



May 14, 2013

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

Re: **Informal Complaint - CG Docket Nos. 03-123, 10-51**
Purple Communications, Inc.

Dear Ms. Dortch:

Reference is made to Purple Communications, Inc.'s ("Purple") informal complaint against Sorenson Communications ("Sorenson"), filed April 25, 2013, relating to Sorenson's practice of configuring its Video Relay Service ("VRS") and corresponding equipment to block consumers from leaving video mail messages through point-to-point calls using a competing service.¹

Purple has prepared a video demonstration of video mail functionality between different providers' equipment. As viewers will see, Purple and ZVRS customers can receive video mail messages from users of any other provider (including Sorenson), while Sorenson customers can only receive video mail from other Sorenson users.

The demonstration video can be found at: <http://www.purple.us/VideoMailInterop>.

The challenges created by Sorenson's blocking practices for both customers and competitive providers are well documented.² Sorenson has responded with hollow arguments suggesting that (a) interoperability of video mail is not covered by the FCC's rules, and (b) the lack of universal video mail standards somehow prevents or excuses Sorenson from enabling its system to receive video mail.³ In reality, this situation represents yet another anticompetitive practice employed by Sorenson to maintain its chokehold on an unprecedented market share that was initially obtained through improper (and now banned) marketing practices, and is now maintained through a pattern of pervasive, calculated, anticompetitive practices.

¹ See Letter from John Goodman, Chief Legal Officer, Purple, to Marlene H. Dortch, Secretary, FCC, Informal Complaint, CG Docket Nos. 03-123 and 10-51 (filed April 25, 2013) ("Purple's Informal Complaint").

² See, e.g., Purple's Informal Complaint; Letter from Sheri A. Farinha, CEO, NorCal Services for Deaf & Hard of Hearing, to Marlene H. Dortch, Secretary, FCC, Notice of Ex Parte, CG Docket Nos. 03-123 and 10-51 (filed May 9, 2013); Purple's 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 and 10-51 (filed April 11, 2013).

³ See Letter from John T. Nakahata, *et al.*, Counsel to Sorenson Communications, Inc., to Marlene H. Dortch, Secretary, FCC, Response to Informal Complaint, CG Docket Nos. 03-123 and 10-51 (filed May 1, 2013); Sorenson's Opposition to Purple's Request for Immediate Public Notice, CG Docket Nos. 03-123 and 10-51 (filed May 1, 2013).



Purple strongly encourages the Commission to immediately enforce its interoperability rules against Sorenson, and include language in its forthcoming VRS reform order eliminating any lack of clarity on the subject. Purple supports the filing by Sprint Nextel Corporation and Hamilton Relay, Inc. urging the Commission to withhold payment to (or recover previous payments from) Sorenson and potentially decertify Sorenson related to its blatant flouting of the IP CTS rules, and further urges the Commission to withhold payment to Sorenson (or recover previous payments from Sorenson) for all VRS minutes generated from software and devices that do not comply with its interoperability rules.⁴

Respectfully submitted,
PURPLE COMMUNICATIONS, INC.

John Goodman, Chief Legal Officer

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Enclosure

⁴ See Letter from Scott R. Freiermuth, Counsel for Sprint Nextel Corporation, and David O'Connor, Counsel for Hamilton Relay, Inc., to Marlene H. Dortch, Secretary, FCC, Ex Parte Presentation, CG Docket Nos. 13-24 and 03-123 (filed May 9, 2013) (“...Sprint and Hamilton urged the Commission to end the competitive distortions being caused by Sorenson’s failure to comply with the captions off requirement. As a result of Sorenson’s anticompetitive behavior and unilateral decision to ignore Commission rules, Sorenson is adding users to its customer base and rapidly gaining market share, because its users do not have to turn their captions feature on for each and every call that is made. Providers that are not in compliance should not be rewarded in this manner for their non-compliance. Moreover, Sorenson’s failure to comply with basic Commission requirements not only calls into question its eligibility to be certified by the Commission, but it means that the unsustainable IP CTS growth rate continues virtually unabated. The very purpose of the interim IP CTS rules was to rein in IP CTS growth. Hamilton and Sprint therefore urged strict enforcement of the interim IP CTS rules with respect to this anticompetitive behavior.”).

Video Mail Interoperability Comparison

		RECEIVING DEVICE/SOFTWARE			
		Purple SmartVP	Purple New P3	Sorenson NVP	ZVRS Z5
Purple SmartVP		✓	✓	✗	✓
Purple New P3		✓	✓	✗	✓
Sorenson NVP		✓	✓	✓	✓
ZVRS Z5		✓	✓	✗	✓



Connects, can leave video mail



✗ Disconnects, can't leave video mail