May 5, 2005

Dear FCC Commissioners,

Recent filings on dockets 98-67 and 03-123 indicate there is an unlawful conduct on behalf of Sorenson Media, which causes me serious concern to move forward with this request for the FCC to take this complaint, investigate, and report back its findings to the public. Specific cause for alarm and urgency for the FCC to step in and investigate this matter surrounds the Consumers Rights to Privacy, when making a video call through a D-link video device. The majority of the deaf consumer population was unaware that this Sorenson SVX chipset even existed in D-link video devices, and more to the point, was unaware that this chipset transfers information to a Sorenson Server. To help you better understand why I view this as a serious issue, the quote below from CSD's "reply to comments" (05-02-05) on Interoperability, explains this concern more clearly than I can possibly articulate:
"In fact, the VRS server used by Sorenson exercises considerable control over the D-Links that it supports through the Sorenson chip-set and the LDAPs used by other VRS providers. Comments submitted by HOVRS confirm that "each and every Dlink video-phone – which uses the same Sorenson SVX chipset used in the VP-100 – whether used for VRS or for any other purpose – is similarly programmed to access a Sorenson server prior to making a third party connection."[1] Indeed, a disturbing example of Sorenson's control over D-Link units occurred a little more than a year ago, when CSD discovered that Sorenson was encouraging consumers to send their D-Links to Sorenson so they could be modified to become VP-100s. At an open house tour of its Austin, Texas center given by Sorenson in early spring 2004, Sorenson employees even informed visitors that they could send in their D-Link units to have them re-configured with Sorenson firmware so they could become "better units." Once this firmware was installed, the D-Link essentially "became" a VP-100, and was no longer capable of calling other VRS providers. CSD has reason to believe that similar changes to D-Links were achieved through software upgrades conducted via the network. Specifically, CSD is aware of several D-Links installed in public locations that "became" VP-100 units, seemingly as a result of actions taken by Sorenson installers. While these practices have ceased, they demonstrate the extent to which and ease by which Sorenson can exercise control over both the VP-100 and D-Link units.[2] In addition, when CSD has sought permission to modify D-Link firmware to improve upon the features and/or functionality of these units, D-Link has refused because of its agreements and restrictions currently in place with Sorenson Media. When viewed in light of the control that Sorenson now has over the VRS market, these anti-competitive practices raise serious legal concerns."

[1] HOVRS at 3 n. 2.

[2] Moreover, even if Sorenson did need to acquire access to additional information in the possession of other providers in order to provide dialing parity, negotiations could be conducted among the various providers to achieve such parity.

HOVRS, another VRS Provider, did ask in its reply comments on Interoperability (04-15-05), If Sorenson was unlawfully monitoring the traffic from other VRS

providers, and I have yet to see a notice from the FCC informing us that they are taking this issue under investigation.

Therefore, I wish this letter to serve as a formal complaint, to red flag this serious anti-competitive practice before you, and request that the FCC immediately conduct an investigation and report its findings to the public who has every right to known the outcome. The FCC should be protecting the Consumers rights above all else, especially with regard to privacy when the services are provided by a 3rd party, we remain vulnerable without rules in place for VRS as a mandate, without regulations informing the Providers there are boundaries they cannot cross -this obvious right to privacy should not have to be something Consumers of the relay service need to fear, and since there is already fear evident out there, this recent concern only serves to heighten not lessen this fear. Contrary to the footnote (2) above, no such Provider should have any right whatsoever to give away information about Consumers without our permission! Additionally, Sorenson Media continues to state in its revised license agreement for its own product and services that it reserves the right to monitor any and all VRS calls if it feels its agreement has been breached still related to conduct that a consumer should have the right to converse via the telephone without someone "watching".

Lastly,I am seriously wondering what exactly are you - the FCC - doing to protect us from further harm and anti-competitive practices? I honestly fail to understand how Sorenson Media/VRS was able to become a certified Provider of VRS Services? Who licensed them? One state only?

Will the FCC ever step up to the plate and finally take measures to protect us, the Deaf and Hard of Hearing Consumers? SorensonVRS says they do not have to comply with anything that is not mandated. Can you finally see the wisdom in our plea, months ago, to get us protective regulations, quality assurances, by mandating the service?

Respectfully yours,

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cc: Dockets 98-67, 03-123