

March 11, 2013

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

Re: **Notice of Ex Parte – CG Docket Nos. 13-24, 03-123, 10-51
Purple Communications, Inc.**

Dear Ms. Dortch:

On March 7, 2013, Monica Desai, outside counsel to Purple Communications, Inc. (“Purple”), John Goodman, Purple’s Chief Legal Officer, and Dan Luis, Board and Executive Advisor for Purple, held separate meetings with the following FCC staff: (1) Angela Kronenberg, Legal Advisor to Commissioner Clyburn; (2) Elizabeth Andrion, Legal Advisor to Chairman Genachowski, Jonathan Chambers, Acting Chief of the Office of Strategic Planning and Policy Analysis, and Kris Monteith, Acting Chief of the Consumer and Governmental Affairs Bureau; and (3) Kris Monteith, Karen Peltz Strauss, Greg Hlibok, Elliot Greenwald, and Robert Aldrich of the Consumer and Governmental Affairs Bureau, and Dana Shaffer and Andrew Mulitz of the Office of the Managing Director. In addition, John Goodman met separately with Nicholas Degani, Legal Advisor to Commissioner Pai, and Monica Desai and Dan Luis met separately with Priscilla Delgado Argeris, Legal Advisor to Commissioner Rosenworcel.

The following topics were covered in the meetings:

(1) Limited Waiver Relating to IP CTS Provided Through Cisco IP Phones.

The undersigned emphasized the points made in the Petition for Limited Waiver filed by Purple on March 1, 2013, relating to IP Captioned Telephone Service (IP CTS) provided through Cisco IP phones.¹ Purple emphasized that Cisco phones are located only in dedicated work spaces and that individuals using those phones must not only self-certify, but also receive permission from their employer. Purple needs until April 1 to complete a software upgrade to enable the functional

¹ See Petition for Limited Waiver of Purple Communications, Inc., CG Docket No. 13-24, *et al.*, filed March 1, 2013.

Federal Communications Commission

March 11, 2013

Page 2

requirements of the Order,² and then needs an additional limited period of time thereafter for approximately 20 government organizations and businesses to install those upgrades at individual workplaces.

(2) Purple Encouraged Staff to Move Forward With VRS Reform Expeditiously.

a. Unlawful and Anticompetitive Behavior.

The FCC has rules and policies in place that prohibit providers from anticompetitive behavior such as slamming and blocking. Purple emphasized that the FCC should expeditiously investigate claims of the industry's dominant provider engaging in conduct such as porting to another provider without permission, reconfiguring routers in customer homes so that they will not connect with a competitor's equipment, imposing a "black screen" when consumers attempt to connect, other interoperability problems that unnecessarily languish, making false and misleading statements to consumers, and other similar conduct. Purple emphasized that such conduct not only is against the FCC's rules and policies but also creates additional costs to the TRS Fund. Accordingly, any complaints should be aggressively investigated, and the FCC must do more to enforce its existing rules.

b. Video Interpreter Non-Compete Agreements Hurt the TRS Fund and Consumers.

Purple asked staff to consider adopting a rule to disallow reimbursement from the TRS Fund for any VRS provider that requires their video interpreters (VIs) to sign non-compete agreements, and raised the points in its letter of March 1, 2013 on this subject.³ Purple noted that this topic was initially introduced to the docket in 2007, relating to Sorenson Communications' practice of requiring non-compete agreements of their VIs. Purple emphasized that VIs do not have competitively sensitive information about their employer. Purple also emphasized that artificially removing interpreters from the labor pool through non-competes raises the costs to recruit and hire VIs, limits the ability of competing providers to serve their customers adequately, and raises the overall cost of VRS.

c. Rate Reform.

Purple emphasized that interim rates have been in effect for almost three years, and encouraged staff to complete its examination of market structures and rates in time for the next rate cycle. Purple also emphasized that the FCC should request and review reports issued by the FCC Office of Inspector General's independent audit firm related to Purple and other providers when finalizing

² See *Misuse of Internet Protocol (IP) Captioned Telephone Service, et al.*, CG Docket No. 13-24, *et al.*, Order and Notice of Proposed Rulemaking, FCC 13-13 (Jan. 25, 2013).

³ See Letter from John Goodman, Chief Legal Officer, Purple Communications, Inc., to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123, *et al.*, dated March 1, 2013.

Federal Communications Commission

March 11, 2013

Page 3

new rates. Purple strongly encouraged the FCC to consider expanded rate tiers that compensate providers that process very high minute volumes at rates that more accurately reflect the marginal cost of producing minutes at such volumes.

d. Consumers Should Have Access to Personal Address Books.

Purple reiterated that consumers should not be prohibited by any provider from effectively accessing personal address book information and speed dialing. Sorenson's practice of prohibiting consumers' access to their personal address books in an exportable format creates a barrier to consumers switching VRS providers. This has been a significant barrier to effective competition and impedes consumers' ability to receive VRS service from the provider of their choice.

Respectfully submitted,



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