



April 30, 2013

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 Service and Speech-to-Speech Services for Individuals with
Hearing and Speech Disabilities*, CG Docket No. 03-123

Dear Ms. Dortch:

Sorenson Communications, Inc. (“Sorenson”) files this letter in response to ex parte presentations by CSDVRS, LLC and two other Video Relay Service (“VRS”) providers (collectively “ZVRS et al.”) regarding their anti-consumer proposal to mandate the use of “off-the-shelf” technology to access VRS and to bar the use of proprietary videophones (“VPs”).¹ ZVRS et al. seriously distort the record before the Commission.

I. Consumer Groups Do Not Support ZVRS et al.’s Proposal to Eliminate Consumers’ Ability to Use Proprietary Videophones.

- ZVRS et al.’s letter falsely asserts that “[c]onsumer groups have expressly agreed with the Commission that ‘all VRS access technology hardware used to make compensable calls be “off-the-shelf”’ to eliminate barriers to the ‘availability’ of VRS, and ‘reduc[e] VRS user lock in.’”²
- In reality, the Consumer Groups explicitly stated that “**it is critical for consumers to have access to both off-the-shelf and proprietary equipment at their choosing in order to maintain robust options for VRS services.**”³ The

¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service*, Letter from Joint Providers, CG Docket Nos. 10-51 & 03-123 (filed April 29, 2013) (“ZVRS et al. Letter”).

² *Id.* at 2.

³ *Structure and Practices of the Video Relay Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Comments

Consumer Groups further stated that “VRS providers often provide equipment (proprietary and off-the-shelf) that is customized for VRS services or include features that are not always available with off-the-shelf equipment, such as flashing lights that indicate when a call is being received”⁴ and that “Consumer Groups believe that equipment and software developed and distributed by providers lead to functionally equivalent access to telecommunications services.”⁵

- Moreover, thousands of VRS users have noted that “[u]sing products developed by and for people who are hearing would be a huge step backwards! The FCC cannot consider this to be a reasonable replacement for the high quality, specialized VRS technology we use every day.”⁶
- The Commission should honor consumers’ request to maintain their ability to choose between and among proprietary and off-the-shelf VP technologies and applications. There is no need to bar either, and doing so would be profoundly anti-consumer.

II. Consumer Groups Do Not Support Requiring All VRS Users to Purchase Their VRS-Access Equipment.

- ZVRS et al. state that transitioning to off-the-shelf technology “would allow VRS consumers and providers to purchase such access hardware at a fair market price without any limitations to its features, functions, and interoperability.”⁷

of Consumer Groups in Response to Public Notice Seeking Additional Comments at 12, CG Docket Nos. 10-51 & 03-123 (filed Nov. 14, 2012) (emphasis added) (“Consumer Groups’ Response to PN Seeking Additional Comments”); *see also Structure and Practices of the Video Relay Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Reply Comments of Consumer Groups in Response to Public Notice Seeking Additional Comments at 6, CG Docket Nos. 10-51 & 03-123 (“While off-the-shelf technology should be incorporated into the VRS system and should be interoperable with the service, the Consumer Groups urge the FCC not to require all consumers to transition to only off-the-shelf equipment and reiterate that it is critical for consumers to have access to both off-the-shelf and proprietary equipment at their choosing in order to maintain robust options for VRS services.”).

⁴ Consumer Groups’ Response to PN seeking Additional Comments at 13.

⁵ *Id.* at 12.

⁶ *See* filings by thousands of consumers in *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service*, CG Docket Nos. 10-51 & 03-123, *e.g.*, Comment of Gail Kallos (filed Jan. 28, 2013).

⁷ ZVRS et al. Letter at 3.

- To the extent that ZVRS et al. seek to bar the provision of VRS hardware or software without an end-user charge, their proposal further ignores the record, particularly when it comes to the consumers they purport to defend. Specifically, the Consumer Groups have stated, “VRS providers should not be prohibited from distributing equipment (proprietary and off-the-shelf) in addition to consumers being able to acquire off-the-shelf equipment. Many deaf, hard of hearing, late deafened, deaf-blind, deaf-mobile-disabled, and speech disabled individuals may have difficulty purchasing off-the-shelf equipment themselves.”⁸
- ZVRS et al.’s claim is also untrue because off-the-shelf equipment by itself would not—and should not—eliminate differentiation among products through innovative features and functions. The Commission has repeatedly declined to squelch feature competition by mandating competitor access to enhanced features.⁹
- Sorenson, along with the Consumer Groups, opposes shifting the burden of acquiring expensive off-the-shelf equipment, at prices that are far from equivalent to what a hearing user pays to place or receive a call, to consumers. Instead, providers should be allowed to continue providing custom-built VPs to deaf and hard-of-hearing users and give consumers the choice to decide.

III. Sorenson Has Worked with ZVRS and Other Providers to Promote Interoperability.

- ZVRS et al.’s suggestion that Sorenson’s refusal to allow “access to [its] products for interoperability testing” “perpetuates a lack of interoperability and portability” is misleading. Sorenson has consistently made its engineering team available to perform interoperability testing with other VRS providers and to find solutions to interoperability problems, including holding monthly meetings with ZVRS. Sorenson prefers engineer-to-engineer direct testing to unilateral testing by a single provider. This is because troubleshooting interoperability often requires information from both parties to determine the source of the problem. When providers or other entities test interoperability unilaterally, they cannot always determine the full reason for failures, since they are unable to determine what errors are being detected on the opposite side of the connection. Simply, unilateral testing cannot test the videophones using the combinations of testing required for a complete test. Direct engineer-to-engineer testing avoids this problem by ensuring that both sides of the connection can be monitored for errors. Engineer-to-engineer testing also allows both parties to test differences in call paths such as the presence of absence of NAT/Firewall traversal, proxy, or gateway servers—differences that would be impossible for a single provider to

⁸ Consumer Groups’ Response to PN Seeking Additional Comments at 13.

⁹ *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, 820 ¶ 63 (2008).

test. For this reason, Sorenson participated in a Neustar-hosted direct testing forum in January 2012 and has invited other providers to participate in another such forum on June 17-19, 2013.

- The record clearly demonstrates that Sorenson supports developing an industry SIP-based standard for point-to-point communications between VPs (whether hardware- or software-based).¹⁰

ZVRS et al. distort the record to advocate self-serving rules at the expense of consumer choice and functional equivalence. Rather than compete for VRS customers, ZVRS et al. wish to eliminate the innovative equipment offerings which consumers overwhelmingly prefer and depend upon. Sorenson urges the Commission to adopt VRS reforms that ensure deaf and hard-of-hearing users have access to the most advanced and functionally equivalent technologies and services and allow innovation directly in support of the needs of deaf and hard-of-hearing users.

Sincerely,



John T. Nakahata
Counsel to Sorenson Communications, Inc.

¹⁰ See *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Attachment to Ex Parte Letter from Christopher J. Wright, Counsel to Sorenson, to Marlene H. Dortch at 9, CG Docket Nos. 10-51 & 03-123 (filed Sept 17, 2012).