

January 20, 2011

Greg Hlibok, Senior Staff Attorney
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Sent via email as a PDF attachment and filed in FCC Docket 10-51

Re: **Purple Communications** (Purple) October 21st, 2010 ex parte email to Greg Hlibok about an expedited clarification regarding interoperability and point-to-point calling (p2p) rules with respect to emerging technology.

Dear Mr. Greg Hlibok,

First of all, I want to thank **Purple** for bringing us to the attention of web-browser video and end-point video relay calling solutions, and their **lack of interoperability** with other providers and legacy devices. Like Purple, *I call upon the FCC to issue an expedited clarification on this matter.*

However, I would like to add in my input. Emerging technologies like cloud computing and mobile video calling are truly disruptive paradigms, necessitating the need to revisit existing laws and regulations governing a highly regulated industry such as TRS. I do not believe a temporary waiver is needed in this instance, as 47 U.S.C. § 225(d)(2) does indeed contemplate such possibilities, and that the industry should be given **free reign** to take advantage of these disruptive technologies.

However, *such freedom needs to be codified into regulation* at some point in time. We have seen the damage laissez-faire regulations have visited upon the VRS industry, a scenario I do not want to see happen again with respect to emerging and disruptive technologies.

A quick survey shows that the assertions Purple makes in its email are largely **correct**. **Convo Anywhere**, a web browser-based endpoint, does not allow interoperability.¹ **ZVRS** allows **outgoing** VRS calls² via its iOS (iPhone/iPod Touch) 4 app that relies on the FaceTime video telephony standard. The app does not support interoperability.³ It is unclear whether the ZVRS for FaceTime application for Mac OS X computers also support FCC's interoperability mandates.⁴ **IWRelay** released an app for iOS devices that allows VRS calls, but has limited interoperability.⁵ **Mainstream VRS** also has a mobile VRS solution for the HTC EVO 4G phone.⁶ Interestingly enough, Mainstream VRS issued a press release doubting the compliance and reimbursability of VRS calls made on Face Time devices.⁷ Even **Purple** is getting into the act, releasing a VRS app for Face Time users, with limited interoperability.⁸

In **Mainstream VRS's** September 19th, 2010 press release, they said, "While we agree that this technology offers the kind of innovation that the Deaf/HoH community has been wishing for for quite some time, I feel it is *not in their best interest if it is provided on a closed*

¹ <http://help.convorelay.com/kb/convo-anywhere/can-i-call-people-on-their-videophones>

² <http://www.zvrs.com/z-series/iphone-4> (via *view source*:) **Question**- "Can a hearing person call me through ZVRS on iPhone 4?" **Answer**- "At this time, the ZVRS app is only for placing calls from iPhone 4 (or iPod Touch). You are not able to receive ZVRS calls from hearing people on iPhone 4."

³ (Same URL, via *view source*.) **Question**- "Can I call someone's videophone to talk to them point-to-point using the ZVRS app?" **Answer**- "No. As the name implies, this is only for use to place a ZVRS call to a hearing person. iPhone 4 is not a videophone and, thus, cannot connect directly to an actual videophone. The only way to place a 'point-to-point' call on iPhone 4 is to call another iPhone 4 or iPod Touch (4th Generation) customer. FaceTime works only when connected to another device that uses FaceTime, and right now, FaceTime is only available on iPhone 4 and iPod Touch (4th Generation)."

⁴ <http://www.zvrs.com/z-series/zvrs-for-facetime>

⁵ <http://www.deafmac.org/blog/2010/iwrelay-beats-zvrs-to-the-punch-with-iphone-4-facetime-vrs/> The blog entry claims that the IWRelay app will receive the VRS call request and have a VI call you via FaceTime, and engage in a VRS call. There is no mention of interoperability.

<http://itunes.apple.com/us/app/iwrelay-vrs/id381347695?mt=8> A review comment on the iTunes page for the IWRelay app suggests that it cannot call up legacy devices.

<http://www.iwrelay.com/Services.aspx> The company's webpage suggests that their services does not accept incoming VRS calls via a ten-digit number, as it lists a single "Voice Inbound" telephone number; 866-258-1163.

⁶ <http://www.mainstreamvrs.com/services.html> Perusing their website, it is not immediately clear that they are offering a fully interoperable mobile calling solution. However, they did say, "MainstreamVRS is the first and only company offering a FCC compliant, mobile VRS solution."

⁷ http://www.mainstreamvrs.com/mainstream_news.html In their September 19th, 2010 press release, they indicated that they petitioned the FCC on this issue, but a quick search in Dockets 10-51 and 03-123 yielded no results.

⁸ <http://itunes.apple.com/us/app/purple-vrs/id401672537?mt=8#> The iTunes page for the Purple app suggests that it can make outgoing VRS calls, and a review comment indicated that it cannot make p2p calls.

user group proprietary technology that is not open and interoperable and therefore, compliant with the regulations set forth by the FCC. In my opinion, this is a case of one step forward and two steps back to the days when a single provider used a proprietary system to lock the end users into their service.”⁹ (Italic emphasis mine.)

I share this concern, that the VRS industry as a whole, is desperately seizing emerging and disruptive technologies to their competitive advantage, to the detriment to ordinary VRS consumers. However, I do **disagree** with Mainstream VRS’s assertions that VRS calls made by Face Time devices are not reimbursable. The FCC needs to encourage **rapid** adoption of emerging and disruptive technologies in a highly competitive and regulated market such as the VRS industry, and needs to **reward** market innovators in this space.

Eventually, the VRS companies that utilize emerging and disruptive technologies will need to integrate FCC’s interoperability mandates after a limited period of time, to allow their engineering teams to fully rework such technologies to comply with existing FCC mandates. Otherwise, *walled gardens will sprout all over the VRS landscape yet again.* The FCC needs to respond on this issue with specificity to ensure that there remains a viable and competitive VRS marketplace for Deaf/HH consumers to freely choose from.

Thank you for reading.

Sincerely,

Todd Elliott
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⁹ *Ibid* footnote 7.