

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

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

ANNUAL REPORT ON WAIVERS BY CSDVRS, LLC

I. Introduction

On December 24, 2008, the Federal Communications Commission (FCC or Commission) released an Order extending various telecommunications relay service (TRS) waivers for video relay service (VRS) and Internet protocol (IP) relay providers.¹ As has been true of prior FCC waiver orders, the FCC again conditioned the granting of these waivers on the submission of annual reports that address the need for the waivers to remain in effect. CSDVRS, LLC herewith submits this annual report in response to the Commission's request.

In the past year, CSDVRS has completed significant enhancements to its VRS platform. As a result, some of the previous waivers are no longer required. The advent of 10-digit numbering is also having a significant impact on the ability of all VRS providers to meet many of the waived requirements. This is because, in addition to significantly advancing the American with Disabilities Act's requirement for functional equivalency, 10-digit numbering is changing the role of the VRS provider. Specifically, VRS Providers are now VOIP providers that participate in the provisioning,

¹ *In the Matter of Telecommunications Relay Services, and Speech-to-Speech for Individuals with Hearing and Speech Disabilities*, Order, CC Dkt 03-123, DA 08-2808 (December 24, 2008).

operation, and management of North American Numbering Plan numbers. VRS providers also provision, operate and manage a parallel numbering system to reliably correlate the 10-digit numbers used by each relay user to the IP address of the customer premises equipment (CPE) at each user's location. In this system, relay users obtain their 10-digit numbers from their chosen VRS provider.

Comprehending the attributes of this numbering system and the relationship of the relay user to a VRS provider are necessary to understand why certain waivers will no longer be required while others should be maintained. To begin with, under the new system, each relay user is provided with a 10-digit number no cost; i.e., the user bears no financial responsibility for charges associated with that number. Rather, the VRS provider bears this responsibility to a third party telephone carrier. Similarly, the relay user does not have any contractual agreement with the VRS provider because, under the FCC's interoperability ruling, VRS users are allowed to use any provider to make a VRS call, and are permitted to change VRS providers at any time. Finally, relay users are not responsible for long distance, operator assisted or directory service calls and associated costs. Again, this burden is assumed by each VRS provider. As a consequence, the VRS provider determines which long distance carrier is used for the PSTN portion of its VRS calls. The lack of any contractual or fiduciary relationship between relay users and VRS providers limit the providers' capability to provide – or pass through – fee based services to those users.

II. Waivers Contingent Upon Filing of Annual Reports

A. One-line Voice Carry Over (VCO)

VCO is a feature that allows individuals who are deaf (or hard of hearing) but who can speak to communicate with their voices directly to another party, and to have that party's responses relayed back (in the case of VRS in sign language by an interpreter). To effectively complete a one-line VCO call over the Internet, the CPE equipment and VRS platform must

support the capability to have both an audio and video session on the same VRS call. CSDVRS is now able to handle single line VCO calls in situations where the relay user's CPE supports the capability for both video and audio sessions on the same VRS call. CSDVRS distributes CPE that has this functionality and also will support other CPE that can negotiate both video and audio sessions at the initiation of the call, in accordance with the H.323 standard.

At this time, however, CSDVRS cannot support single line VCO with a Sorenson VP-100 or 200 because these devices do not have microphones or other mechanisms to which a headset or other device providing audio input can be attached. Insofar as Sorenson VPs make up the vast majority of video devices in the embedded base, it would appear that all providers will continue to need a waiver for this relay feature for the immediate future. However, as video equipment continues to evolve, the FCC should reconsider the utility of preserving a communications system that is overly reliant on legacy equipment and is unable to keep up with modern improvements in technology. As soon as all VRS CPE can negotiate both video and audio sessions at the initiation of VRS calls, this waiver will no longer be needed.

Until such time, as an alternative to one-line VCO, CSDVRS will continue to offer all VRS users the ability to use VCO by using a second (analog) line, wherein the video interpreter (VI) will communicate with the video relay caller using an IP connection for the interpreted portion of the call, and the public switched telephone network (PSTN) for the leg from the voice user. This will continue to be accomplished by having the VI ask the caller for a second number to call back, so that the VI can use the three-way calling feature. The procedure is similar to two-line VCO calls made over the PSTN.

B. VCO-to-TTY

CSDVRS can now support VCO-to-TTY service, which is designed to connect an inbound VCO caller to a called party that is a TTY user. To achieve this, the conversation will be relayed through two relay operators. Although this may significantly degrade the real time communication of the relay call, at this time, CSDVRS does not need a waiver of this relay feature.²

C. VCO-to-VCO

VCO-to-VCO calling is not yet feasible for VRS providers. This is because this type of calling requires a VRS provider to support on-demand multi-party videoconferencing, to allow the VI to have simultaneous video sessions with both VCO parties. Such conferencing is needed to properly interpret the voice portion of the conversation between the two parties. VRS platforms generally cannot support two simultaneous video sessions because they use video call distribution units which are not designed to allow VIs to make two simultaneous video calls; rather these are only designed to allow an inbound video call to be connected to an outbound audio call.

Fortunately, 10-digit numbering may reduce the need for VCO-to-VCO calling through a VRS provider because two parties who use sign language can now just as easily connect via a point-to-point call. The ability to talk directly with one another in ASL allows the

² Although videoconferencing of these callers would require multiple interpreters, a VI for the VCO user (who presumably would receive responses in sign language) and a communication assistant for the TTY user, the FCC's 2003 Order directed that these calls be handled. *In the Matter of Telecommunications Relay Services, and Speech-to-Speech for Individuals with Hearing and Speech Disabilities*, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, CC Dkt 03-123, FCC 03-112 (June 17, 2003) ¶ 34. As the FCC is aware, a petition has been filed to permit all calls that require the use of multiple CAs or interpreters in order to achieve functional equivalency.

call to be both more fluid and cost effective because the services of a relay provider need not be utilized or charged to the TRS fund.

The waiver for the VCO-to-VCO feature should be continued because there is no indication that cost effective technologies will be available to support VCO-to-VCO calling in the near future.

D. One-line Hearing Carry Over (HCO)

HCO is a feature that allows individuals who have speech disabilities, but can hear, to hear what the other party is saying and use a relay service to convey their messages. The handling of HCO calls over VRS is extremely rare because most individuals who have speech disabilities but who can hear do not use sign language.

CSDVRS can support one-line HCO with limitations. To effectively complete a one-line HCO call over VoIP, the CPE equipment and VRS platform must support the capability to have both audio and video sessions on the same VRS call. As holds true for one line VCO calls, CSDVRS is now able to handle single line HCO calls in situations where the deaf user's CPE supports the capability for both video and audio sessions on the same VRS call. As noted above, the CPE distributed by CSDVRS has this functionality. CSDVRS also will support other CPE that negotiate both video and audio sessions at the initiation of the call, in accordance with the H.323 standard. However – as holds true for single line VCO – at this time CSDVRS cannot support single line HCO with Sorenson VPs because these devices do not have microphones or other mechanisms that allow audio input. Given the widespread use of VP 100s and 200s among VRS users, again, this means that for the time being, a waiver of this relay feature is needed for all VRS providers. We reiterate, however, that consumers should not be held back permanently with respect to the features that they can access by legacy video equipment.

As an alternative to one-line HCO, CSDVRS continues to offer all VRS users access to the HCO relay feature by using a second (analog) line, wherein the VI communicates with the video relay caller using an IP connection for the interpreted portion of the call, and the PSTN for the leg to the voice user. The VI accomplishes this by asking the caller for a second number to call back using the three-way calling feature. The procedure is similar to two-line HCO calls made over the PSTN.

E. HCO-to-TTY

CSDVRS can now support HCO-to-TTY service, which is designed to connect an inbound HCO caller to a called party that is a TTY user. Although the use of two interpreters to relay the conversation may significantly degrade the extent to which the call can be conducted in real time, at this time, CSDVRS does not need a waiver of this relay mandate.

F. HCO-to-HCO

As is true for VCO to VCO calls, support of HCO-to-HCO calling requires support for on-demand multi-party videoconferencing because the VI must be able to have simultaneous video sessions with both HCO parties to properly interpret the voice portion of the conversation between the two parties. Again, the platforms used by VRS providers cannot support on-demand multi-party videoconferencing at this time because they use video call distribution units which are not designed to allow VIs to make two simultaneous video calls; rather these are only designed to allow an inbound video call to be connected to an outbound audio call.

As holds true for VCO-to-VCO calling, 10-digit numbering may reduce the need for HCO-to-HCO calling through a VRS provider because if the two parties use sign language, they can now just as easily connect via a point-to-point call. Such direct communication is preferable to relay services in terms of both the natural flow of the call and reduced costs to the TRS Fund.

The waiver for the HCO-to-HCO mandate should be continued because there is no indication that cost effective technologies will be available to support HCO-to-HCO calling in the foreseeable future.

G. Call Release

Call release continues to be technically infeasible. This is because there is no technology currently available that will support ASL over video to voice conversion in both directions. More specifically, in VRS, the customer utilizes a video connection over the Internet to make an inbound video call and the VI then utilizes a voice channel (SS7) to make the outbound dial call to the hearing person on the PSTN. These two types of calls are not compatible, and thus, it is currently not feasible for the two parties to communicate without a VI interpreting the call.

Also, CSDVRS questions whether the call release minimum standard even has application in the VRS environment. Unlike TRS calls that connect text users over the PSTN – where the call release feature makes practical sense to allow one TTY user to reach another when a switchboard operated by a voice operator stands between these two callers – individuals wishing to converse with one another in sign language can contact each other directly over the Internet, rather than through a relay service. The advent of 10-digit numbering is facilitating these direct calls to an even greater extent.

The presence of incompatible protocols and the lack of technology warrant a continuation of the FCC's waiver for the call release mandate. In addition, CSDVRS suggests that the FCC consider removing this requirement because of its inapplicability to VRS.

H. Pay-Per-Call (900) Calls

Under the new 10-digit numbering system, every relay user can receive a unique phone number. Although under this system, CSDVRS may know the number and location of the caller

if CSDVRS is the default provider for the relay user making the call, the relay user and CSDVRS do not have a financial or contractual relationship. Where CSDVRS is not the default provider and is merely providing dial around services for the caller, CSDVRS has even less of a relationship with that individual. In either of these scenarios, the lack of any user-provider relationship means that there is no mechanism to charge relay users for pay-per-call services. Without the means to bill relay users for 900 calls, CSDVRS and other relay providers cannot process these calls. Until relay users assume financial responsibility for their 10-digit numbers and can be directly billed for pay-per-call services, the waiver for this minimum standard should be continued.

I. Types of Calls (Operator-Assisted Calls and Billing for Long Distance Calls)

As noted above, there is no financial or contractual relationship between CSDVRS and the individuals who use its relay services. The lack of such a relationship creates technical difficulties that make charging the relay user for operator-assisted calls or billing for long distance calls technically infeasible. Accordingly, CSDVRS currently provides most long-distance, operator-assisted and directory assistance calls free of charge to relay users. CSDVRS also accepts the use of calling cards to place long-distance and/or operator-assisted calls to certain high cost international locations.

CSDVRS requests the FCC to continue the waiver for this minimum standard.

J. Equal Access to Interexchange Carriers

For the same reason that pay per call services and long distance billing is not currently technically feasible, providing users with their choice of interexchange carriers is similarly not possible. Without a financial or contractual relationship with relay users, there is no way for CSDVRS to offer users a selection of their underlying telephone carrier. As noted

above, CSDVRS continues to absorb the cost of most long distance calls, therefore eliminating the need for equal access to interexchange carriers.

CSDVRS requests the FCC to continue the waiver for this minimum standard.

Respectfully submitted,

Sean Belanger

Sean Belanger, CEO
CSDVRS, LLC
600 Cleveland Street
Suite 1000
Clearwater, FL 33755

By: Karen Peltz Strauss
KPS Consulting
3508 Albemarle Street, NW
Washington, D.C. 20008
kpsconsulting@starpower.net

April 15, 2009