

December 12, 2011

Federal Communications Commission
Consumer and Governmental Affairs Bureau (CGB)
445 12th St., SW
Washington, DC 20554

Re: VideoPhone and VRS Services Interoperability

Filed electronically via ECFS on Docket 10-51

Please allow me to introduce myself briefly. I am Todd Elliott and a VRS consumer.¹ I speak to the Commission about VP/VRS interoperability, following up on the concerns raised by CSDVRS, LLC's (ZVRS) ex parte filing on December 5th, 2011. Thank you for this opportunity.

Probative Value of Evidence Proffered in ZVRS' filing

ZVRS pointed out interoperability issues surrounding Sorenson's latest software & hardware videophone offerings. (Collectively referred to as 'nTouch'.) I don't know the evidentiary burdens the FCC requires, but a mere preponderance of the evidence suggests that the nTouch family is not interoperable with ZVRS' videophone products and services, a competitor.² ZVRS undertook rigorous testing involving their products and services with the nTouch line, and found them defective.³

The FCC imposes harsh penalties on VRS Providers if they 'block' VP/VRS calls, barring compensation for VRS services from the TRS Fund.⁴ Given the nature of the penalties involved, I would suggest that there is a probable cause for **partial** suspension of compensation from the TRS Fund, pending an independent investigation by the FCC's enforcement bureau. Sorenson, like any VRS provider, is entitled to due process, and more importantly, is afforded the opportunity to cure interoperability deficits manifesting throughout the nTouch line.

¹ I have never worked with a TRS (or even a VRS) Provider, and do not claim to represent any VRS Provider.

² It is not clear if there are interoperability issues involving products and services by competitors other than ZVRS.

³ See Page 2. Also, ZVRS provided some corroborative evidence in form of an email by Sorenson.

⁴ Paragraph 29, FCC DA 06-57, adopted May 3rd, 2006.

The Dominant VRS Provider is Too Big to Fail

Sorenson is the dominant provider in the VRS market. Fully withholding compensation from the TRS Fund would severely disrupt VRS services to the vast majority of the VRS public. None of the other VRS providers operating in this market can take up the slack and provide seamless VRS coverage should the dominant provider suddenly be unable to provide services.

Moreover, I would like for the FCC make a detailed inquiry as to whether the interoperability issues affecting the nTouch line was engineered in a willful fashion. (i.e., it was intentionally done by Sorenson to maintain the ‘Network Effect’⁵ and to maintain their dominant share of the VRS market.)

If that is the case, then the VRS industry is harmed by the anticompetitive actions of the dominant VRS provider.⁶ I would call for financial sanctions that not only remedy⁷ the harm caused, but also to provide deterrence against any intentional interoperability ‘impairments’ by any VRS provider involving end-point software and/or hardware in the future.

Videophone Interoperability Standards and Protocols

I am not aware of any requirement of ‘backwards compatibility’ to the H.323 video calling protocol, the one used in Sorenson’s VP-100 platform.⁸ The FCC did ask for a NPRM on this issue⁹ on May 3rd, 2006. In perusing 47 CFR § 64.601 *et seq*, I am not able to find a ‘final’ rule regarding interoperability standards. Technology is a moving target, affording opportunities for the VRS industry to latch onto the latest technological advances for the benefit of the VRS consumer. The emergence of mobile videophone calling solutions provides a stark example.

⁵ http://en.wikipedia.org/wiki/Network_effect

⁶ If ZVRS is indeed targeted, then predatory business practices are involved and should be penalized accordingly.

⁷ I propose that the sanctions would go towards funding independent videophone research that benefits the VRS industry as a whole, i.e., in developing a video telephony codec that is optimized for ASL.

⁸ In ZVRS’ ex parte comment, they indicated that “VRS providers have been required by the Commission to provide services and products which were backward compatible with Sorenson services and products.”

⁹ See Paragraph 56, FCC DA 06-57.

The burden is on VRS providers to interoperate with the dominant VRS provider's videophones and services. This is the absurd result of the 'Network Effect' the FCC left unchecked prior to its May 3rd, 2006 Declaratory Ruling. I propose that the FCC revisit the May 3rd 2006 NPRM¹⁰, and/or issue final rule(s) about videophone interoperability, protocols, etc. In the case it already has done so, it was not made in a transparent manner and should be shared with the VRS public as expeditiously as possible.

Conclusion

Regardless, Sorenson should be afforded an opportunity to cure interoperability issues affecting the nTouch platform with respect to ZVRS' products and services.¹¹ The time for VRS providers having to engineer backwards compatibility in their products and services is now over; Sorenson needs to take advantage of the latest video conferencing and telephony innovations¹² in their products and services for their VRS consumers.

Once such issues are cured, then the FCC should release the withheld funds for compensation from the TRS Fund towards Sorenson.¹³ The VRS public requires interoperability between products and services in the VRS sphere. Any impairment is an odious offense to the functional equivalency mandate.

Thank you for your time in reading this Comment. With your help and Sorenson's participation, the "Network Effect" in the VRS industry can all but be eliminated, all to the advantage of the VRS consumer in freely choosing products and services in the VRS market.

Sincerely,

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¹⁰ FCC DA 06-57

¹¹ And by extension, to the rest of the affected VRS industry.

¹² Such as the H.264 codec, for instance.

¹³ Unless there's sanctions, whether to grant 1.6% monthly interest for withheld funds, etc.