



March 8, 2010

Jill Cardoso, Manager  
Interstate TRS Fund  
National Exchange Carriers Association  
80 South Jefferson Road  
Whippany, NY 07981

Dear Ms. Cardoso:

On behalf of Purple Communications, Inc., this is to request a deferral relating to the submission of projected cost data on the annual Relay Services Data Request pending further FCC clarification on compensable relay calls.

In its Declaratory Ruling issued very recently on February 25, 2010, *Structure and Practices of the Video Relay Service Program*, the FCC's Consumer and Governmental Affairs Bureau stated for the first time that VRS calls made by or to a provider's employees, or the employees of its subcontractors, are not compensable on a per-minute basis from the TRS Fund but are considered business expenses that can be included in cost data submitted for the purposes of setting VRS compensation rates.

A variety of questions are raised concerning the Bureau's very recent ruling, which is subject to reconsideration and review. Chief among them is the reach of the ruling. For example, does "subcontractor" include vendors who have no relation to the VRS provider other than providing goods or services. Similarly, it is unclear whether VRS calls made by a subcontractor's employees not engaged in providing services for a VRS provider are compensable. Furthermore, the ruling stated that the FCC intends to address the "lawfulness of other categories of VRS calls" in a forthcoming action, indicating that additional categories of VRS calls may not be compensable.

As made clear in a February 25, 2010 letter to you from Snap Telecommunications, Inc. General Counsel Jeff Rosen, VRS providers are currently placed in an untenable situation. If they file cost projections before key compensation questions are resolved by the FCC it will likely result in unreliable data and substantial waste of time and resources on behalf of NECA, the FCC and VRS providers. Moreover, in light of the Bureau's ruling, the previously submitted demand projections filed by VRS providers are no longer valid and will have to resubmitted to account for the fewer projected compensable VRS minutes.

In light of these facts, Purple fully supports SNAP's call for a deferral of the 2010 and 2011 projected costs and demand filings. It is simply impossible to submit reliable and valid data until the FCC clarifies the reach of the Bureau's February 25, 2010 ruling and issues the



additional contemplated decision on compensable VRS calls. We also suggest the need for the the Commission and NECA arrange for a conference with all providers to discuss the impact and application of the ruling and to clarify the issues and concerns relating thereto for the providers. Previous conferences have been most helpful in assisting providers to comply with FCC rulings on costing issues.

Very truly yours,

/s/

George L. Lyon, Jr.  
Director, Regulatory Compliance  
Purple Communications, Inc.

cc: John Ricker  
Jeff Henderson  
Joel Gurin, Esquire  
Mark Stone, Esquire  
Thomas Chandler, Esquire