up and ongoing operations. A new TRS operation, in fact, requires about \$2 million in first-year start up costs alone. As the Commission is aware, early providers of TRS services often were unaware of and unprepared for the costs of operating their services, and the results sometimes were disastrous. Unprepared and unfunded providers simply cannot offer the level and consistency of performance to which the Deaf community is entitled. Before granting federal certification, the Commission should ensure that prospective providers are both aware of these expenses and capable of handling them. If a provider is certified without adequate financial support, the risks to both TRS users and the Interstate TRS Fund are significant. Financially unstable providers could drain the Interstate TRS Fund without expanding the availability of TRS services. This result would severely disserve the public interest. Indeed, Congress has required that actual services be made as widely available as possible; the certification of financially unqualified providers would defeat, not advance this goal.

III. A FEDERAL CERTIFICATION PROCESS SHOULD NOT PLACE ADDITIONAL BURDENS ON TRS PROVIDERS THAT ALREADY ARE STATE CERTIFIED.

Although the FCC should offer additional means for potential carriers to begin providing service and gain access to the Interstate TRS Fund, current state-certified TRS providers should not be required to complete any additional federal certification process.⁴ Instead, the federal certification process should apply only to TRS providers that choose federal certification over the state certification process. Moreover, if a prospective interstate provider prefers the state certification method, the Commission should not foreclose this option. The federal certification process should be an alternative path, not an additional regulatory barrier to new or existing TRS providers.

Additional federal certification requirements for existing TRS providers would not advance the Commission's mandate to ensure widely available VRS services in a timely and efficient manner. This is particularly true if the certification program contains onerous ongoing recordkeeping and reporting requirements. Any additional regulatory requirements would be more likely to drive providers out of the market than encourage entry. At the same time, Sorenson does not object to a federal certification regime that would make federal certification automatic upon proof of state certification, so long as the ongoing requirements of federal certification are no more onerous than those necessary for the provider to retain its state certification in good standing.

⁴ See *NPRM*, ¶ 137.

CONCLUSION

For these reasons, Sorenson supports federal certification of financially qualified prospective TRS providers as an alternative means to gain access to reimbursement through the Interstate TRS Fund.

Respectfully submitted,

SORENSEN MEDIA, INC.

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CERTIFICATE OF SERVICE

I, Taunya L. Ferguson, hereby certify that, on this 24th day of September, 2003,
I caused one copy of the foregoing Comments of Sorenson Media, Inc. to be served by hand
delivery upon the following:

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