

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Structure and Practices of the Video Relay Service Program |) | CG Docket No. 10-51 |
| |) | |
| Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities |) | CG Docket No. 03-123 |
| |) | |
| To: The Commission |) | |

**PETITION OF PURPLE COMMUNICATIONS, INC.
FOR EXPEDITED CLARIFICATION OR PARTIAL RECONSIDERATION
OR, ALTERNATIVELY, A WAIVER**

Purple Communications, Inc. (“Purple”) hereby petitions the Federal Communications Commission (“Commission” or “FCC”) for expedited clarification or reconsideration, or, alternatively, a waiver of one narrow aspect of the Commission’s June 10, 2013 Order, in the above-captioned proceedings, impacting certain users who access Internet Protocol Captioned Telephone Service (“IP CTS”) through web or wireless technologies.¹ Specifically, the Commission should clarify that footnote 122 of the Order, stating that “[c]alls that are completed using a technology that does not provide both inbound and outbound functionality are not compensable from the TRS Fund,” does not apply when users access IP CTS through web and wireless services.² Absent this clarification, Purple and other IP CTS providers will be forced to shut off IP CTS service provided

¹ See *Structure and Practices of the Video Relay Service Program, et al.*, CG Docket Nos. 10-51 and 03-123, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-82 (rel. June 10, 2013) (“Order”); see also 47 C.F.R. §§ 1.3 and 1.429.

² Order at n. 122.

via web or wireless technologies because there is no technology currently available that allows inbound IP CTS calls over web or wireless technologies to be captioned without some intermediary step such as a separate 10-digit number for this specific function.

By way of background, in an outbound call, Purple's ClearCaptions users who access IP CTS using a web or wireless application must send their own number and the destination number to the call center. The call center receives the signal from the user and then calls the user and the destination number. The call is essentially set up as a three-way conference call with the IP CTS agent muted. As with any regular PSTN telephone call, the IP CTS user's ANI is passed to the called party. The call center then listens only to the called party's voice and delivers captions of that voice stream to the IP CTS user. If disconnected, the called party can call back using the IP CTS user's number, but the call center is no longer in the loop.

While other providers' web and wireless IP CTS services are configured differently, Purple is not aware of any web or wireless technology that automatically captions inbound IP CTS calls to the user's regular PSTN number over web or wireless technologies. Moreover, even if such technology existed, automatically captioning the inbound call would seem to violate the Commission's "default-off" rule.³ Furthermore, Purple is not aware of any web or wireless technology that allows the user to access captioning for a call once the call is in progress. Because current technology does not allow inbound IP CTS calls over web or wireless technologies to be captioned directly, Purple and other IP CTS providers will have no choice but to shut off IP CTS service provided via web or wireless technologies if the Commission intended footnote 122 of the Order to apply to IP CTS.

Purple does not believe such a result was intended by the Commission. Indeed, the Commission's 2011 Further Notice of Proposed Rulemaking did not propose, or include any

³ See 47 C.F.R. § 64.604(c)(10)(i).

discussion of, eliminating any type of iTRS service, and the Commission could not have intended to impose a requirement that has no existing technology for implementation.⁴

In order to allow Purple and other IP CTS providers to continue providing service to users who rely on IP CTS accessed via web or wireless technologies, the Commission should clarify that the requirement in footnote 122 of the Order does not apply to IP CTS provided over web and wireless technologies, and that Purple and other IP CTS providers will continue to receive TRS Fund compensation for IP CTS calls over web or wireless technologies even when, as a technical matter, the inbound calls cannot be captioned directly. Alternatively, pursuant to 47 C.F.R. § 1.3, the Commission should grant a waiver of the requirement with respect to IP CTS accessed through web and wireless technologies, as there is no technology that allows inbound calls to be captioned directly via web and wireless. Good cause exists for granting a waiver since the particular facts would make strict compliance inconsistent with the public interest.⁵

Respectfully submitted,



Monica S. Desai
Patton Boggs LLP
2550 M Street, NW
Washington, DC 20037
202-457-6315
Counsel to Purple Communications, Inc.

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⁴ See *Structure and Practices of the Video Relay Service Program, et al.*, CG Docket Nos. 10-51 and 03-123, Further Notice of Proposed Rulemaking, ¶ 41 (2011).

⁵ See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).