

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

In the Matter of	)	
	)	
Implementation of Section 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010	)	CG Docket No. 10-213
	)	
Amendments to the Commission’s Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996	)	WT Docket No. 96-198
	)	
In the Matter of Accessible Mobile Phone Options for People who are Blind, Deaf- Blind, or Have Low Vision	)	CG Docket No. 10-145
	)	

**REPLY COMMENTS OF CSDVRS, LLC**

CSDVRS, LLC (d/b/a ZVRS, “CSDVRS”) hereby offers its reply comments in response to the matter of the Notice of Proposed Rulemaking (“NPRM”)<sup>1</sup> adopted by the Federal Communications Commission (“FCC” or “Commission”) on March 2, 2011 for implementing the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”).<sup>2</sup>

CSDVRS began in the deaf community as the first video relay services (“VRS”) provider and remains committed to supporting equal access and opportunity for all through the unfettered use of video conferencing technology. CSDVRS recognizes that the CVAA is a consumer-driven law, the handiwork of a massive effort by the disability

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<sup>1</sup> *In the Matter of Implementation of Section 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010, Amendments to the Commission’s Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996, In the Matter of Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision*, Notice of Proposed Rulemaking, CG Dkt. No. 10-213, WT Dkt No. 96-198, CG Dkt. No. 10-145, FCC 11-37 (“NPRM”) (2011).

<sup>2</sup> 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.).

community in information gathering, drafting, legislating, and campaigning, and subsequent to its enactment, their vigorous push and guidance on its implementing regulations, administration and effectuation.<sup>3</sup> CSDVRS supports the comments of Consumer Groups as a fundamental framework to guide policy making in the CVAA's implementing rules.<sup>4</sup>

In particular CSDVRS concurs with the Consumer Groups' comment that the statutory definition of "interoperable video conferencing service" does not mean that only currently interoperable real-time video communications service are considered as an advanced communications service covered under the CVAA, we too find a plain reading of the statutory language to fully cover any real-time video communications service categorized as advanced communications service, regardless of whether the service is designed and/or functioning as interoperable or not.<sup>5</sup> Furthermore we agree that "interoperability" is a CVAA requirement for real-time video communications services classified as an advanced communication service.<sup>6</sup> Finally CSDVRS absolutely agrees with the Commission's conclusion endorsed by Consumer groups and several VRS providers<sup>7</sup> that VRS is an advanced communications service and therefore VRS

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<sup>3</sup> See generally, Coalition of Organizations for Accessible Technology ("COAT"), <http://www.coataccess.org/>

<sup>4</sup> See, *In the Matter of Implementation of Section 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010, Amendments to the Commission's Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996, In the Matter of Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision*, Comments of Telecommunications for the Deaf and Hard of Hearing, Association of Late-Deafened Adults, Inc., National Association of the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, and the American Association of the Deaf-Blind, CG Dkt. No. 10-213, WT Dkt No. 96-198, CG Dkt. No. 10-145 (filed April 25, 2011).

<sup>5</sup> See, *Id.*, pgs. 7-11.

<sup>6</sup> See, *Id.*

<sup>7</sup> See, *Id.*, pg. 8. See also, comments of Purple Communications (filed in same dockets on December 8, 2010) and comments of Convo Communications (November 22, 2010). *But see*, comments of Sorenson Communications which oppose the application of the CVAA's interoperability requirements to VRS providers (November 22, 2010). CSDVRS finds it horrendously nefarious that Sorenson, having created a

companies must make their consumer provided video communication technologies interoperable with other real-time video communication services which are also covered under the CVAA.

CSDVRS unequivocally disagrees with Microsoft Corporation's assertion that the CVAA's "interoperability" requirement must be limited to apply only to those video conferencing services which are designed to be interoperable.<sup>8</sup> If "interoperability" was intended to be voluntarily or loosely applied to video conferencing services in the sense that Microsoft suggests, then there would have been no point in explicitly making this term part of a law which establishes specific transformative obligations on service providers to create accessibility in their technologies, including video conferencing. A plain reading of the statutory language clearly establishes the requirement of interoperability as applied to all advanced communication services, regardless of whether they are designed to be interoperable or not. Microsoft is grasping when it says that there is no evidence in legislative history to require interoperable video conferencing services, we submit that conversely, there is no legislative history which clearly evinces a Congressional intent to limit the application of the CVAA to those services which are already interoperable.

CVAA originated in legislative recommendations made by the National Council on Disability; chief among its recommendations was for a law which "ensure[s] that

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monopoly in VRS based on its provision of non-interoperable video phones, now seeks to compound its harm by advocating for its exclusion from the CVAA's interoperable requirements regardless of the benefits to the very same consumers it has already reaped hundreds of millions of dollars off of.

<sup>8</sup> See, *In the Matter of Implementation of Section 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010, Amendments to the Commission's Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996, In the Matter of Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision*, Comments of Microsoft Corporation, CG Dkt. No. 10-213, WT Dkt No. 96-198, CG Dkt. No. 10-145 (filed April 25, 2011).

emerging IP services and products are interoperable and reliable so that text and video messages reach their destinations to the same extent as voice messages, firewalls do not block out video communications, and people with disabilities have access to user guides and technical support associated with the new services.”<sup>9</sup> The disability community fought hard to gain the inclusion of the “interoperability” requirement in the provisions of the CVAA so that they could experience burgeoning video communications technologies in a comparable manner as the way hearing people use their telecommunications technology. The Commission should stay true to this intent by requiring advanced communications services which uses video (including those provided by VRS companies) to be interoperable.

Respectfully Submitted,  
**CSDVRS, LLC**

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<sup>9</sup> See, *The Need for Federal Legislation and Regulation Prohibiting Telecommunications and Information Services Discrimination*, National Council on Disability <http://www.ncd.gov/publications/2006/Dec282006> (December 19, 2006).