

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

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To: The Commission

Federal Communications Commission
Office of Secretary

COMMENTS OF SORENSON MEDIA, INC.

Sorenson Media, Inc. ("Sorenson"), by its attorneys, hereby submits these comments in support of the petition for declaratory ruling filed by Hands On Video Relay Services, Inc. ("Hands On").¹ Sorenson agrees with Hands On that incoming, as well as outgoing, video mail should be eligible for reimbursement from the Interstate TRS Fund.

Sorenson has provided video mail (known as SignMail™) to its deaf and hard of hearing customers since March 2004. This service allows incoming video mail messages to be left for a VRS user when a hearing individual initiates a call and the VRS customer is not available to answer the call. This service has proved to be very popular with users. Sorenson has been instructed by NECA not to seek reimbursement for those conversation minutes used to convert incoming voice messages into ASL video mail messages for VRS users and has not done so. As the volume of SignMail has increased, the burden on Sorenson of providing connectivity to the service without reimbursement has become

¹ See Hands On Video Relay Service, Inc., *Petition for Declaratory Ruling Filed Regarding Provision of Video Relay Service (VRS) Video Mail* (March 31, 2004); *Public Notice*, CG Docket No. 03-123, DA 04-2062 (rel. July 9, 2004).

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significant, and may threaten Sorenson's ability to continue to provide SignMail in the future. Consequently, Sorenson submits that the Commission should resolve the reimbursement issue promptly.

The analysis that supports reimbursement for conversation minutes used to leave video mail is straightforward. When a deaf or hard of hearing VRS user calls a hearing individual and the call is answered by an answering machine or is directed to voice mail, the TRS fund supports the portion of the call in which the communications assistant ("CA") leaves a voice message on behalf of the deaf user, translating the message from ASL into spoken language. The reverse scenario, in which the CA translates a hearing caller's spoken message into an ASL video message for a deaf user who has missed a call, is simply a variation of the one the Commission already has approved. There is no functional difference between a message being left in video format for a deaf user or in voice format for a hearing user; both allow the recipient of the message to receive the message in his or her native language (ASL or spoken English).

Denying reimbursement for video mail calls also would be inconsistent with the treatment of TRS. In a traditional text-based relay service, a CA accesses the recorded voice message and types the message to the TTY caller. For video mail, the CA signs the spoken message into a video format and sends a link, typically via e-mail, directly to the deaf user. This gives VRS users the ability to directly receive messages in sign language without the need for CA assistance. Those conversation minutes used by a CA to connect to the video screen, prompt the hearing caller to begin speaking his or her message and sign the message in ASL should be compensated, as these steps are functionally identical to those in the TRS/TTY context that the Commission has determined to be

reimbursable.² Indeed video mail is more efficient for the VRS user and more cost effective for the Interstate Fund, which is spared the cost of processing those calls between CAs and TTY users who would like to retrieve their messages.³

Further, it is undisputable that voice mail is a common and vital tool in today's telephone communications, both in business and personal communications. Allowing reimbursement for incoming video mail messages – and securing VRS users' ability to retrieve phone messages – is necessary to fulfill Congress's mandate of functional equivalency for telephone relay services as set forth in Title IV of the Americans with Disabilities Act of 1990.⁴ Individuals who rely on VRS should not be denied the same ability to receive phone messages that hearing people and TTY users have.

The Commission has acknowledged its responsibility to ensure that TRS users receive functionally equivalent telecommunications services and concluded that answering machine message and voice mail retrieval are TRS features that must be provided to TRS users.⁵ In making that determination, the Commission cited three factors: (1) TRS providers currently provide the features, (2) the features are technologically feasible and (3) the features are desired by TRS customers.⁶ All three factors are present in the VRS video mail context today. Providers including Sorenson currently provide video mail service; video mail is technologically feasible; and VRS users desire the video mail feature, as evidenced by the many comments VRS users filed

² See CSD Comments at Attachment A.

³ As CSD points out, it can be time consuming to retrieve voice mail calls because CAs must often redial voice response units several times in order to navigate through multiple prompts and reach the desired recorded messages. See CSD Comments at 7.

⁴ 47 U.S.C. § 225(a)(3).

⁵ Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, *Second Report and Order, Order on Reconsideration and Notice of Proposed Rulemaking*, CC Docket No. 98-67, CG Docket No. 03-123, FCC 03-112 (rel. June 17, 2003) at ¶ 65.

⁶ *Id.*

in this proceeding in June and July, 2004, requesting that the Commission compensate VRS providers for video mail messages.

It simply does not make sense to reimburse VRS providers for handling outgoing messages from deaf and hard of hearing individuals to hearing individuals but refuse reimbursement for handling incoming messages from hearing individuals to deaf individuals. VRS users rely on the incoming, as well as outgoing, functionalities of their phone message system and, just like TTY users, need both to actively and competently participate in today's business and social worlds.

CONCLUSION

For these reasons, Sorenson respectfully requests that the Commission approve payment for the minutes involved in creating video mail messages and asks that the Commission's determination be retroactive to allow providers to submit the costs incurred to date of handling video mail messages.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Cynthia Forrester, hereby certify that on this 16th day of August 2004 a true and correct copy of the foregoing "**Comments of Sorenson Media, Inc.**" was sent via first class mail or hand delivered to the following:

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