

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

In the Matter of)
)
Structure and Practices) CG Docket No. 10-51
of the Video Relay Service)
Program)
)
Comments of CSDVRS)
_____)

**COMMENTS OF CSDVRS, LLC TO PETITION FOR CLARIFICATION
OR WAIVER FILED BY PURPLE COMMUNICATIONS, INC.**

CSDVRS, LLC (“CSDVRS”) by and through undersigned counsel hereby files its Comments to the Public Notice issued by the Commission on July 2, 2010 (“PN”)¹ seeking comment on Petition for Clarification or Waiver of FCC Rule §64.613(a) filed by Purple Communications, Inc. (“Purple Petition”) to permit call forwarding services for VRS users. CSDVRS hereby lends its support to Purple’s petition, as it represents an available technology and furthers the interests of the functional equivalency mandate of the Americans with Disabilities Act as codified in Section 225 of the Communications Act.²

In response to the Purple Petition, Sorenson Communications submitted comments to the Commission requesting that the FCC deny the petition on procedural grounds as, *inter alia*, the petition appeared to be requesting an individual waiver of Commission rules for a single provider.³ While CSDVRS does not contend that Commission rules should be overlooked, it would seem inequitable and contrary to the interests of deaf and hard-of-hearing individuals in

¹ See, *In the Matter of Structure and Practices of the Video Relay Services Program*, Public Notice, CG Docket No. 10-51, DA 1253 (July 2, 2010).

² 47 U.S.C. §225(a)(3).

³ See, *In the Matter of Purple Communications, Inc. ’s Request for Clarification or Waiver*, Comments of Sorenson Communications, CG Docket 10-51 (July 14, 2010)(“Sorenson Comments”).

light of the functional equivalency mandate if this important issue were dismissed on procedural grounds. Indeed the Commission surely recognized this fact given that the issue was released to public notice. As such, CSDVRS submits that the Commission should read the Purple Petition as requesting a waiver for the entire VRS industry.

In developing its VRS solution and distributing certain customer premises equipment (“CPE”), CSDVRS has learned the value of server-based routing to the industry. Indeed, server routing allows videophones to be wholly operational in secure environments and firewalls which are very common in modern American businesses such as banks and lending institutions and government agencies. While CSDVRS has developed its own proprietary means of allowing its CPE to operate in these secure locales, it is nonetheless in the best interests of deaf and hard-of-hearing consumers that the Commission implements an industry-wide waiver that will allow all providers CPE to function in these environments. The waiver would allow otherwise precluded entities to install CPE of their choice within their organizations which will allow them to retain more deaf and hard-of-hearing individuals within their concerns. This is directly in line with the underlying intent of the Americans with Disabilities Act (“ADA”), and these ultimate ends of the ADA can be achieved without disrupting the industry.

It is also worth noting that server based routing will promote greater fluency and functionality between the diverse CPE provided by the various VRS providers. Indeed, interoperability problems continue to plague the industry to the great frustration and consternation of consumers. CSDVRS has seen this devolve into some consumers reverting to older CPE technology as distributed by the largest provider (Sorenson) which does not provide forward compatibility, in favor of the more technologically advanced CPE offered by CSDVRS and other providers, simply to avoid interoperability frustrations. Ultimately, of course, this

inures to the benefit of the stranglehold the dominant provider has on the industry. A server routing solution, however, will allow provider platforms to bridge the various CPE without engaging the direct-device routing mechanism that dominates the market and which can be unreliable, inefficient, and difficult to use when communicating with other CPE.

In regard to consumer privacy issues that have been raised in regard to server routing, CSDVRS submits that the Commission should extend the Consumer Proprietary Network Information rules to the server based routing solution should it choose to implement the requested waiver. As an aside, CSDVRS recognizes that all of these issues may be addressed in response to the Commission's recent Notice of Inquiry,⁴ but the import of this particular routing issue, and the near immediate impact it would have on consumer choice and access to VRS, certainly necessitates a more expedient redress of the matter.

CSDVR submits that granting the waiver requested in the Purple petition is in the public's interest as it will allow providers to expand their services to new markets and develop better services and features for consumers. It will also permit more integration of deaf and hard-of-hearing people in places of employment, education, and government as the solution will allow more functionality behind previously [largely] impenetrable firewalls. The Commission may waive its rules for good cause,⁵ and CSDVRS submits that such cause certainly exists for the implementation of this waiver. While it may cause considerable aggravation to providers that rely on device-based routing, a waiver of 47 C.F.R. §64.613(a) to allow server-based routing will allow consumers much greater flexibility of choice in VRS services, and will further the functional equivalency mandate of the ADA.

⁴ See, *In the Matter of Structure and Practices of the Video Relay Services Program*, Notice of Inquiry, FCC 10-111 (June 28, 2010).

⁵ See, 47 C.F.R. §1.3, et seq.

Respectfully Submitted,

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