



July 24, 2013

Ex Parte

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> 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:

I write on behalf of the CaptionCall, LLC subsidiary of Sorenson Communications, Inc. (“CaptionCall”). On July 8, 2013, Purple Communications, Inc. filed a Petition for Expedited Clarification or Partial Reconsideration or, Alternatively, a Waiver, regarding Purple’s ability to caption inbound web or wireless-based internet protocol captioned telephone service (“IP CTS”) calls.<sup>1</sup> The Commission should deny Purple’s petition.

Purple makes misleading claims when it states that “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” and that “Purple and other IP CTS providers will be forced to shut off IP CTS service provided via web or wireless technologies.” Attached as Exhibit A to this letter is a declaration of Michael Holm, CaptionCall’s Senior Director of Engineer, explaining why Purple’s statements are incorrect. In short, Mr. Holm demonstrates that other IP CTS providers offer web or wireless-based solutions that do caption inbound calls. The technology exists and is in use. Thus, no waiver is required in order for IP CTS providers to caption both inbound and outbound calls.

The Commission’s rules explicitly state that telecommunications relay service providers must “be capable of handling any type of call normally provided by telecommunications providers unless the Commission determines that it is not technically feasible to do so.”<sup>2</sup> If

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<sup>1</sup> *See 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, Petition of Purple Communications, Inc. for Expedited Clarification or Partial Reconsideration or, Alternatively, a Waiver (filed Jul. 8, 2013).*

<sup>2</sup> 47 C.F.R. § 64.604(a)(3)(II).

Purple's IP CTS technologies cannot handle both inbound and outbound calls, Purple will violate this rule, and as Mr. Holm shows, it is "technically feasible" for web and wireless IP CTS technologies to handle inbound and outbound calls.

Moreover, granting Purple's petition would be patently unfair. Other IP CTS providers have made the investments required to develop and obtain the technology and resources to allow their technologies to caption both inbound and outbound IP CTS calls. If the Commission grants Purple's petition, Purple will gain an unfair and unjustifiable competitive advantage, allowing it to avoid the investments other providers have made, while offering services that do not comply with the Commission's rules. The Commission should deny the petition.

Sincerely,



John T. Nakahata  
Walter E. Anderson  
*Counsel to CaptionCall, LLC*

cc: Kris Monteith  
Karen Peltz Strauss  
Gregory Hlibok  
Eliot Greenwald  
Robert Aldrich

# **EXHIBIT A**

## DECLARATION OF MICHAEL HOLM

I, Michael Holm, do hereby, under penalty of perjury, declare and state as follows:

1. My name is Michael Holm. I am the Senior Director of Engineering for CaptionCall, LLC, which is a wholly owned subsidiary of Sorenson Communications, Inc. and is based in Salt Lake City. I have held this position since I joined CaptionCall in February 2012. I have served as Director of Program Management for Sorenson Communications, Senior Global Program Manager for Logitech, Director of Product Development for Microsoft, and Product Line Manager for Apple Computer. I received a Bachelor of Arts degree from California State University San Jose.
2. CaptionCall provides internet protocol captioned telephone service (“IP CTS”), which permits hard-of-hearing persons to use the telephone while viewing captions of what the other party is saying. There are currently three other providers of IP CTS: Sprint Nextel Corporation (“Sprint”), Purple Communications, Inc. (“Purple”), and Hamilton Relay (“Hamilton”). A fifth provider, Miracom USA (“Miracom”), is awaiting FCC approval.
3. On July 8, 2013, Purple sought clarification, partial reconsideration, or waiver of the Commission’s requirement that telecommunications relay services technologies provide both inbound and outbound functionality, with respect to inbound web or wireless based IP CTS calls.
4. Purple claims that “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.” According to Purple, without a clarification, reconsideration or waiver, “Purple and other IP CTS providers will be forced to shut off IP CTS service provided via web or wireless technologies.” These claims are misleading.
5. Federal regulations setting out mandatory minimum standards for TRS providers require that relay service providers “be capable of handling any type of call normally provided by telecommunications carriers unless the Commission determines that it is not technologically feasible to do so”. Further, the regulation states that “relay service providers have the burden of proving the infeasibility of handling any type of call”. (47 C.F.R. § 64.604(a)(3)(ii)).
6. Sprint and Hamilton each currently provide IP CTS via web-based, wireless-based, or both technologies, and Miracom’s design, if it is approved, will operate exclusively via wireless based technologies. On information and belief, each of these providers allows or will allow subscribers to caption inbound calls.
7. Providers have used two methods to enable captioning services for inbound calls. First, providers can use what CaptionCall refers to as “enhanced relay.” Hamilton, for

example, offers users a free “call me” number.<sup>1</sup> Using this method, Hamilton customers can easily request a phone number from Hamilton. When someone dials the “call me” number, the subscriber’s phone rings; the subscriber answers it; and the subscriber opens the Hamilton application to see captions concurrent with audio for the call. Though this method technically requires “an intermediary step such as a separate 10-digit number,” that intermediary step has not impeded Hamilton’s ability to caption inbound calls, and Hamilton has not sought a waiver.

8. Second, if providers wish to implement a more sophisticated solution, they may develop a VoIP-based service. This service functions similarly to Vonage, Skype, Pinger, and others, allowing customers to convert their computer or mobile device into “soft phone” endpoint. When someone calls a subscriber’s VoIP number, the call is routed directly to the subscriber’s device and captioning functionality is engaged automatically. It appears that Sprint currently uses this technology model for its IP CTS smartphone and tablet applications. Purple’s own IP Relay smartphone application also offers both outbound and inbound call support.
9. These implementations clearly demonstrate the technical feasibility of handling inbound calls for providers of IP CTS over web or wireless systems. Each provider discussed above has invested time and money to develop and obtain the technology and resources required to allow captions for inbound IP CTS calls on web and wireless technologies. None of these providers would have to “shut off IP CTS service” without the clarification Purple seeks. However, if the Commission grants Purple’s requested clarification, reconsideration, or waiver, Purple will be given a unique and unjustifiable advantage, enabling it to offer non-compliant services over wireless based IP CTS without having to make the same investment other providers have made.
10. This concludes my declaration.

Executed on July 23, 2013.



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<sup>1</sup> See, e.g., Receiving a Call using the Hamilton CapTel App on the iPhone, available at [http://www.hamiltoncaptel.com/smartphone/iphone\\_app/receiving\\_calls.html](http://www.hamiltoncaptel.com/smartphone/iphone_app/receiving_calls.html).