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March 1, 2013

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

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

Dear Ms. Dortch:

Effective competition in the market for video relay services (VRS) requires, in part, fair access to video interpreters (VIs) who perform the essential function of communicating between deaf and hearing persons. Nearly six years ago, a group of five Video Rely Service (VRS) providers joined together to complain that Sorenson Communications, Inc. was requiring its video interpreters ("VIs") to enter into restrictive covenants prohibiting them from working in any capacity for a competing VRS provider for a period of one year after termination of their employment from Sorenson.[1] In response to this petition, the Commission issued a Public Notice seeking comments on the petition.[2] The Commission received numerous comments in response to this petition, but has not resolved this issue. Sorenson continues this practice today.

Sorenson's ongoing practice of requiring the non-competition agreements is contrary to the public interest and should be declared void as against public policy. Such covenants are anti-competitive and unreasonable. The effect of these restrictive covenants is to artificially restrict the supply of VIs and raise the cost to recruit and hire VIs. Artificially removing interpreters from the VI labor pool harms VRS consumers by limiting the ability of competing providers to (a) serve consumers adequately and (b) effectively, efficiently increase their market share. Moreover, such action harms the public in general by raising the overall cost of VRS service, which is ultimately borne by the public via increased interexchange telephone service rates.

Purple Communications, Inc. ("Purple") has been directly impacted by this practice. In its effort to expand its VRS market share, Purple has interviewed VIs for open job positions. In those discussions, several of the interviewees were current Sorenson VIs, who desired to leave their positions to join Purple, but were fearful of doing so because of the economic or legal risks posed by the noncompetition provisions of their employment relationship.

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[1] *Petition for Declaratory Ruling and Complaint Concerning the Provision of Video Relay Services by Sorenson Communications, Inc.*, CG Docket No. 03-123, filed by Hands On VRS, CSDVRS, LLC, Snap Telecommunications, Inc., GoAmerica, Inc., & Communication Access Center for the Deaf and Hard of Hearing (May 18, 2007).

[2] Public Notice DA 07-3512, CG Docket No. 03-123 (Aug. 3, 2007).

Purple respectfully requests that the Commission expeditiously bar such covenants as a way of decreasing VRS costs, improving service quality and promoting competition.

Sincerely,

PURPLE COMMUNICATIONS, INC.

John Goodman
Chief Legal Officer

CC: Kris Monteith
Jonathan Chambers
Karen Peltz-Strauss
Robert Aldrich
Greg Hlibock