



WILTSHIRE
& GRANNIS LLP

March 23, 2012

Ex Parte

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

Re: *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51;
*Telecommunications Relay Services and Speech-to-Speech Services for Individuals with
Hearing and Speech Disabilities*, CG Docket No. 03-123

Dear Ms. Dortch:

On March 21, 2012, Paul Kershisnik and Mike Maddix of Sorenson Communications, Inc. and I met with Karen Peltz Strauss, Bob Aldrich, Greg Hlibok, and Diane Mason (by phone) of the Consumer and Governmental Affairs Bureau and Rich Hovey of the Wireline Competition Bureau. Later that day, I summarized our presentation concerning the “call center issue” discussed immediately below for Sean Lev of the Office of General Counsel.

With respect to call centers, we asked for guidance concerning the use of deaf individuals as employees at call centers. As described in the first three attachments to this filing, Purple Communications has contracted with employers such as Allstate to place deaf individuals in call center jobs and to provide video relay service (“VRS”) and related support services. Plainly, aspects of this sort of program – particularly finding employment for deaf Americans – are admirable, and if permissible Sorenson would pursue opportunities to find call center jobs for more deaf individuals. However, as explained in the fourth attachment, we noted that the size of the TRS Fund would double if 1,773 deaf individuals obtained call center jobs. Deaf individuals clearly have the right to use VRS at work. However, Sorenson questions whether it is permissible for VRS providers to be involved in the recruitment and training of such individuals and partnering with businesses in the hiring process, as demonstrated in the attached files. We stressed that quick action to provide guidance on this issue is necessary because it would be tragic if more deaf individuals were hired into call center jobs only to have the Commission later decide that support was inappropriate.

Sorenson also asked for clarification concerning the following situation: A call involving a hearing non-English speaker, who uses a translator, and a deaf VRS user, who of course uses a communications assistant. We noted that the length of such calls would be longer than most

Marlene H. Dortch

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VRS calls on account of the use of a translator in addition to the communications assistant. We were told that the Commission has not addressed whether such a call is compensable.

Finally, we noted that “robocalls” are becoming more common in this election year and are often left in video mail. We stated with respect to such calls that functional equivalence supported the conclusion that VRS providers should deliver such calls to video mail, but should be permitted to cut them off after two minutes, which is functionally equivalent to what many hearing voicemail providers limit voicemail calls to, or if the call “looped,” *i.e.*, started again from the beginning. We received counsel that video mail messages should not be longer than two minutes to be appropriate for receipt of compensation, and, in the case of looping recorded messages, it is inappropriate to interpret the looping message after it has been completely interpreted.

Sincerely,

/s/

Christopher J. Wright

Counsel to Sorenson Communications, Inc.

cc: Sean Lev
Karen Peltz Strauss
Bob Aldrich
Greg Hlibok
Diane Mason
Rich Hovey

Enclosures

Attachment 1

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Are you hiring the best talent in your industry?

Purple can help.

Every year, thousands of talented deaf and hard-of-hearing individuals seek employment. Purple's Business Enterprise division is dedicated to providing companies the tools and resources needed to ensure your organization is hiring this talent.

How?

Purple delivers technology that creates an American's With Disabilities Act (ADA) *required* accessible and fully-integrated workplace. We work closely with businesses—identifying and training qualified deaf and hard-of-hearing employees to create an ADA compliant and diverse workforce. In fact, jobs once unavailable to deaf and hard-of-hearing people are now accessible using Purple's free communications technology.

The Purple advantage

Free Consultation

At Purple, education is the cornerstone of our consultation services. We provide direction and expertise in developing the appropriate employee diversity strategy in accordance with ADA regulations, and identify a personalized, comprehensive suite of easily-accessible communications services to your employees.



Purple's Here to Help

There's a reason why so many organizations trust Purple with implementing their programs. At Purple, we:

- Create a comprehensive communications plan
- Identify existing jobs for deaf and hard-of-hearing individuals
- Advise Human Resources of requirements for deaf and hard-of-hearing employees
- Integrate relay services into your facilities and phone systems
- Customize scripts personalized to your agency
- Define network engineering requirements
- Assist with video communications technology integration
- Supply video equipment and software

On-Going Support

- Hiring and screening assistance
- Technical and customer support for relay services
- Account management for on-site and video remote interpreting services
- Check out [additional workplace solutions\(/atwork\)](#)

Purple VRS™ for Cisco® E20 – Diversity, Inclusion and Innovation in the Workplace

Purple VRS for Cisco E20 is a cost-effective reasonable accommodation within the workplace, promoting telephone accessibility for people who use sign language as their primary way to communicate.

To find out more about Purple VRS for Cisco E20, [click here\(/e20\)](#) or call **888-600-4761** today.

For a free consultation, please enter your information below. A Purple representative will contact you shortly.

* indicates a required field

First Name: *

Last Name: *

Title: *

Email Address: *

Phone Number: *

Company/Organization: *

Comments:

Zip Code: *

Solution Priorities:

Your role:

Timing:

Submit

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Attachment 2



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Purple Communications™ Recruits for More than 100 Positions, Opens New Call Centers

Posted 12/5/2011 by Therea Hong

ROCKLIN, CALIF., DEC. 6, 2011 – [Purple Communications\(/aboutus\)](#), Inc., a leading provider of innovative communications for people who are deaf, hard of hearing or speech-disabled, ends the year with an emphasis on growth and expansion, opening several call centers across the United States and hiring more than 50 video interpreters, as well as hiring several new professional, support and management positions. Currently, Purple is in the process of recruiting more than 100 additional interpreters and professional staff positions.

“We currently employ more than 800 talented deaf, hard-of-hearing and hearing individuals across the United States, and I am pleased Purple is in a position to add even more jobs to the economy,” said Purple Chief Executive Officer John Ferron. “We’re on track to reach \$100 million in revenue this year as we experience growth in all aspects of our service portfolio. We continue to invest heavily into our expansion efforts, both in terms of technology development and call center, network and corporate infrastructure – it’s a very exciting time for Purple.”

Since its inception, Purple has focused on the deaf consumer, creating video relay service (VRS*) call centers across the nation and developing advanced communications technology that makes calling faster and easier for deaf and hard-of-hearing individuals using common platforms traditionally used by hearing people, like smartphones.

“We have always invested in the customer experience, and are humbled at how many Deaf and hard-of-hearing people choose Purple products and services,” said Mark Bella, vice president of sales. “We are proud to offer the best in VRS and video remote interpreting (VRI)* to our loyal customers. We place high priority on ensuring our consumers receive only the best products and services – it’s in our DNA.”

In addition to expanding its consumer customer base, Purple has increased its business enterprise and large accounts divisions, concentrating on large businesses, corporations, hospitals, universities and schools, and government agencies that have deaf individuals as customers, employees or students.

“One of the reasons why we are one of the top VRS and VRI providers in the United States is because we focus a lot of our attention on advocacy and education,” said Senior Vice President Gordon Ellis. “I am thrilled that a large part of my job includes helping big businesses and organizations understand the value of providing services for deaf individuals, as well as hiring deaf and hard-of-hearing employees by leveraging our communications technology – all while improving their diversity strategies and increasing bottom-line revenue and efficiency.”

Allstate Senior Vice President of Direct Sales and Service Mark Pitchford was able to expand his applicant pool by integrating Purple products and services while increasing diversity in the workplace. “By using Purple products, Allstate was able to enhance its dynamic and diverse workplace by hiring more deaf and hard-of-hearing employees,” he explained. “This type of initiative has also improved our reputation with our stakeholders while continuing our excellence in service.”

Purple has also increased its presence in the healthcare industry, providing VRI services to deaf, hard-of-hearing and speech-impaired patients. “An important aspect of patient care is being able to communicate to our patients in a compassionate manner while following HIPAA confidentiality and privacy regulation,” Washington Hospital Healthcare System Representative Kelly Rager said. “Purple VRI opens the door to instant communication access for our deaf and hard-of-hearing patients, allowing us to immediately provide the best patient care possible while maintaining patient privacy and integrity.”

Ellis says after years of concentrating on building Purple’s retail division, he’s encouraged by the positive responses received from organizations benefitting from Purple technology.

“Purple believes communication should be a right, not a luxury – communication impacts everything from employment opportunities to patient care, and is often something hearing people take for granted,” he said. “It’s always very rewarding to find out a deaf patient received excellent care in part because of our VRI services or an employer was able to hire a deaf employee because of Purple communications technologies – before Purple, this wasn’t the case.”

*[Purple Video Relay Services \(VRS\)\(overview\)](#) provides deaf and hard-of-hearing individuals and business owners a means to communicate over video desktop and mobile devices with hearing individuals in real time using American Sign Language (ASL) interpreters. This service is free to our deaf and hard-of-hearing customers. To see how Purple VRS works, [click here \(http://www.youtube.com/watch?v=NhO2cpmm_mo&feature=player_embedded#!\)](#).

*[Purple Video Remote Interpreting \(VRI\(vri\)\)](#) incorporates both voice and video into a call and is used to help in situations where interpreters are immediately needed to assist deaf, hard-of-hearing or speech-disabled individuals and hearing individuals communicate when they are in the same room. For more information, please visit [www.purple.us/vri\(vri\)](http://www.purple.us/vri(vri)).

About Purple

Purple Communications, Inc. is a leading provider of video relay and text relay services, on-site interpreting services and video remote interpreting. Offering a wide array of options designed to meet the varied communication needs of businesses and customers, Purple’s vision is to enable

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Attachment 3



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Purple™ Speaks to Businesses on the Importance of Diversity Hiring Practices

Posted 1/3/2012 by Theresa Hong

ROCKLIN, CALIF., JAN. 4, 2012 – Purple Senior Vice President and accommodation expert Gordon Ellis recently spoke at the Colorado Department of Human Services Division of Vocational Rehabilitation to area business leaders on how to best implement diversity hiring strategies that increase revenue while creating and maintaining positive public relations and goodwill throughout the communities they serve.

“As one of the top Video Relay Services (VRS)* and Video Remote Interpreting (VRI)* providers for deaf, hard-of-hearing and speech-disabled individuals in the United States, we are passionate about advocacy and education,” explained Ellis. “Part of my job includes helping organizations understand the value of hiring deaf and hard-of-hearing employees by leveraging Purple communications technology, all while strengthening their diversity hiring strategies, increasing revenue and efficiency, and creating a positive corporate image.”

Colorado Department of Human Services Division of Vocational Rehabilitation (DVR) Business Outreach Specialist Melody Babbitt said she was excited about Ellis’ presentation, adding that too many individuals with lucrative job skills are currently unemployed. “As Colorado’s leading placement organization for people with disabilities, DVR is working to change this by bridging talent and ability so companies and employees succeed,” she said. “We have worked with Purple on projects that integrate deaf and hard-of-hearing employees into the workforce and look forward to learning more about Purple’s advanced communications technologies. We sincerely hope more businesses recognize the value of expanding their applicant pools by using these kinds of technologies and strategies.”

Allstate Senior Vice President of Direct Sales and Service Mark Pitchford was able to expand his applicant pool by integrating Purple products and services while increasing diversity in the workplace. “By using Purple products, Allstate was able to enhance its dynamic and diverse workplace by hiring more deaf and hard-of-hearing employees,” he explained. “This type of initiative has also improved our reputation with our stakeholders while continuing our excellence in service.”

Ellis says he's encouraged to see so many businesses embrace diversity hiring practices, adding that obstacles in the very recent past prevented deaf and hard-of-hearing individuals from seeking gainful – and rewarding – employment opportunities.

“Purple believes in fortifying businesses with the proper tools and accommodations not only for people who are deaf or hard of hearing, but for everyone,” he said. “It’s a fact that we are all growing older and many of us will need a little assistance in order to continue to work. By providing reasonable accommodations to those with disabilities paves the way in creating universally-designed businesses – businesses that can sustain today’s employees – and beyond. It’s a win-win for the employees, for the business and for the community.”

*[Purple Video Relay Services \(VRS\)\(http://purple.us/overview\)](http://purple.us/overview) allows individuals who use sign language to communicate via videoconference and a video interpreter (VI). The VI voices/relays the signed conversation in real time to both deaf and hearing individuals. To see how Purple VRS works, [click here\(http://www.youtube.com/watch?v=NhO2cpmm_mo&feature=player_embedded#!\)](http://www.youtube.com/watch?v=NhO2cpmm_mo&feature=player_embedded#!).

*[Purple Video Remote Interpreting \(VRI\(http://purple.us/vri\)](http://purple.us/vri)) is a convenient, on-demand or scheduled sign language interpreting service delivered over a live Internet video connection. With certified interpreters, clear audio and high-quality video, it’s as if the interpreter is in the room with you. For more information, please visit www.purple.us/vri/vri.

[ClearCaptions™ \(http://www.clearcaptions.com/cisco\)](http://www.clearcaptions.com/cisco) is a live telephone captioning service. An effective job accommodation for employees with hearing loss, this service has zero installation or usage costs, works on existing popular telephone systems and can make an immediate impact on the nearly 20% of working adults in the U.S. who have some form of hearing loss. For more information, [click here\(http://www.clearcaptions.com/cisco\)](http://www.clearcaptions.com/cisco).

About Purple

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Attachment 4

EXPANDING THE CURRENT CALL CENTER PROGRAM

<u>Employees</u>	<u>Minutes per 8 hour day</u>	<u>Minutes per Week</u>	<u>Weekly VRS Minutes @ 70% Efficiency</u>	<u>Monthly VRS Minute s per Employee @ 70% Efficiency</u>	<u>\$ per Month @ \$5.17 per minute blended rate</u>	<u>\$ per Year from TRS Fund</u>
1	480	2,400	1,680	6,720	\$ 34,742	\$ 416,909
10						\$ 4,169,088
50						\$ 20,845,440
100						\$ 41,690,880
200						\$ 83,381,760

Total TRS Fund estimate for current fund year: **\$ 739,300,000**

A call center employee would generate over 100 times the minutes of VRS versus an "average" VRS consumer.

How many full time deaf call center employees would be needed to generate enough VRS in 12 months to DOUBLE THE SIZE OF THE ENTIRE TRS FUND? **1,773**

Why would a call center be eager to hire deaf employees?

1. VRS technology makes hearing to deaf calls seamless.
2. A deaf employee is likely to churn far less than a hearing employee.
 - Lower training costs
 - Longer term employees providing better, more knowledgeable customer service
3. A VRS company could provide and afford significant assistance. For example:
 - Full time staff interpreter
 - ASL training videos
 - Building upgrades to accommodate deaf employees
 - All the necessary equipment
4. Call center would be actively fulfilling an important social responsibility.

Downstream implications beyond just the TRS Fund size:

1. Huge strain on overall interpreter capacity.
2. Negative pressure on service levels for current VRS customers.
3. Additional strains on community interpreting responsibilities.
4. Regular/current VRS business would be comparatively less attractive to operate.

WITH HIGH DEAF UNEMPLOYMENT, PLACING MORE THAN 1,773 DEAF PEOPLE IN CALL CENTERS IS VERY LIKELY. THE UPSIDE FUNDING REQUIREMENT, DRIVEN SOLELY BY CALL CENTERS, WOULD QUICKLY DWARF THE CURRENT FUND SIZE.