



December 20, 2011

Ex Parte Letter – Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Interoperability, CG Docket Nos. 10-51, 03-123

Dear Ms. Dortch:

On behalf of Sorenson Communications, Inc. (“Sorenson”), I am filing this letter in response to ZVRS’s numerous unsubstantiated assertions related to Sorenson’s nTouch products. ZVRS made its claims in a meeting with officials from the Consumer and Governmental Affairs Bureau on December 1, 2011, and in its related ex parte notice filed on December 5, 2011.¹ By this letter Sorenson also responds to Todd Elliott’s ex parte letter filed on December 12, 2011, in response to the *ZVRS Ex Parte Letter*.²

Response to ZVRS Ex Parte Letter

Throughout the *ZVRS Ex Parte Letter*, ZVRS levies public, inflammatory – and largely unsupported – allegations against Sorenson in direct contravention of its previous statement on the record that:

“[G]iven the generally volatile operations of the VRS marketplace, CSDVRS would submit that legal counsel should reflect on matters raised in provider filings before submitting a vitriolic and contemptuous filing to the public record. CSDVRS believes many issues can be easily settled between providers without

¹ See Letter from Jeff Rosen, CSDVRS, LLC General Counsel, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 10-51 (filed Dec. 5, 2011) (“*ZVRS Ex Parte Letter*” or “*Ex Parte Letter*”). In the same letter, ZVRS also urges the Commission to grant its pending request for a waiver of the prohibition on at-home interpreting, and it levies baseless allegations against Sorenson related to porting practices. Sorenson addresses those issues in separate letters.

² See Letter from Todd Elliott, VRS consumer, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 10-51 (filed Dec. 12, 2011) (“*Todd Elliott Ex Parte Letter*”).

the need to involve the Commission. CSDVRS is willing to work with any provider in resolving any misunderstandings without Commission intervention and it challenges Sorenson to do the same.”³

Sorenson agrees with ZVRS that certain matters can best be settled between providers without the need to involve the Commission, and has cooperated with ZVRS to do so in the past. However, prior to publicly filing its *Ex Parte Letter* with the Commission, ZVRS raised only one of the many alleged deficiencies with Sorenson’s nTouch product line with Sorenson. That issue was successfully resolved within nine days of ZVRS’s raising the issue with Sorenson. Indeed, Sorenson’s testing shows that the VP-200 and nTouch VP – the devices that handle the overwhelming majority of traffic to and from Sorenson customers – are fully capable of dialing around to ZVRS and Purple (among others) and also are fully capable of conducting point-to-point communications with the P3, Z4, Z4 Mobile (Mirial) and Z-20.

In fact, on December 7, 2011, two days after ZVRS filed its *Ex Parte Letter*, ZVRS and Sorenson engineers successfully tested the nTouch VP in coordination with ZVRS’s products and services, finding the nTouch VP to be interoperable with the Z4, Z4 Mobile (Mirial), and the Z-20.⁴ Coordination between Sorenson and ZVRS engineers had been ongoing for a week before ZVRS filed its *Ex Parte Letter*, and the meeting was confirmed by ZVRS the very day that ZVRS filed its *Ex Parte Letter*.⁵

Sorenson has developed a track record of taking proactive action with ZVRS to address interoperability and compatibility. In March 2011, Sorenson engineers alerted ZVRS engineers to the fact that:

“As you know Sorenson recently released a new PC based VRS product. As part of that release we are using a NAT/Firewall traversal server. In some of our testing we have observed that your products are only dialing using the IP address and the dialed phone number is not included in the H.323 signaling – specifically the Called Party Number field is missing. This prevents our server from properly forwarding the call to the Sorenson endpoint product. We wanted to let you know about our observations so that we can maximize interoperability between our devices and best serve our customers. Please let us know if we can provide any additional information that you may need in order to resolve this situation.”⁶

³ Letter from Sean Belanger, CEO, CSDVRS to Joel Gurin, Chief, Consumer and Governmental Affairs Bureau, CG Docket No. 10-51, at 2 (filed Mar. 28, 2011).

⁴ See Attachment A, notes on Dec. 7, 2011, test session between ZVRS and Sorenson; see also Attachment B, transcript of Dec. 7, 2011, test session between ZVRS and Sorenson.

⁵ See Attachment C, email correspondence re: “nTouchVP interoperability testing” between ZVRS and Sorenson (Nov. 28, 2011 through Dec. 5, 2011).

⁶ See Attachment D at 2, email correspondence re: “Interoperability between VRS devices” between ZVRS and Sorenson (Mar. 8, 2011 through Mar. 22, 2011); See also Letter from John

Sorenson engaged in an active dialogue with ZVRS engineers through April 2011, in an attempt to resolve this issue, at which point ZVRS understood the changes to their code that would be necessary to achieve point-to-point compatibility.⁷ Sorenson would welcome communication from ZVRS to resolve similar matters.

Sorenson also notes that the *ZVRS Ex Parte Letter* incorrectly claims that “Sorenson’s nTouch PC and Mobile utilize an idiosyncratic H.263 codec which does not enable interoperability with existing VRS provider devices and programs.”⁸ In fact, in its portfolio of devices and applications, Sorenson uses industry-standard codecs, including H.263 and H.264.⁹ Sorenson has long advocated for increased standardization of videophone features. In fact, in 2009 Sorenson published a “Relay Provider Interface” document that would allow for the standardization of numerous functionalities.¹⁰ While Sorenson has adopted this standard, to Sorenson’s knowledge, no other VRS provider has done so. Sorenson also notes that VRS providers are not required to support, following porting, enhanced features offered on a competitive basis such as point-to-point video mail.¹¹

Sorenson continues to be willing to work with all industry players – necessarily including the manufacturers of “off-the-shelf” equipment – to develop a set of SIP-based industry

T. Nakahata, counsel to Sorenson Communications, Inc., to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51 and 03-123 at 2 (filed Apr. 1, 2011).

⁷ See Attachment E, email correspondence re: “nTouch PC interop with Z products” between ZVRS and Sorenson (Mar. 29, 2011 through Apr. 15, 2011).

⁸ *ZVRS Ex Parte Letter* at 2.

⁹ Because of the limitations of the mobile environment, nTouch Mobile Android and nTouch Mobile iOS use only the standard H.264 codecs. Sorenson believes that ZVRS earlier this year disabled its capability to interoperate with H.264 codecs because of issues with the Purple P3. Disabling its H.264 capabilities would also preclude ZVRS from interoperating with Sorenson’s nTouch Mobile products. See Attachment E at 1, “We currently are forced to strip H.264 video at our gateways due to interoperability issues with Citrix/Vidsoft’s (Purple P3) implementation of H.264.”

¹⁰ See Letter from Gil M. Strobel, outside counsel to Sorenson, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123 (filed Feb. 13, 2009), Attachment “Relay Provider Interface.”

¹¹ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Report and Order and Order on Reconsideration, 24 FCC Rcd. 791, 819-20, ¶ 63 (2008) (“2008 Second Report and Order”); see also Letter from Tamar E. Finn, counsel to Telecommunications for the Deaf and Hard of Hearing, Inc., to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 and 10-51 at 2 (filed Feb. 4, 2011) (Consumer groups note “the positive impact competition has on the introduction of new features, products and services”).

equipment interface standards, and is eager to participate in the Neustar-sponsored iTRS engineering event in January to begin defining future SIP-based compatibility.

Finally, to the extent that ZVRS intends—by egregiously claiming that Sorenson has a “monopoly position in VRS”—to suggest that Sorenson obtained its leading market share through illicit means, that is flatly untrue.¹² Sorenson built its business by producing innovative videophones and applications (and offering them to consumers without charge), coupled with in-home training and user-friendly services that the deaf and hard-of-hearing populations continue to prefer to those of Sorenson’s competitors. Without the massive investments that Sorenson made in equipment and training—neither of which have historically been eligible for compensation—it is certain that VRS penetration levels would be far lower than they are today.

Response to Todd Elliott Ex Parte Letter

In his ex parte letter written in response to the *ZVRS Ex Parte Letter*, Todd Elliott, a VRS consumer, claims that a “preponderance of the evidence suggests that the nTouch family is not interoperable with ZVRS’s videophone products and services.”¹³ Yet, he provides no evidence beyond citing to the *ZVRS Ex Parte Letter* when stating that there may be cause for the Commission to partially suspend Sorenson’s compensation from the TRS Fund and/or to initiate an independent investigation through the Enforcement Bureau.

In fact, if the Commission were to initiate an industry-wide investigation, ZVRS would be at risk of suspension of 100 percent of its TRS Fund compensation, as Sorenson’s testing indicates that users of the Z4, Z4 Mobile (Mirial), and Z-20 *cannot* dial around to directly reach Sorenson VRS as required by the Commission’s interoperability rules.¹⁴ The same appears to be true for the P3.¹⁵

¹² Taking ZVRS’s “monopoly” claim on its face, its falsity and hyperbole cannot be denied, as ZVRS itself provides VRS, and makes reference to other providers in the VRS market in the *Ex Parte Letter*.

¹³ *Todd Elliott Ex Parte Letter* at 1.

¹⁴ See 2008 *Second Report and Order* at 822-23, ¶¶ 69-70 (“Internet-based TRS users must be able to dial around to competing providers...”); 47 C.F.R. § 64.611(a)(2) sets forth the VRS and IP Relay providers’ obligations, as default providers, to “route and deliver all of that user’s inbound and outbound calls unless the user chooses to place a call with, or receives a call from, an alternate provider;” see also *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling and Further Notice of Proposed Rulemaking, 21 FCC Rcd. 5442, 5454, ¶ 29 (2006).

¹⁵ From what Sorenson is able to determine, VRS software applications designed to run on open platforms are less likely to be able to support dial-around. This is not a significant issue because the consumer can simply download another provider’s software-based application for the same platform, without changing hardware. ZVRS has in fact stated on the record that, “Modification of off the shelf products to add a dialer; by example, FaceTime for Iphone with a dialer; should not have to interoperate.” See Letter of William Banks, general counsel to ZVRS,

Mr. Elliott also questions ZVRS's assertion that "VRS providers have been required by the Commission to provide services and products which were backward compatible with Sorenson services and products."¹⁶ Sorenson similarly is not aware of any such requirement, but again, reaffirms its commitment to abide by the Commission's rules regarding equipment.

Sorenson agrees with Mr. Elliot that "[t]echnology is a moving target, affording opportunities for the VRS industry to latch onto the latest technological advances for the benefit of the VRS consumer,"¹⁷ and is committed to developing and providing advanced technology and features to VRS users. In fact, contrary to Mr. Elliott's apparent belief that Sorenson is not "tak[ing] advantage of the latest video conferencing and telephony innovations," Sorenson is already deploying the H.264 codec that Mr. Elliott suggests Sorenson utilize.¹⁸ Furthermore, Sorenson looks forward to fully participating in the development of an industry-wide SIP standard that will provide next-generation benefits to VRS users.

Sincerely,

/s/

John T. Nakahata
Counsel to Sorenson Communications, Inc.

cc (by email):

Karen Peltz Strauss
Gregory Hlibok
Eliot Greenwald

to Marlene H. Dortch, Secretary, FCC, CG Docket No. 10-51, attached presentation at 16 (filed Feb. 1, 2011); *see also* Letter from Kelby Brick, VP of Regulatory & Strategic Policy, Purple, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51 and 03-123 (filed Jan. 7, 2011) (dated Oct. 21, 2010).

¹⁶ *Todd Elliott Ex Parte Letter* at 2; *ZVRS Ex Parte Letter* at 2.

¹⁷ *Todd Elliott Ex Parte Letter* at 2.

¹⁸ *See id.* at 3, n. 12.