

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

In the Matter of)	
)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities))	CG Docket No. 03-123
)	
E911 Requirements for IP Enabled Service Providers)	WC Docket No. 05-196
)	

ANNUAL REPORT ON PROGRESS TOWARD MEETING WAIVED REQUIREMENTS

Snap Telecommunications, Inc. (“Snap!VRS”) hereby submits its annual status report to the Federal Communications Commission (“Commission”) on progress toward meeting certain telecommunications relay service (“TRS”) mandatory minimum standards that are waived for video relay service (“VRS”) and IP Relay service providers.¹

The following call types and service requirements continue to present significant technical, financial, practical, and related challenges for VRS providers, thereby impeding workable solutions.

I. Equal Access to Interexchange Carriers

The Commission’s rules require TRS providers to permit relay users access to interexchange carriers of their choice. This requirement has been waived indefinitely for IP Relay by the Commission, which waived this requirement for VRS providers for one year subject to submission of this report.²

Specifically, the VRS user to Communications Assistant (“CA”) portion of a VRS call is carried over the Internet, thus the VRS provider does not necessarily know the user’s identity or the VRS user’s interexchange provider of choice, and the Internet-based nature of the call prevents the VRS provider

¹ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order (“Waiver Order”),* CG Docket No. 03-123, WC Docket No. 05-196, DA 11-1159 (rel. June 30, 2011).

² 47 C.F.R. §64.604(b)(3); *Waiver Order* ¶¶ 18-19.

from determining whether the call is actually a long distance call. Although 10-digit numbering rules have now made it technically possible for providers to know where VRS customers are physically located, there are still a variety of reasons why this requirement should be permanently waived.

First, as explained above, because it is up to VRS customers to provide their location information and to update that information as needed, VRS providers do not have accurate location information for all of their users. Therefore it is not possible to ascertain their interexchange carrier of choice or whether a VRS call is local or long distance in nature.

Second, unlike the local wireline telephone company's central office that is connected to the public switched telephone network ("PSTN") and which allows for a local call to be made to anyone physically located in the same local geographic area, VRS call centers may be located in a different geographic area from the VRS user. Consequently, what may look like a local call from the perspective of the VRS caller (since the caller is in the same geographic location as the called party) may in fact be a long distance call for the VRS provider and vice versa. VRS providers are simply not equipped to serve as local telephone companies that operate local rate centers throughout the country to enable the processing of local PSTN calls. As such, implementing carrier of choice in the VRS context could very well cause considerable confusion, invite consumer complaints, and increase TRS Fund costs without creating any substantial benefits to VRS consumers.

Third, to the extent the waived equal access requirement is rooted in the Commission's desire to afford consumers lower costs and greater choice in their long distance calling options, it is important to note that VRS users already enjoy both these benefits. On the objective of lower costs, VRS users do not pay for long distance calls, which are instead borne by VRS providers (and, in turn, TRS Fund contributors). As such, VRS providers should continue to have the ability to make business determinations as to which long distance carriers to use to complete a given VRS call based upon minimizing their costs and the corresponding impact on the TRS Fund. On the objective of greater choices, due to the Commission's interoperability requirements, VRS users have substantial choice in the VRS context, as they are able to decide easily and on a call-by-call basis, which VRS provider they want

to use to place calls. Likewise, hearing users who wish to call a deaf or hard of hearing individual through VRS may use the VRS provider's 800 number if the VRS user's 10-digit number is long distance for the hearing user, thereby ensuring that long distance VRS calls remain free to all parties to the call.

Given the technical, financial and practical considerations noted above, Snap!VRS believes the Commission should grant a permanent waiver of this requirement for VRS.

II. Pay-Per-Call (900) Services

The Commission requires TRS providers to relay "pay-per-call" services, which are calls (i.e., numbers with a "900" prefix) that are billed back to the user via their telephone bills for services provided over the telephone call. Under this requirement, the TRS provider would supply the caller's Automatic Number Identification ("ANI") to the 900-service provider, so that the provider can bill the caller directly. The Commission waived this requirement for IP Relay and VRS providers for one year subject to the filing of this report because it recognized that technologies were not available for VRS providers to access and verify the caller's ANI and therefore they could not bill the calling party directly or pass the ANI to the 900 provider.³

As discussed above, even in light of 10-digit numbering rules, significant technical, financial, and practical issues continue to prevent VRS providers from automatically gathering and passing on ANI and/or billing for such services. Notably, while each VRS provider has ANI information for users of videophones supplied by their company, there are currently no standards among VRS providers to ensure the provision of ANI during an IP-based call when a VRS user makes a call through a VRS provider using videophone/equipment from an alternate provider.

As Snap!VRS has explained in previous reports, 900-service calls typically terminate to recorded announcements that are not answered by a live attendant (such circumstances are outside the control of the VRS provider), thereby further compounding the impracticability of alternate billing for VRS providers. Snap!VRS does not foresee any technical breakthrough in the immediate future that would resolve these limitations, and also notes that its users have not requested this service.

³ 47 C.F.R. §64.604(a)(3)(iv); *Waiver Order* ¶¶ 12-13.

Given the technical, financial and practical considerations noted above, Snap!VRS believes the Commission should grant a permanent waiver of this requirement for VRS.

III. Types of Calls (Operator-Assisted and Long Distance Calls)

The Commission's rules require TRS providers to handle all types of calls normally handled by common carriers, including operator-assisted calls (e.g., 411 assistance) and long-distance calls that require billing directly to the caller's telephone bill, however, the Commission waived this the last two requirements for one year, subject to the filing of this report, and subject to the condition that providers allow the use of calling cards and/or provide free long distance calls.⁴

Despite the adoption of the 10-digit numbering rules, there are still various issues related to accurate identification of a VRS user's geographic location and billing criteria that make it technically difficult, if not impossible, for providers to offer operator-assisted calls, as well as a number of the other services discussed below, for every VRS user.

First, because VRS providers do not currently bill VRS users for their calls, providers have no established billing relationship with their customers that would facilitate the continuous tracking of customers' locations or the automatic recording and pass through of charges for certain types of calls.

Second, although 10-digit numbering rules require that VRS users register their location information with their default providers, the onus is on VRS users themselves to provide accurate location information at the time of registration and ensuring provision of updates to their default provider if their location has changed. While Snap!VRS validates each user's location during registration to ensure the location is E911 ready, if VRS users provide inaccurate location information during registration, or subsequently move to a new location without informing Snap!VRS or their default provider, VRS providers will not have an accurate method for sending a bill to those customers.

Third, such a billing system would likely provide only a marginal benefit to VRS users (very few operator-assisted calls are made), and such a system would impose significant new burdens, complexities, and costs on VRS providers, including costs that would further increase the size of the TRS Fund.

⁴ 47 C.F.R. §64.604(a)(3)(ii); *Waiver Order* ¶¶ 16-17.

Finally, the Commission has previously concluded that using a calling card is not a viable option for VRS, and calling cards remain unavailable for VRS users. Credit cards present similar issues for VRS. Neither Snap!VRS nor to its knowledge any other VRS provider is currently set up to accept credit card billing, and the implementation of a billing and accounting mechanism that could support charge-backs and bad debt would require considerable research and development that is especially difficult for VRS providers to undertake given the Commission's current rules precluding reimbursement for such research and development costs. Among the complexities, a billing system would require VRS providers to have different service offerings for different classes of customers depending on their creditworthiness, which would fundamentally alter the nature of VRS for deaf, hard of hearing and speech impaired individuals, all of whom currently receive the same services from VRS providers without cost.

Given the technical, financial and practical considerations noted above, Snap!VRS believes the Commission should grant a permanent waiver of this requirement for VRS.

IV. Call Release

The Commission also requires TRS providers to offer "call release" functionality, which allows the CA to join two TRS users on a single call and then sign-off or be "released" from the telephone line, without disconnecting the two TRS users. The Commission waived this requirement for IP Relay and VRS providers for one year, subject to the filing of this report.⁵

Snap!VRS believes the Commission should consider eliminating the call release requirement altogether, given the requirement's inapplicability and impracticability in the VRS context. In the TRS context, where two text users want to connect over the PSTN, a call release feature is necessary to connect the two text users through a switchboard operated by a voice operator. In contrast, as Snap!VRS has explained in previous reports, it is possible for two deaf or hard of hearing users to call one another directly if they have videoconferencing software or videophones that are compatible with one another.

Moreover, under the FCC's new 10-digit numbering rules, it is now even easier for two deaf or hard of hearing users to call one another directly. There is therefore no basis for requiring a VRS provider

⁵ See C.F.R. §64.604(a)(3)(vi)(i); *Waiver Order* ¶¶ 12-13.

to facilitate a direct videophone-to-videophone call in the first instance, let alone release from such a call once connected.

Further, call release between two videophones poses technological challenges, that is, such calls would increase the VRS provider's network bandwidth usage by as much as fifty percent and continue to utilize the VRS provider's network even after the CA has dropped off, thereby significantly increasing the cost of such calls and potentially impairing other calls to the VRS call center. At the same time, however, under the Commission's current rules, the VRS provider would presumably not be entitled to request reimbursement for the minutes after the CA releases the call, because the CA is not involved in the call once it is released.

Given the technical, financial and practical considerations noted above, Snap!VRS believes the Commission should grant a permanent waiver of this requirement for VRS.

V. VCO-to-TTY, VCO-to-VCO, HCO-to-TTY and HCO-to-HCO

The Commission requires TRS providers to offer all types of voice-carryover ("VCO") and hearing-carryover ("HCO") calls: one-line VCO, one-line HCO, two-line VCO, two-line HCO, VCO-to-TTY, HCO-to-TTY, VCO-to-VCO, and HCO-to-HCO. However, the Commission waived one-line VCO and HCO requirements for IP Relay and VRS providers for one year, subject to the filing of this report.⁶

The Snap!VRS network is capable of handling both one-line and two-line VCO and HCO calls. Although it remains true that the absence of quality of service ("QoS") requirements on all legs of an Internet-based voice call can introduce QoS deficiencies into one-line VCO and one-line HCO calls, Snap!VRS's relay system transmits audio of sufficient quality such that the party on the audio-only line can hear with sufficient clarity the party on the videophone. While VRS users have the option of pushing a "mute" button on their videophone in order to prevent audio from transmitting to the CA and the other party, any VRS call made to Snap!VRS can be a one-line VCO or one-line HCO call, subject to the enduring Internet-based QoS issues noted above. VCO-to-TTY and HCO-to TTY calls require the CA to interpret via sign language to the hard of hearing or speech-impaired user and simultaneously to operate a

⁶ 47 C.F.R. § 64.604(a)(3)(v)(2-3); *Waiver Order* ¶¶ 8-11.

keyboard to interpret via text to the TTY user. Even putting aside the QoS issues noted above that can still arise with such calls, Snap!VRS is reluctant to offer these types of calls, particularly since they raise unique concerns as well as low interest in such calls within the Snap!VRS user community.

Specifically, such calls would require the expenditure of significant additional network equipment and training expenses (the latter to improve CA proficiency on antiquated TTY equipment) and would place too heavy a burden on CAs. Requiring CAs to perform two different yet simultaneous hand-intensive interpretations would only exacerbate the shortage of interpreters available to VRS providers and degrade the overall experience for the VRS user. VCO-to-VCO and HCO-to-HCO calls have similar problems as those noted above for VCO-to-TTY and HCO-to-TTY calls when one of the parties is using a TTY. VCO-to-VCO and HCO-to-HCO calls, where both parties are videophone users, are technically difficult and cost prohibitive for the same reasons that prevent three-way calling by VRS providers for more than one videophone at a time.

Given the technical, financial and practical considerations noted above, Snap!VRS believes the Commission should grant a permanent waiver of this requirement for VRS.

VI. Speech-to-Speech

The Commission's rules require TRS providers to offer Speech-to-Speech ("STS") service. The Commission, however, has waived this requirement indefinitely as it applies to VRS providers, with a one-year waiver subject to submission of this report for IP Relay providers.⁷

VII. Conclusion

Certain call types and service requirements continue to present significant technical, financial, practical, and related challenges for VRS providers, thereby impeding workable solutions.

For the reasons stated in this filing, Snap!VRS therefore recommends that the Commission grant permanent waivers of mandatory minimum requirements that are applicable to VRS providers.

⁷ 47 C.F.R. § 64.604(a)(5); *Waiver Order* ¶¶ 20-21.

Respectfully submitted,

/s/

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April 16, 2012