

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

Advanced Communications Provisions	)	
of the Twenty-First Century	)	
Communications and Video	)	CG Docket No. 10-213
Accessibility Act	)	
	)	

**COMMENTS OF SORENSON COMMUNICATIONS, INC. ON THE ADVANCED  
COMMUNICATIONS PROVISIONS OF THE TWENTY-FIRST CENTURY  
COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT**

Sorenson Communications, Inc. (“Sorenson”) submits these comments in response to the Public Notice<sup>1</sup> issued by the Consumer and Governmental Affairs Bureau and the Wireless Telecommunications Bureau (the “Bureaus”) seeking comment on the advanced communications provisions of the Twenty-First Century Communications and Video Accessibility Act of 2010 (the “Accessibility Act”).<sup>2</sup>

In the Public Notice, the Bureaus ask whether “equipment used by people with disabilities for point-to-point video communications and video relay services should be considered equipment used for ‘interoperable video conferencing service.’”<sup>3</sup> The Accessibility Act defines “interoperable video conferencing service” as “a service that provides real-time

---

<sup>1</sup> See Public Notice, Consumer & Governmental Affairs Bureau and Wireless Telecommunications Bureau Seek Comment on Advanced Communication Provisions of the Twenty-First Century Communications and Video Accessibility Act of 2010, CG Docket No. 10-213 (rel. Oct. 21, 2010) (“*Public Notice*”).

<sup>2</sup> See Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751 (2010) (as codified in various sections of 47 U.S.C.) (“*Accessibility Act*”); Amendment of Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. 111-265, 124 Stat. 2795 (2010) (making technical corrections).

<sup>3</sup> *Public Notice* § II.1.

video communications, including audio, to enable users to share information of the user's choosing," and it provides further that "interoperable video conferencing service" is one of four types of service that constitute "advanced communications services."<sup>4</sup>

Sorenson has been a world-class leader in bringing services and equipment to individuals with disabilities. While Sorenson fully supports accessibility where achievable, as the statute directs, it is unclear how inclusion of video relay service ("VRS") and equipment (including point-to-point use of VRS equipment and networks) in the definition of "interoperable video conferencing services" would advance the Accessibility Act's purposes. Section 716 was intended to cover mass market services and equipment (such as personal computers and smart phones) that have not been designed for use by persons with disabilities, not services and equipment (such as VRS and point-to-point) that have been designed specifically to be accessible to and usable by persons with disabilities.<sup>5</sup> It would be counterproductive to force providers of specialized accessibility services to alter those services and equipment that are already specifically designed to meet the needs of individuals with disabilities. Accordingly, the Commission should conclude that equipment designed for point-to-point, VRS, or other varieties

---

<sup>4</sup> *Accessibility Act* § 101(1) (amending 47 U.S.C. § 153 to include definitions of "interoperable video conferencing service" and "advanced communications services").

<sup>5</sup> *See* H.R. REP. NO. 111-563, at 19 (2010) ("Since [1996], the communications marketplace has undergone a fundamental transformation, driven by growth in broadband. Internet-based and digital technologies are now pervasive, offering innovative and exciting ways to communicate and share information. Through increased mobility and the use of data, the benefits of modern technology have profoundly altered our everyday lives, streamlining tasks and allowing mobile access to the Internet and a diverse menu of applications and services. Smart phones, global positioning systems (GPS), and video conferencing are but a few of the many technologies that Americans rely on daily. Many of these advances have improved the communications capabilities of individuals with disabilities. Nevertheless, the extraordinary benefits of these technological advances are often still not accessible to individuals with disabilities.")

of telecommunications relay service (“TRS”) is not equipment used for “interoperable video conferencing service.”

The Accessibility Act strives to ensure that individuals with disabilities have greater access to services and equipment used for advanced communications. The Act should be understood to focus principally on ensuring the disabled community’s access to services and equipment used by individuals without disabilities—not access to services and equipment (like VRS and point-to-point service and equipment) that are specifically designed to serve specific populations within the disabled community. The legislative history emphasizes this general purpose, explaining that the Accessibility Act ensures that “the extraordinary benefits” of recent technological advances for use in the non-disabled community are also “accessible to individuals with disabilities.”<sup>6</sup> Against this backdrop, it would be counterproductive to impose the Accessibility Act’s broad accessibility requirements on equipment that is already specifically designed to ensure functionally equivalent communications capability for specific populations of individuals with disabilities. Indeed, imposing the Act’s broad accessibility requirements on VRS and point-to-point equipment (or service) would complicate the provision of service and disserve the deaf and hard-of-hearing community for which they were designed.

The text of the statute confirms this approach. As noted above, the Communications Act (as amended by the Accessibility Act) defines “interoperable video conferencing service” as “a service that provides real-time video communications, *including audio*, to enable users to share information of the user’s choosing.”<sup>7</sup> Considering the Accessibility Act’s focus on mass market equipment and service, the phrase “including audio” in this definition should be understood to refer to a two-way audio component that accompanies the video transmission and, accordingly,

---

<sup>6</sup> H.R. REP. NO. 111-563, at 19 (2010).

<sup>7</sup> *Accessibility Act* § 101(1) (emphasis added).

the full definition should be understood to refer to mass market conferencing services that provide two-way audio on an end-to-end basis to support face-to-face video connections among non-disabled users in distant locations.

Neither point-to-point service nor VRS “includes audio” as that phrase should be understood, and accordingly the statutory definition of “interoperable video conferencing service” does not apply. For Sorenson at least, point-to-point service does not include an audio component, as it is a two-way video connection designed to enable deaf and hard-of-hearing individuals to converse in sign language. VRS includes audio on one leg—*i.e.*, the purely audio communication between the translator and the hearing end user—but most VRS services do *not* include an audio component on the “video” leg of the call—*i.e.*, the sign language communication between the translator and the deaf or hard-of-hearing end user. Indeed, the absence of audio is a key feature of most VRS and point-to-point service, as excluding it frees up additional transmission capacity for more seamless video transmission of American Sign Language conversations, even for customers that may have a limited bandwidth broadband connection.

The FCC’s rules require TRS providers to provide voice carry over (“VCO”) services that include limited audio,<sup>8</sup> but the Bureaus should recognize that VRS with voice carry-over is not the kind of service the definition of “interoperable video conferencing service” was meant to capture. As suggested in the regulatory definition of VCO, VCO provides the deaf or hard-of-

---

<sup>8</sup> See, e.g., 47 C.F.R. §§ 64.601(a)(27) (defining “voice carry over”), 64.604(a)(3)(v) (requiring TRS providers to provide certain varieties of voice carry over service). However, the FCC has also waived this requirement in some instances. See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers, *Order*, CG Docket No. 03-123; WC Docket No. 05-196 (rel. June 30, 2010) (extending waivers for one year until July 1, 2011, of one-line VCO, VCO-to-TTY, and VCO-to-VCO.)

hearing user the ability to transmit their own voice to the hearing party, while receiving video interpreting the hearing party's responses in ASL.<sup>9</sup> End-to-end two-way audio functionality is simply not a core component even of VCO service, as the service is designed to serve those without the ability (or with limited ability) to perceive audio.

While the Public Notice limits the inquiry to equipment used with VRS and point-to-point services, Sorenson notes for the sake of completeness that this reasoning applies to all varieties of TRS and associated equipment. As explained above, the advanced communications provisions of the Accessibility Act are designed to ensure that technological innovations benefiting the population at large are also accessible to people with disabilities. That underlying purpose does not apply to equipment and services (like TRS) that have been engineered to serve certain disabled populations. Subjecting TRS and associated equipment to the requirements of section 716 all the same would complicate and burden the provision of service to the deaf and hard-of-hearing populations for which it was designed, while providing only insignificant benefit (if any) to end users with other disabilities. As a result, applying the requirements of section 716 would disserve the disabled community in direct contravention to the Act's goals.

To the extent that any form of TRS or point-to-point service (or the equipment used to provide them) is subject to the advanced communications provisions of the Accessibility Act, the Commission should waive the requirements of section 716 as it applies to them. Under section 716(h), the Commission may waive the requirements of section 716 for services and equipment "designed primarily for purposes other than using advanced communications services."<sup>10</sup> Point-to-point service and TRS (and associated equipment) are designed to provide functionally equivalent communications capabilities for deaf, hard-of-hearing, and deaf blind individuals,

---

<sup>9</sup> See 47 C.F.R. §§ 64.601(a)(27).

<sup>10</sup> 47 U.S.C. § 716(h)(1)(B); *Accessibility Act* § 104.

pursuant to section 225(a)(3) of the Communications Act (as amended by the Accessibility Act). As explained above, section 716's general accessibility requirements should not apply to services and equipment designed to ensure functionally equivalent communications capability for discrete population of disabled users, rather than primarily to provide advanced communications services to the mass market. Accordingly, a waiver under section 716(h) would be appropriate in the event that the advanced communications provisions apply to point-to-point or TRS at all.

Respectfully submitted,

Michael D. Maddix  
Director of Government and  
Regulatory Affairs  
SORENSEN COMMUNICATIONS, INC.  
4192 South Riverboat Road  
Salt Lake City, UT 84123

\_\_\_\_\_  
/s/  
Christopher Wright  
Charles Breckinridge  
WILTSHIRE & GRANNIS LLP  
1200 Eighteenth Street, N.W.  
Washington, D.C. 20036  
T: (202) 730-1300  
cbreckinridge@wiltshiregrannis.com

*Counsel to Sorenson Communications, Inc.*

November 22, 2010