

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

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

**REPLY COMMENTS OF SORENSON COMMUNICATIONS, INC.**

Sorenson Communications, Inc. (“Sorenson”) hereby submits this reply to comments on the Commission’s Further Notice of Proposed Rulemaking (“FNPRM”)<sup>1</sup> regarding modifications to the TRS-provider certification process. Sorenson continues to recognize the Commission’s desire to consolidate certification authority for entities that draw from the TRS Fund. However, as several commenters recognize, the FNPRM proposes excessive burdens on applicants, certified providers, and Commission staff and should be modified accordingly. Furthermore, several commenters appear to misunderstand the purpose for provider certification and have suggested misguided proposals that include baseless attacks on Sorenson.

**I. COMMENTERS RECOGNIZE THAT THE FNPRM’S PROPOSALS WOULD IMPOSE EXCESSIVE BURDENS ON APPLICANTS AND CERTIFIED TRS PROVIDERS**

While Sorenson reiterates its support for the Commission’s efforts to certify only legitimate TRS providers capable of complying with minimum standards, Sorenson notes that most commenters echoed Sorenson’s concerns with the FNPRM’s onerous certification proposals.<sup>2</sup> In addition, several commenters took issue with the enormous continuing burden

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<sup>1</sup> See *Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 10-51, FCC 11-54 (2011) (“FNPRM”).

<sup>2</sup> Comments of AT&T at 11, CG Docket No. 10-51 (filed June 1, 2011) (“AT&T”); Comments of Consumer Groups in Response to Further Notice of Proposed Rulemaking at 2,

that the proposed certification requirements would impose.<sup>3</sup> As these comments reflect, and as Sorenson noted in its comments, the proposed information collections extend well beyond those necessary to ensure compliance with minimum standards, will create enormous burdens on applicants, providers, and Commission staff, and they will violate the Paperwork Reduction Act.<sup>4</sup> Accordingly, the Commission should adopt an approach more in line with its current narrative-based requirements. In the alternative, the Commission should establish a streamlined certification process for providers with an established track record of providing legitimate TRS service and compliance with minimum standards.

In addition, Sorenson concurs with commenters who suggest that the proposed facilities ownership requirement unduly restricts participation in the TRS industry.<sup>5</sup> If a provider has access to the facilities, infrastructure, and business plan necessary to comply with minimum standards, it should not matter whether that provider owns or leases the facilities it uses to provide service. Sorenson, however, in no way supports “white labeling,” and it therefore applauds the *Fraud Order’s* key safeguard requiring a provider to market in its own name and use only its own URL, in addition to being certified.

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CG Docket No. 10-51 (filed June 1, 2011) (“Consumer Groups”); Comments of Hamilton Relay, Inc. at 6-8, CG Docket No. 10-51 (filed June 1, 2011) (“Hamilton”); Comments of Purple Communications, Inc. at 4-5, CG Docket No. 10-51 (filed June 1, 2011) (“Purple”); Comments of Snap Telecommunications, Inc. at 3-4, CG Docket No. 10-51 (filed June 1, 2011) (“Snap”); Comments of Sprint Nextel at 3, CG Docket No. 10-51 (filed June 1, 2011) (“Sprint”).

<sup>3</sup> Comments of American Network, Inc. at 7-8, CG Docket No. 10-51 (filed June 1, 2011) (“ANI”); Hamilton at 10; Purple at 6-8; Comments of SignOn, A Sign Language Interpreting Resource, Inc. at 9-10, CG Docket No. 10-51 (filed June 1, 2011) (“SignOn”).

<sup>4</sup> Comments of Sorenson Communications, Inc. at 2, CG Docket No. 10-51 (filed June 1, 2011) (“Sorenson”); Purple at 5.

<sup>5</sup> Comments of ASL Holdings, Inc. at 4-7, CG Docket No. 10-51 (filed June 1, 2011) (“ASL Holdings”); AT&T at 12-14; Comments of CSDVRS, LLC at 3, CG Docket No. 10-51 (filed June 1, 2011) (“CSDVRS”); Hamilton at 9; Purple at 8; Sprint at 4-6.

Sorenson also supports SignOn’s proposal that entities providing only interpreting services be subject to a less onerous certification process, as long as the interpreting-services provider does not engage in any marketing of its services or the services of its contract partners.<sup>6</sup> Sorenson further agrees with SignOn that compensation for any such provider should not be a function of the volume of interpreting minutes that the contractor provides, in order to remove any incentives for minute pumping.<sup>7</sup>

Sorenson also notes that several commenters have taken issue with the Commission’s outage reporting proposals.<sup>8</sup> As Sorenson stated in its comments, the proposed requirements are unmatched by other Commission outage reporting requirements, and they would require providers to report events, such as load-shifting among call centers, that have no material impact on consumers.<sup>9</sup>

Finally, commenters have echoed Sorenson’s concerns with the Commission’s proposed requirement that TRS providers demonstrate their status as common carriers.<sup>10</sup> Such status is simply not necessary for the effective provision of TRS service, nor is it required by applicable law.<sup>11</sup>

## **II. SEVERAL COMMENTERS MISUNDERSTAND THE PURPOSE OF PROVIDER CERTIFICATION**

Some commenters appear to misunderstand the purpose of TRS-provider certification, which the FNPRM clearly states: to ensure that all certified providers have the “ability to

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<sup>6</sup> SignOn at 4-9.

<sup>7</sup> *Id* at 6.

<sup>8</sup> ANI at 8-9; ASL Holdings at 7-9; Snap at 6-7.

<sup>9</sup> Sorenson at 8.

<sup>10</sup> Purple at 5; Hamilton at 8.

<sup>11</sup> *See* Sorenson at 6.

comply with [the Commission's] rules governing the qualifications of CAs, including speed of answer, facility redundancy to ensure continuance of service, and other operational and technical standards designed to assure provision of a service that is functionally equivalent to voice telephone service.”<sup>12</sup> Some commenters ignore this stated purpose and instead use the comment process to raise issues wholly unrelated to the certification of TRS providers. Indeed, ANI in particular has used the FNPRM as a vehicle to launch an anticompetitive attack on Sorenson.

It defies logic to suggest that Sorenson's success somehow results from a failure of the state certification process.<sup>13</sup> Sorenson, as a state-certified provider, has established an impressive track record of compliance with the Commission's TRS requirements, and it has achieved remarkable success through its offering of superior products and services. Indeed, despite baseless accusations and innuendo from ANI and CSDVRS,<sup>14</sup> Sorenson fully complies with all of the Commission's TRS rules and regulations, including interoperability requirements. These parties have relentlessly sought a free ride on Sorenson's innovative enhanced features, and their baseless arguments simply have no place in a discussion about the certification process.

In addition, ANI has raised the issue of providing TRS service “on an exclusive basis.”<sup>15</sup> Like interoperability, exclusivity simply exceeds the scope of a discussion about the TRS certification process. Nonetheless, institutions and enterprises frequently (indeed almost always) select a single exclusive telecommunications services provider, and functional

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<sup>12</sup> FNPRM ¶ 97.

<sup>13</sup> ANI at 3 n.8.

<sup>14</sup> *Id.* at 5-6; CSDVRS at 2.

<sup>15</sup> ANI at 5.

equivalence requires the same approach to apply in the TRS context. Without any evidence that exclusive arrangements lead to waste, fraud, or abuse, or that they deter innovation, the FCC should refrain from placing any weight on comments like ANI's.

Furthermore, several commenters have sought exemptions from the proposed certification requirements, but for improper purposes. As Sorenson noted in its comments, the Commission should provide a streamlined certification process for providers who have an established track record of the provision of legitimate TRS service and compliance with minimum standards.<sup>16</sup> Such a track record, however, should be the only basis on which the Commission uses the streamlined process. The Commission should not grant blanket exemptions to IP Relay providers simply because they provide IP Relay services.<sup>17</sup> Such providers receive compensation from the TRS fund, have the same obligation to provide reliable service to the deaf and hard-of-hearing population, and have the same incentives to engage in fraud as VRS providers. Nor should the Commission grant exemptions to parties simply because of their status as interstate common carriers.<sup>18</sup> TRS represents a specialized set of services, and the provision of generalized telecommunications services in no way ensures that a provider is capable of adequately providing any form of TRS and abiding by the automated billing records and program protection requirements. Finally, the Commission should not grant exemptions to parties simply because they have previously received Commission certification.<sup>19</sup> The Commission has proposed an entirely new certification scheme, and receipt of a prior Commission certification does not automatically equate to an established track record of actual

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<sup>16</sup> Sorenson at 7.

<sup>17</sup> Hamilton at 3-4.

<sup>18</sup> AT&T at 5-7.

<sup>19</sup> See ANI at 7; CSDVRS at 1-2.

compliance. To the extent that the Commission streamlines the certification process for established providers, it should do for providers certified by *any* currently allowed method—state *or* federal—based solely on the provider’s prior performance.

In addition, some commenters miss the mark on their response to the Commission’s request for comment on the definition of a “substantive” change that would require submission of notice. Behind-the-scenes changes, such as acquisition of call centers or changes in numbering partners, simply do not impact consumers and should not be considered “substantive.”<sup>20</sup> On the other hand, the Commission should not adopt a nebulous definition that would require notification of *any* change that could *possibly* impact a provider’s service.<sup>21</sup> Rather, the Commission should adopt a clear definition that requires notification only for the entry or exit from a particular line of TRS service.<sup>22</sup>

### **III. CONCLUSION**

Sorenson fully supports the Commission’s goal of protecting TRS consumers and ensuring the integrity of the TRS Fund. However, the Commission should not enact overly broad proposals in its effort to achieve those worthy goals. The Commission should modify its certification proposals, or else it should establish a streamlined process for providers with an established track record of compliance with minimum standards. To further avoid overburdening TRS providers, the Commission should not adopt unnecessarily broad notification requirements for “substantive” changes or for outages, whether voluntary or involuntary.

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<sup>20</sup> *Contra* ASL Holdings at 11-12.

<sup>21</sup> ANI at 8; CSDVRS at 4.

<sup>22</sup> Sorenson at 7-8.

Respectfully submitted,

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/s/

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