

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

In the Matter of)
Telecommunications Relay Services for)
Individuals with Hearing and Speech)
Disabilities, and the Americans with)
Disabilities Act of 1990) CG Docket No. 03-123

Petition for Declaratory Ruling on)
Video Relay Service Interoperability)

MCI COMMENTS
PETITION FOR DECLARATORY RULING ON INTEROPERABILITY

Summary of Argument

MCI hereby supports the petition filed by the California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”) for the Commission to prohibit video relay service (“VRS”) providers from restricting deaf and hard-of-hearing users from accessing other VRS providers, either by means of contract restrictions, or by means of hardware or software restrictions. The Commission should prohibit even “voluntary” agreements to limit a VRS user’s choice of VRS provider in exchange for discounted or free VRS customer premise equipment (“CPE”). VRS providers who engage in this practice are guilty of multiple sins: they prevent customer choice of relay

provider that Internet-based relay has made possible, and thereby limit both the functional equivalency and the engine driving Internet-based relay innovation; it endangers VRS users experiencing emergencies when the “restricting provider” is unable to offer service; and by building minutes for the restricting provider over and above what it would be able to obtain in a competitive market, it results in this VRS CPE being paid for by the Interstate TRS Fund. The Commission should also immediately prohibit VRS providers from blocking the IP addresses of competing providers through hardware limitations, or software codes inserted and/or downloaded into their VRS CPE. By taking this simple action, competing VRS providers will be able to compete for customers by marketing efforts.

The Commission Should Prohibit Even Voluntary Customer Agreements To Utilize Only One VRS Provider

The Commission has already determined that it is an improper marketing practice for a relay provider to limit a consumer’s use of only one VRS provider. The Commission stated the principle clearly and strongly when it declared that “VRS consumers cannot be placed under any obligation to use only one VRS provider’s service, and the fact that they may have accepted VRS equipment from one provider does not mean that they cannot use another VRS provider via other equipment they may have.”¹

¹ Federal Communications Commission Clarifies That Certain Telecommunications Relay Services (TRS) Marketing And Call Handling Practices Are Improper And Reminds That Video Relay Service (VRS) May Not Be Used As A Video Remote Interpreting Service (*Improper Marketing Notice*), DA 05-141, rel. January 26, 2005, CC Docket No. 98-67, CG Docket N0. 03-123.

Unfortunately, the Commission left a loophole for these anti-competitive marketing practices to continue by allowing consumers to voluntarily agree to use only one VRS provider in exchange for discounted or free VRS CPE.² MCI agrees with CCASDHH that the loophole should be closed. Consumers may not be fully aware of the consequences of what they are signing, and even if they are, by locking consumers into one provider indefinitely, such a provider is obtaining VRS minutes far and above what they would be able to obtain were the developing competitive market permitted to fully function. By allowing this loophole, the Commission is allowing the TRS fund to be used to reimburse the “restricting provider” for its supposedly free VRS CPE. The Commission has recently disallowed a less egregious form of marketing incentive in its *Brown Bag Lunch Decision*.³ It must do no less in this case.

The Commission Should Immediately Prohibit Any VRS Provider From Blocking Access To Another VRS Provider By Limiting Hardware Or Software

CCASDHH also asks the Commission to require VRS providers to make any numbering data base they develop to be accessible to other VRS providers. MCI supports this goal. CCASDHH does not offer a technical solution to making these data bases interoperable. It might be done by establishing a national VRS numbering data base funded from the TRS fund,

² *Ibid.*

³ In the matter of Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Declaratory Ruling, (*Brown Bag Lunch Decision*) DA 05-140, CC Docket No. 98-67, CG Docket No. 03-123, rel. January 26, 2005

or by allowing VRS providers to directly interconnect to each others' numbering data bases. The Commission should choose the most efficient, least cost method, either in this proceeding, or in a subsequent proceeding.

In any case, the Commission should immediately prohibit VRS providers from blocking the IP addresses of competing providers through hardware limitations, or software codes inserted and/or downloaded into their VRS CPE. By taking this simple action, competing VRS providers will be able to compete for customers by marketing their IP address to the public, and consumers will be able to immediately begin choosing the VRS provider with the best service.

Conclusion

MCI urges the Commission to adopt the positions advocated herein.

Respectfully submitted,

/s/Larry Fenster

Larry Fenster
1133 19th St., NW
Washington, DC 20036

202-736-6513

Statement of Verification

I have read the foregoing and, to the best of my knowledge, information and belief, there is good ground to support it, and it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct.

Executed on April 15, 2005

/s/ Larry Fenster

Larry Fenster