

LAWLER, METZGER, MILKMAN & KEENEY, LLC

2001 K STREET, NW
SUITE 802
WASHINGTON, D.C. 20006

RUTH MILKMAN
PHONE (202) 777-7726

PHONE (202) 777-7700
FACSIMILE (202) 777-7763

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Via Electronic Filing

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

Re: *Telecommunication Relay Services and Speech-to-Speech Services for
Individuals with Hearing and Speech Disabilities – CG Docket No. 03-123
Ex Parte Notice*

Dear Ms. Dortch:

On January 18, 2006, A. Richard Metzger, Jr. and the undersigned of Lawler, Metzger, Milkman & Keeney, LLC, counsel to Sorenson Communications, met with Monica Desai, Chief, and Jay Keithley, Deputy Chief (Policy), of the Consumer and Governmental Affairs Bureau of the Federal Communications Commission concerning issues pending before the Commission in the above-referenced proceeding. During that meeting, representatives for Sorenson reiterated the company's view that mandatory unbundling of video relay services (VRS) is contrary to the intent of Section 225 of the Communications Act of 1934, as amended, as set forth more fully in the regulatory presentation submitted by Sorenson on January 6, 2006.¹ As explained in the January 6, 2006 presentation, the Congressional purpose of Section 225 is to improve and distribute VRS to the full extent of the need – 100 percent of deaf people who use American Sign Language must have access to VRS. If the FCC nonetheless were to decide to adopt unbundling requirements for VRS, the challenge would be to craft a policy that would continue to provide VRS providers incentives to develop, install and maintain equipment in the manner necessary to ensure that users of American Sign Language have access to VRS.

¹ See "Regulating VRS Hardware and Software Is Contrary to the Intent of Section 225 and to the Interests of the Deaf Community," attached to *Ex Parte* Letter from Gil M. Strobel, Lawler, Metzger, Milkman & Keeney, LLC, to Marlene H. Dortch, Secretary, FCC, CG Dkt. No. 03-123 (Jan. 6, 2006).

Representatives for Sorenson discussed several alternative proposals that would help preserve incentives for VRS providers to develop, install, repair and maintain the equipment required for VRS, including the use of exclusivity periods and/or revenue sharing arrangements. For example, the FCC could permit providers that install videophones to require customers to use that equipment only with interpreters authorized by the installing provider for some limited time period. At the end of this time period, customers would be able to use interpreters of other VRS providers as well. These exclusivity periods could be different for embedded equipment and newly installed equipment, and also could vary depending upon the technology involved (existing versus next-generation). The FCC could also adopt revenue sharing arrangements that would provide for a division of revenues for calls in which the VRS company providing the interpreter was not the same as the VRS company that installed the equipment. The advantage of a revenue split is that it properly creates incentives for VRS providers to install and maintain the equipment that is furnished to the deaf community so that these customers can have access to functionally equivalent video relay services.

Representatives for Sorenson also explained that permitting providers to recover their research and development costs for unbundling through per minute VRS rates likely would be the most administratively burdensome of the possible approaches. In addition, this approach would not cover costs incurred to install, repair and maintain the customer premises equipment, or to train customers on its usage.

Pursuant to the Commission's rules, this letter is being submitted for inclusion of the public record in the above-referenced proceeding.

Sincerely,

/s/ Ruth Milkman
Ruth Milkman

cc: Monica Desai
Jay Keithley