



May 1, 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, Sorenson Response to Informal Complaint.

Dear Ms. Dortch:

I write to respond to the informal complaint filed by Purple Communications, Inc. (“Purple”).¹ In its complaint—and in a previous filing on the same topic²—Purple asserts that Sorenson configures its equipment to “block consumers from leaving video mail messages through point-to-point calls using a competing service.” This allegation is false. Sorenson does not block customers of competing providers from leaving Deaf SignMail[®] messages. To the extent that Purple users are unable to leave video-mail messages for Sorenson customers, this is because of design differences between the two providers’ video-mail systems.

As explained in more detail in Sorenson’s response to Purple’s previous filing (attached as Exhibit A), there are no standards governing the design of video mail systems, and to Sorenson’s knowledge, even today’s largest commercial telepresence-system manufacturers, Cisco and Tandberg, do not provide video-mail solutions. As a result, competing VRS providers have developed their own designs. Sorenson designed its Deaf SignMail system specifically to meet the needs of deaf consumers by allowing users of its ntouch videophone equipment to leave video messages even in low-bandwidth environments.

¹ See Letter from John Goodman, Chief Legal Officer, Purple Communications, Inc., to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123, 10-51 (filed Apr. 25, 2013).

² See Purple Communications, Inc., Request for Immediate Public Notice: VRS Providers May Not Discriminate Against Consumers Using Competing Service Providers In Their Ability to Leave a Video Mail Message, CG Docket Nos. 03-123 (filed Apr. 11, 2013) and 10-51 (filed Apr. 15, 2013).

With Sorenson's Deaf SignMail, each message is recorded locally on the calling user's phone and uploaded to Sorenson's servers using whatever bandwidth is available. This design requires phones to be able to record messages and store them locally, features which Sorenson introduced with its ntouch line of endpoints. Videophones that do not offer these features (including the Sorenson VP-200) are not capable of leaving Deaf SignMail.

Purple equates the diversity of video mail designs with "blocking" and insinuates that Sorenson selectively blocks messages from "competing providers" while enabling its own users to leave messages. Once again, however, this claim is inconsistent with reality. Although Purple complains that users of its P3 videophone cannot leave messages for a Sorenson VP-200 videophone, it is equally true that a Sorenson user calling from a VP-200 videophone cannot leave Deaf SignMail for another Sorenson VP-200 user.³ Leaving SignMail messages is a feature of Sorenson's ntouch videophones.

In suggesting otherwise, Purple asserts that Sorenson has admitted to blocking messages. But Sorenson has said nothing of the sort. As its sole basis for this outlandish claim, Purple selectively quotes from an e-mail exchange between a Sorenson employee named Scot Brooksby and a Purple employee, Ruben Alanis. Mr. Alanis e-mailed Mr. Brooksby to inform him that consumers using certain P3 videophones were unable to leave Deaf SignMail for users of a VP-200 phone. Mr. Brooksby replied that Sorenson was already aware of the incompatibility: "our system does not have the capability to receive SignMail from other endpoints, so the functionality you describe is working as anticipated."⁴ Mr. Brooksby never stated that Sorenson blocks messages from other providers' videophones, nor does Sorenson do so.

Nor is it true that Sorenson "blocks" messages for anticompetitive reasons—a claim for which Purple similarly provides no evidence. As explained already, there is no industry standard for implementing video mail, and Sorenson implemented its particular design for two reasons. First, Sorenson chose not to implement video mail via server-based routing because the FCC had not provided clarity as to whether server-based routing was permitted. Second, Sorenson chose to record calls locally on the calling user's videophone because it believes that doing so improves video quality in low-bandwidth settings.

Finally, the Commission must reject Purple's calls for an enforcement action against Sorenson. Interoperability is a two-way street, and no provider can unilaterally ensure interoperability—particularly when there is no consensus on a governing standard. In any event, the lack of interoperability for point-to-point video mail does not implicate any of the FCC's

³ *Sign Mail*, ntouch VP FAQ, SORENSON COMMUNICATIONS, http://www.sorensonvrs.com/ntouchvp_faq (last visited Apr. 30, 2013) ("The new Deaf SignMail feature requires the new Sorenson HD™ technology. The VP-200 does not support Sorenson HD.").

⁴ *See* E-mail from Scot Brooksby to Ruben Alanis (Apr. 2, 2013) (attached as Exhibit B).

rules. For point-to-point calls such as the ones at issue here, the Commission requires only that providers support the basic ability to connect with other videophones—i.e., “the ability of VRS users to make point-to-point calls without the intervention of an interpreter.”⁵ The Commission has never required providers to offer (or to ensure interoperability of) point-to-point “enhanced features” such as Deaf SignMail. And even in the context of VRS calls, the Commission has emphasized that providers may “offer such features on a competitive basis,” which “encourage[s] innovation.”⁶

The innovations described above are a good example of exactly the sort of competitive innovation the Commission has sought to foster. Because VRS providers do not compete on price, the Commission has recognized that they should be allowed to compete based on features and quality. Sorenson’s Deaf SignMail system is exactly such an innovation in that it was designed specifically for conditions in many deaf households allowing users to leave high-quality video mail over a low-bandwidth connection. Purple may prefer to prevent Sorenson from offering such innovations because they make it more likely that users will prefer Sorenson’s service to Purple’s. But such innovations are pro-consumer, and they are plainly allowed by the Commission’s rules.

Respectfully Submitted,

/s/

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⁵ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, CC Docket No. 98-67, WC Docket No. 05-196, Second Report and Order and Order on Reconsideration, 24 FCC Rcd. 791, 820 ¶ 65 (2008).

⁶ *Id.* ¶ 63.

Exhibit A

**Before the
FEDERAL COMMUNICATIONS COMMISSION**

Washington, D.C. 20554

)	
In the Matter of)	
)	
Purple Communications, Inc.,)	CG Docket Nos. 03-123 and 10-51
)	
Request for Immediate Public Notice)	
)	

To: The Commission

**SORENSEN'S OPPOSITION
TO PURPLE'S REQUEST FOR IMMEDIATE PUBLIC NOTICE**

In its Request for Immediate Public Notice,¹ Purple Communications, Inc., (“Purple”) accuses Sorenson of “blocking” Purple customers from leaving video messages through point-to-point calls to Sorenson users. Purple asks the Commission to issue a public notice stating that under the Commission’s current rules “consumers must be able to receive and leave video mail messages” for point-to-point calls. As explained below, Purple is wrong on both the facts and the law. Sorenson does not block any caller from leaving video mail for its customers. To the extent that Purple users are unable to leave video-mail messages for Sorenson customers, this is because of design differences between the two providers’ video-mail systems. Nor is there a requirement for providers to ensure that optional vertical features like video mail are compatible with equipment used by other providers. Not only has the Commission never required providers even to offer point-to-point video mail, but it has also ruled that “enhanced” features can be

¹ Purple Communications, Inc., Request for Immediate Public Notice: VRS Providers May Not Discriminate Against Consumers Using Competing Service Providers In Their Ability to Leave a Video Mail Message, CG Docket Nos. 03-123 (filed Apr. 11, 2013) and 10-51 (filed Apr. 15, 2013) (“Pet.”).

offered “on a competitive basis, which will encourage innovation and competition.”²

Accordingly, the Commission should deny Purple’s Request.

FACTUAL BACKGROUND

The video calls at issue in Purple’s petition are not Telecommunications Relay Service (“TRS”) calls. They are point-to-point calls in which one deaf user connects directly to another deaf user without going through a video interpreter.

In October 2011, Sorenson introduced Deaf SignMail[®]—an eagerly awaited “enhanced feature” for such calls.³ When a caller places a point-to-point call and the other party does not answer, Deaf SignMail allows the caller to leave a video message for the other party. The message is first recorded on the calling party’s videophone and then uploaded to Sorenson’s server, from which the recipient can retrieve it.

There are currently no industry standards governing the implementation of video mail — either in the context of VRS service or otherwise. As a result, different providers have chosen to implement their video-mail systems in different ways. Some providers—including Purple—have designed their systems to use server-based routing.

Sorenson’s system works differently. First, Sorenson chose not to implement video mail via server-based routing because the FCC had not provided clarity as to whether server-based routing was permitted. Second, Sorenson chose to record calls locally on the calling user’s videophone because doing so improves video quality in low-bandwidth settings. Because the

² See *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) (“2008 Second Report and Order”).

³ *Sorenson Communications Announces Eagerly-Anticipated Deaf SignMail*, Press Releases, SORENSON COMMUNICATIONS, http://www.sorenson.com/press_releases#2011_10_7 (last visited Apr. 30, 2013).

video message is not uploaded in real time, the message can be uploaded without degradation even over a low-bandwidth connection.

This design requires phones to be able to record messages and store them locally, features which Sorenson introduced with its ntouch line of endpoints. Videophones that do not offer these features—for example, Sorenson’s VP-200—are not capable of leaving Deaf SignMail.⁴

ARGUMENT

I. SORENSON DOES NOT BLOCK OTHER USERS OF COMPETING PROVIDERS FROM LEAVING VIDEO-MAIL MESSAGES.

Purple begins its petition by asserting that “[w]hen any registered customer of Purple makes a point-to-point call to a Sorenson customer, Sorenson *will not allow* the calling party to leave a video-mail message.”⁵ This is false. Sorenson does not block competitors’ users from leaving Deaf SignMail. Nevertheless, customers who wish to leave Deaf SignMail messages must use a phone that is compatible with the Deaf SignMail system. As explained above, Deaf SignMail requires the calling user’s phone initially to begin recording the message locally before uploading the message to Sorenson’s remote servers. Videophones that do not support these features are not compatible with Deaf SignMail.

As explained below, these incompatibilities do not implicate the FCC’s rules. The Commission has never required providers to make enhanced vertical features such as Deaf SignMail interoperable with other providers’ inferior technology. On the contrary, the Commission allows these features to be offered on a competitive basis in order to promote innovation and to allow providers to differentiate themselves.

⁴ *Sign Mail*, ntouch VP FAQ, SORENSON COMMUNICATIONS, http://www.sorensonvrs.com/ntouchvp_faq (last visited Apr. 30, 2013) (“The new Deaf SignMail feature requires the new Sorenson HD™ technology. The VP-200 does not support Sorenson HD.”).

⁵ Pet. at 3 (emphasis added).

II. THE COMMISSION DOES NOT REQUIRE PROVIDERS TO OFFER VIDEO MAIL OR TO MAKE SUCH “ENHANCED FEATURES” AVAILABLE TO CUSTOMERS OF COMPETITORS.

As explained already, Deaf SignMail is an enhanced feature for point-to-point calls that are not compensated from the TRS fund. The Commission has never required providers to ensure interoperability of their “enhanced features” for point-to-point calls. On the contrary, for point-to-point calls, the Commission requires *only* that providers support the basic ability to connect with other videophones—*i.e.*, “the ability of VRS users to make point-to-point calls without the intervention of an interpreter.”⁶

Purple suggests that providers must ensure interoperability of enhanced features for point-to-point calls based mainly on language in the Commission’s *2006 VRS Interoperability Declaratory Ruling*. But that declaratory ruling says nothing of the sort. It states that VRS consumers “must be able to place *a VRS call* through any of the VRS providers’ service” and prohibits providers from blocking such calls.⁷ The calls at issue are not VRS calls.

Moreover, even in the context of VRS calls, the Commission has squarely rejected the idea that “a default provider that furnishes CPE to a consumer must ensure that the CPE’s enhanced features (*e.g.*, missed call list, speed dial list) can be used by the consumer if the consumer ports his or her number to a new default provider.”⁸ The Commission emphasized that providers may “offer such features on a competitive basis,” which “encourage[s] innovation.”⁹

⁶ *2008 Second Report and Order* ¶ 65.

⁷ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling and Further Notice of Proposed Rulemaking, FCC 06-57, 21 FCC Rcd. 5442 ¶ 34 (2006) (emphasis added).

⁸ *2008 Second Report and Order* ¶ 63.

⁹ *Id.*

Perhaps recognizing that the Commission allows providers to offer “enhanced” TRS features competitively, Purple suggests implausibly that Sorenson’s supposed “blocking” violates a duty imposed on “providers of telecommunications services” not to “install network features, functions, or capabilities that impede accessibility or usability.”¹⁰ But of course, as the Commission has recognized, VRS providers are not providers of telecommunications services,¹¹ and in any event Deaf SignMail actually *enhances* accessibility by allowing deaf users to leave high-quality messages for other deaf users.

CONCLUSION

Because VRS providers do not compete on price, the Commission has recognized that they should be allowed to compete based on features and quality. Sorenson’s Deaf SignMail system is exactly such an innovation in that it allows users to leave high-quality video mail even over a low-bandwidth connection. Purple may prefer to prevent Sorenson from offering such innovations because they make it more likely that users will prefer Sorenson’s service to Purple’s. But such innovations are pro-consumer, and they are plainly allowed by the Commission’s rules.

¹⁰ Pet. at 5.

¹¹ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd. 5140, 5174-75 ¶ 81 (2000) (“Because TRS providers do not provide telecommunications services, they are not telecommunications carriers . . .”).

Respectfully submitted,

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Counsel to Sorenson Communications, Inc.

May 1, 2013

Exhibit B

From: [Scot Brooksby](#)
To: "[Ruben Alanis](#)"
Subject: RE: P2P Calls - Customers not able to leave SignMail
Attachments: [image002.png](#)

Reuben,

Sorry for the delayed response. I had a wedding last week, and I'm still trying to catch up. I'll send the follow-up email to Chris shortly.

On the SignMail topic below: our system does not have the capability to receive SignMail from other endpoints, so the functionality you describe is working as anticipated.

Scot

Scot Brooksby
Engineering Director, Architecture and Infrastructure
Sorenson Communications
P: 801-287-9493

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From: Ruben Alanis [<mailto:ruben.alanis@purple.us>]
Sent: Friday, March 29, 2013 7:21 AM
To: Scot Brooksby
Cc: Chris Talbot; Ruben Alanis; Tony LaRosa; Mark Stern
Subject: P2P Calls - Customers not able to leave SignMail

Hello Scot,

Not sure if you sent an email to Chris after our meeting on Monday to get your updates?

So to add to our list...

Customers have been informing us that they are not able to leave SignMail for any VP200 or nVP users.

Point to Point Call (P2P):

- New P3 or P3 Classic or P3 Mobile user making a Call to VP200 (User ignores call – Does not roll-over to SignMail)
 - o Our users would like to leave a SignMail but they receive a “No Answer” message (or the call just terminates)
 - o Our customers also get this message if the VP200 user is currently on a call “No Answer” – it does not rollover to SignMail

We are getting the same results whether we call VP200 or nVP any thoughts as to what might be the problem?

Thanks,

Ruben Alanis
Director Test/QA/CM
(916) 274-8461

[Purple Communications](#)



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