

MILLER
ISAR INC.
TRUSTED ADVISORS

ANDREW O. ISAR

4423 POINT FOSDICK DRIVE, NW
SUITE 306
GIG HARBOR, WA 98335
TELEPHONE: 253.851.6700
FACSIMILE: 866.474.3630
WWW.MILLERISAR.COM

Via ECFS Delivery

May 13, 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: GoAmerica, Inc. Petition for Rulemaking, Docket No. 03-123, Rulemaking RM-11512

Dear Secretary Dortch:

Enclosed for submission to the Commission are Healinc Telecom, LLC ("Healinc") Reply Comments, in the above-referenced matter.

Thank you for your attention to this matter. Questions may be directed to the undersigned.

Sincerely,

MILLER ISAR, INC.



Andrew O. Isar

Regulatory Consultants to
Healinc Telecom, LLC

Attachment

cc: Mr. Thomas Chandler, Consumer and Government Affairs Bureau, Disability Rights Office (Via electronic mail)
Ms. Susan Kimmel Consumer and Government Affairs Bureau, Disability Rights Office (Via electronic mail)
Mr. Greg Hlibok Consumer and Government Affairs Bureau, Disability Rights Office (Via electronic mail)

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re)	
)	
Telecommunications Relay Services)	CG Docket 03-123
For Deaf and Hard of Hearing and Speech)	
Disabled Persons)	
_____)	

**REPLY COMMENTS OF
HEALINC TELECOM, LLC
TO GOAMERICA, INC. PETITION FOR RULEMAKING**

Healinc Telecom, LLC (“Healinc”), by its regulatory consultants, hereby submits its reply to comments made by interested parties in response to the January 23, 2009 *Petition for Rule Making* (“Petition”) submitted by GoAmerica, Inc. (now known as Purple Communications, Inc., “Purple”) in the above-captioned matter. No commenting party has raised any additional evidence or argument that recasts Purple’s Petition as anything other than a protectionist effort to undermine consumer choice and functional equivalency to the benefit of entrenched incumbent carriers, let alone that a rulemaking proceeding is indeed warranted. Healinc again urges the Commission to reject the Petition.

Purple has requested that the Commission engage in a rulemaking proceeding that would result in a prohibition of “white labeling,” the partnering of firms that are ineligible to draw from the Telecommunications Relay Service Fund for the provision of video relay services (“VRS”) with Fund-eligible VRS providers, and imposition of minimum financial requirements and demonstration of an ability to serve a minimum number of users for new market entrants seeking Commission determination of eligibility. Healinc opposed the rulemaking as a means for existing larger providers to

limit competitive entry and the expansion of VRS availability in the purported pursuit of functional equivalency, in order to protect their own self-serving interests and market share. Healinc maintains that neither the original Petition, nor subsequent comments in support of the Petition, provide any evidence that the requested Commission rulemaking is indeed desirable, let alone necessary.

Purple maintains that the divergence of views expressed by commenting parties warrants the requested rulemaking proceeding. Yet despite the existence of diverging views – a divergence likely existing on a myriad of issues beyond “white labeling” and eligibility criteria - Purple has still not demonstrated why the rulemaking is *necessary*. The existence of diverging views does not represent a “smoking gun;” an issue that would be cause to precipitate a rulemaking proceeding, let alone meet the standards of Section 1.401 *et seq.* of the Commission’s rules for a rulemaking proceeding.¹ Opponents may argue that a rulemaking proceeding or outright prohibition on “white labeling,” as Sorenson not surprisingly proposes, is needed now to preclude future issues. Yet this would be but pure speculation. No party has shown that there is a propensity for “white labeling” or current eligibility criteria to harm the public and/or Fund.

Next Purple maintains that the unambiguous guidelines and a consistency in operating environment are needed. Despite the fact that again Purple does not establish that current white labeling or market entry criteria requirements are indeed ambiguous or that the operating environment is inconsistent, a general rulemaking proceeding is not an appropriate venue for this debate. This is particularly the case when Purple and its supporters have their own “clarity” and “consistency” end game results in mind. In the

¹ 47 C.F.R. §1.401 *et seq.*

absence of any evidence that the issues raised by Purple and its supporters require clarity and consistency, the arguments are purely specious.

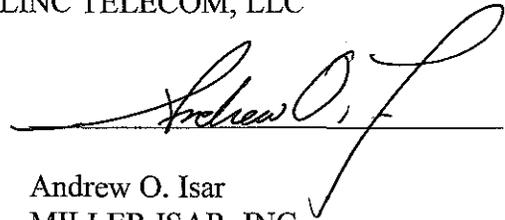
The Commission's rules and oversight have proven effective in addressing *ad hoc* issues as they arise. In each instance, such issues have been addressed within the context of the immediate issue itself with respect to Commission rules, rather than in a broader, rulemaking framework that carries with it much broader policy implications. The formalized rulemaking Purple now proposes is unjustified, unnecessary, costly, and, if its proponents have their way, will ultimately result in limiting competitive entry and service availability to the benefit of entrenched providers.

WHEREFORE, Healinc again urges the Commission to reject the Petition.

Respectfully submitted this 13th day of May, 2009.

HEALINC TELECOM, LLC

By:

A handwritten signature in black ink, appearing to read "Andrew O. Isar", is written over a horizontal line. The signature is stylized and cursive.

Andrew O. Isar
MILLER ISAR, INC.
4423 Point Fosdic Drive NW
Suite 306
Gig Harbor, WA 98335
Telephone: 253.851.6700

Its Regulatory Consultants