Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re	)	
	)	
TELECOMMUNICATIONS RELAY SERVICES	)	CG Docket 10-51
FOR DEAF AND HARD OF HEARING AND SPEECH	)	
DISABLED PERSONS	)	
	)	
To: The Commission	)	

ANNUAL REPORT ON PROGRESS OF MEETING WAIVED REQUIREMENTS

Purple Communications, Inc. ("Purple") hereby provides its annual report on progress toward meeting certain telecommunications relay services ("TRS") requirements that are waived for IP enabled relay services ("IP-Enabled Relay Services").

Equal Access to Interexchange Carrier – Previous to adoption of 10 digit numbering, Purple did not have access to sufficient information to implement Equal Access. With the introduction of 10 digit numbering, we do have this information, but that is insufficient to implement Equal Access for several reasons. First, the nature of IP enabled traffic is such that calls to and from deaf and hard of hearing persons are transmitted over the Internet from the deaf user to the relay call center. Thus, the PSTN is bypassed for that portion of the traffic. The leg of the call which likely uses interexchange carriers is from the relay center to the called party. Purple suggests that in those circumstances, Equal Access is not an appropriate concept from the deaf user's perspective as the relay center is the actual interexchange carrier customer.

Second, Purple has configured its use of interexchange carriers to minimize telecommunications costs. Requiring it to utilize a variety of interexchange carriers for call completion would substantially increase operating costs with no appreciable consumer benefit. The Interstate TRS Fund would bear these additional costs.

Third, Purple operates call centers in several states, each of which operates on a different schedule and each of which has available a different mix of interexchange carriers. Calls are assigned to the call centers based on which has availability of an interpreter. Thus, it is impossible to guarantee routing of an outbound consumer call to any one particular interexchange carrier.

Fourth, administratively offering Equal Access would be unduly burdensome. Purple presently lacks the resources to layer this task onto our operations. Introduction of equal access for IP enabled callers would substantially increase costs for IP enabled callers due to increased networking costs Purple would encounter. Purple does not have access to accurate billing information; any interexchange carrier chosen by the calling party would not be able to determine applicable rates for the telephone call to the called party nor a suitable destination to which a carrier bill could be sent. Purple does not have a direct billing mechanism with our users and the creation of such a mechanism would add further administrative costs to us and therefore to the Interstate TRS Fund.

For all of these reasons Purple believes that the waiver of Equal Access for IP enabled relay services should be made permanent.

Pay-per-call (900) service – By its nature, pay-per-call (900) service requires that the ANI data for the calling party be collected so that the telephone calls can be billed to the calling party. Prior to 10 digit numbering Purple was unable to determine the ANI data based on arbitrary IP addresses associated with these calls. Again implementation of 10 digit numbering helps to resolve this procedure. However, Purple has not received substantial interest from our relay users for pay-per-call service. In addition, adoption of pay per- call service would require that Purple implement billing arrangements with users. Accordingly, we believe that this would

likely substantially increase its costs of service while bringing little additional utility to users. Therefore, Purple suggests that the waiver of pay-per-call service should be extended indefinitely.

Operator-assisted Calls – To accurately identify and bill relay users for long distance charges or operator assisted calls, a technical solution must be in place for geographic and billing identification of VRS and IP Relay users placing calls from the Internet. As indicated in the discussion of equal access to interexchange carrier and pay-per-call service, no such solution is available at this time and would be costly to build and implement. In the meantime, Purple does not charge VRS and IP Relay users to complete any calls that may otherwise be billed as long distance calls or as operator-assisted calls.

Call Release – Call Release remains technologically infeasible in an IP relay and VRS environment. All telephone calls made in the IP relay and VRS environment are made only between the relay centers and the hearing party, using the public switched telephone network. As the deaf user does not connect to a given relay center through the public switched telephone network, but rather through the Internet—using an entirely different protocol—we believe that there is no way for a relay operator to "sign off" or otherwise be "released" from a telephone call between the calling party and the called party. This is a fundamental incompatibility between an IP-based relay service and the need to place outbound voice calls, and therefore Call Release should continue to be waived. Furthermore, deaf relay users desiring to contact other deaf relay users have multiple options for "point-to-point" conversation, such as instant messaging, email, webcams, and point-to-point videophones.

VCO-to-TTY, HCO-to-TTY, VCO-to-VCO and HCO-HCO. In general, each of these voice-based services requires a voice telephone call from the called party. As Purple's IP relay

and VRS platforms are designed and implemented only to accept deaf originating text and video calls from the Internet, and only to place outbound voice calls from the relay centers to the hearing party using the public switched telephone network, and vice versa, we understand that it is currently technically impossible for Purple to provide voice-based services where a voice call to a relay center is originated by the called party. Purple has been monitoring advances in Voice over Internet Protocol ("VoIP"), and can envision VoIP calls originated by the called party connecting to our relay centers. However, this would require significant research and development, as well as a substantial architectural and engineering expansion of our IP relay and VRS platforms, for which there is currently no available funding. In addition, Purple would have no control over the installation and configuration of customer premises equipment that is required to route audible speech between personal computers and/or mobile devices and its relay centers at a high level of quality in order to make this usable on a consistent basis. For this reason, the waiver for voice-based services should be extended indefinitely. These technical challenges notwithstanding, Purple has been able to support certain types of VCO and HCO relay services without requiring that the calling party originate a voice call into a given relay center. For example, Purple currently offers VCO/HCO in with its VRS. In this situation, the calling party provides a "callback" telephone number to the video interpreter ("VI"), and the VI sets up the relay call by first calling back the called party at the provided callback number. The VI then places the outbound voice call to the called party using a conference-calling feature. Once such a call is established, the calling party can speak by voice to the called party, and the calling party can hear the voice of the called party. Purple is currently working to provide similar VCO/HCO capability in our text relay platform, but the pace of implementation has been hampered by, among other reasons, limited resources. Also, two-line VCO and two-line HCO

services are supported by Purple's relay platforms. In this situation, the calling party has conference calling capability on his or her telephone, as provided by a local exchange carrier ("LEC") or by a private branch exchange ("PBX"). The calling party first requests that the relay operator call back the calling party by voice. Then, the calling party places a voice call directly to the called party and "bridges" the two calls together into a conference call. Purple's relay platforms do not interfere with such conference calling services provided by a LEC or a PBX.

Porting of other provider supplied video equipment. The FCC released its Report and Order governing the implementation of ten digit numbering for Internet Protocol ("IP") and VRS providers on June 24, 2008.[1] Paragraphs 60 and 61 of that order, together with FCC Rule §64.611(e), require that when a relay user ports a number from one provider to another, providers who distribute CPE must ensure that their devices continue delivering routing information to the user's new default provider to enable that new default provider to provision routing information to the central database. In addition, the rule prohibits providers who have given out devices, but who are no longer acting as the user's default provider, from acquiring routing information from that user.[2] However, these provisions are currently waived due to the inability of providers technically to comply with these rules. We believe that this waiver should be continued pending revision or repeal of these requirements since compliance is not technically or functionally feasible.

Several pending petitions request the FCC to revise the equipment porting obligations. These filing explain various problems with the porting requirement. To briefly recap the problems with the equipment porting requirement, the user's new default provider has no way to collect routing information from a device supplied by another

[1] *Telecommunications Relay Services*, 23 FCC Rcd 11591 (2008) (June Numbering Order); Petition at 2.
[2] 47 C.F.R. §64.611(c)(2)(i); Numbering Order at ¶61.

provider to update the database without the assistance of the provider who gave that device to the user.[3] The only way for the new provider to be able to begin updating the database would be for the device's original provider/distributor to re-program *every* single device that it has distributed to make it work with the network of *every* current and future VRS provider. We suggest that this would place a significant (and likely impractical) burden upon providers to accept responsibility for video devices that they had no role in developing and which have no relationship with their own signaling platforms.

We believe that no practical means currently exists to enable providers to accept routing information from end user equipment distributed by other providers. Although one provider, Sorenson Communications, Inc., has proposed an interface that would allow other providers to update the database for customers continuing to use Sorenson CPE, that interface, per the FCC's Second Numbering Order, would only transfer the bare calling features of the CPE to users of a new provider leaving the consumer with little more than a videophone that would make and receive calls.[4] No interface that would transfer more consumer friendly features – such as speed dialing- has been presented to or accepted by the VRS marketplace, and it is unclear if any such interface is likely to be developed.[5]

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[3] *See, e.g.,* Petition for Reconsideration and Clarification by CSDVRS, LLC, GoAmerica, Inc., Viable, Inc., and Snap Telecommunications, Inc., CG Dkt. No. 03-123 & WC Dkt. No. 05-196 (August 15, 2008).

[4] *See* Sorenson Ex Parte containing proposed Relay Provider Interface (February 13, 2009). Such features that would be disabled include the device's address book (used for speed dial functionality), last numbers called, frequently called numbers, and missed calls, are commonplace on telephone devices used by hearing individuals. Disengaging them from a relay user's CPE takes away the very functional equivalency the consumer now enjoys.

[5] Nor is there an industry standard for VoIP devices to interface with each other. For example, a subscriber to Vonage receives a Vonage device that only works with Vonage. If that subscriber ports his number to Verizon, he will need Verizon end user equipment.

Current industry discussions have diminished as the industry realizes that this effort will likely result in an end user product no one will want to use. *See* Petition at 4-5.

In light of these facts, the FCC should revise the requirement for VRS providers to equate routing information to a phone number for every device that it *or other VRS providers* have issued. Although we very much support the purpose of the FCC's number portability rule, and believe that relay users, like hearing individuals, need not acquire a new telephone number every time they switch providers, as written, we believe the VRS porting rules cannot accomplish this laudable objective. Instead, the rules actual result is to strengthen the dominant market position of Sorenson while causing the rest of the VRS industry participants to expend significant effort (and cost) in order to develop and support a technical standard that will result in the porting of devices that thereafter will lose much of their functionality. Accordingly, it appears that the current rule's application may in fact have the opposite effect of its desired objective; in lieu of providing consumer greater choices of devices and stronger competition among providers via portability, the actual result of porting currently appears to result in consumers inability to freely port without extreme degradation of the competing devices, and thereby creating greater entrenchment of the dominant provider in the VRS market.

Although the FCC desires to ensure that each VRS provider's CPE works with every other VRS provider's network, there is no similar FCC requirement for all wireless phones to work with all wireless carriers or for all phones specifically created for VoIP services to work with all VoIP networks. Video relay service is more akin to the wireless and VoIP markets which have multiple networks to which end user equipment must be designed. The FCC's rules go beyond merely requiring that a consumer be able to port his or her

number, as is the case for wireless and VoIP users, to direct that VRS users continue being able to use the equipment they received from former providers, *but only to a limited certain extent*, with important features that the customer demands eliminated from the equipment.

Unless the FCC's porting rules are revised to eliminate equipment porting, providers will also be forced to support the CPE of many different providers. Significant capital investment and long hours will be spent for extensive engineering and equipment infrastructure changes that will be needed for each provider to support every other provider's devices. All of the expenses associated with this effort will initially be borne by providers, ultimately to be passed to the Interstate TRS Fund. Yet, the ultimate result of this monumental effort will be unacceptable to every consumer, i.e., an inferior videophone that has few or no features consumer need and desire. To get all of the phone's features functioning again, the consumer will have no choice but to go back to the provider that initially distributed the CPE.

The equipment porting rule currently creates disincentives for VRS providers to engage in innovation and the design of new CPE, if the end result will be that of a substantial loss of functionality and innovation (and thereby appeal to consumers). With most of the equipment market now controlled by Sorenson (estimated at 85-90% of CPE) and a rule that would reinforce the decision of consumers to stay with that provider, little reason exists for providers to engage in research and development needed to build a better consumer product. It is difficult to conceive that providers will invest in new CPE's if they believe that their devices will be rejected by consumers for lack of functionality.[6]

[6] Indeed, the FCC's policies appear to be inconsistent with respect to consumer video equipment. On the one hand, the FCC has said it does not compensate providers for furnishing video equipment; on the other

In sum, eliminating the equipment porting rule or permanently waiving it is in the public interest unless the Commission requires providers to continue to support all features of the device upon porting.

Respectfully submitted,

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hand, it has formulated extremely onerous rules relating to the provision and use of such equipment and is effectively requiring providers to distribute equipment to compete in the market.