

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

IN THE MATTER OF	§	
	§	
	§	CG Docket No. 10-51
STRUCTURE AND	§	
PRACTICES OF THE VIDEO RELAY	§	CG Docket No. 03-123
SERVICE PROGRAM	§	

**REPLY COMMENTS OF
HANCOCK, JAHN, LEE & PUCKETT, LLC d/b/a
COMMUNICATION AXESS ABILITY GROUP'S (CAAG)**

Hancock, Jahn, Lee & Puckett, LLC d/b/a Communication Axess Ability Group (“CAAG”) filed Comments on August 19, 2013. CAAG supplements the views included in its Comments with the following Reply Comments based on a review of filings other docket participants made in response to the FNPRM.¹

Competitive Auctions

CAAG continues to believe that implementation of a “low bidder” competitive auction process should be rejected because this shift would degrade the quality of services and limit consumer choice. CAAG’s concern was reinforced by the comments Sorenson Communications, Inc.’s (“Sorenson”) filed which set forth its vision of how the auction process should operate. Specifically, Sorenson had the audacity to propose that “the Commission should qualify bidders by limiting them to bidding on no more than the total number of VRS

¹ *In the Matter of Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket Nos. 03-123 and 10-51 (June 10, 2013) (“FNPRM”).

conversation minutes provided in the year prior to the auction”² This restriction obviously would serve Sorenson’s self-interest because it would limit the ability of newer entrants, who emphasize the delivery of high-quality service, to increase market share. Given that the primary potential value in the use of an auction process would be creation of the opportunity for quality-focused providers of CA Services to handle a larger percentage of traffic, any such benefit would be wiped out entirely by Sorenson’s suggestion as to how its dynasty and dominance might be preserved by limiting the participation of its competitors.

The only surprise is that Sorenson would even bother to advance its anticompetitive proposal when clearly Sorenson could underbid any other VRS provider and still enjoy substantial profits. CAAG discussed the dangers of predatory pricing in its Comments, but Sorenson plainly would not need to bid below its actual costs, even in an initial auction. CAAG agrees with the observations made by CSDVRS, LLC (“ZVRS”) that Sorenson could further entrench its already dominant position simply by bidding “slightly below the cost of the second lowest cost provider or cluster of providers.”³ A process that awards traffic to a least-cost provider will lead inevitably to a further reduction in competition and customer choice and a further deterioration in the delivery of quality services.

Therefore, any consideration of a competitive bidding process should await the outcome of those reforms that have the potential to even the playing field and allow quality providers to improve their market positions.⁴ Otherwise, true customer choice will never be a reality. Should the day come when a market rate, rather than a regulated rate makes sense, any auction process

² Comments of Sorenson Communications, Inc., and CaptionCall, LLC, p. 4 (Aug. 19, 2013) (“Sorenson’s Comments”).

³ Comments of CSDVRS, LLC, p.17 (Aug. 19, 2013) (“ZVRS’s Comments”).

⁴ CAAG characterizes this as a “potential” because progress toward a more competitive industry, with increased customer choice and quality improvements, will only occur if a tiered weighted average rate is maintained that permits recovery of costs.

for specialized traffic should protect against the involuntary assignment of an inferior provider. Specifically, CAAG encourages the Commission to institute a requirement that only those VRS providers who employ certified CAs be considered qualified to participate in any auction process.

Guest User Period

CAAG supports continuation of the guest user period for the reasons Convo identifies.⁵ Elimination of the current guest user practice should coincide with, and not precede, the introduction of the integrated TRS user registration database with its verification capability.

Public Video Phones

In order to support a user's ability to freely choose a provider, any public videophones installations should use the Neutral Platform with a listing of all FCC-certified VRS providers on the home interface. Otherwise, accessing a preferred provider, particularly those that are not hardware providers, will be unnecessarily difficult and complicated.

Speed of Answer

CAAG supports the views of those who advocate that the Commission restore its measurement of speed of answer to a monthly basis and who oppose further reductions in the SOA beyond a 85/30 standard.⁶ The concern here is that tightening the standard will increase the cost to provide VRS without adequate justification in terms of addressing a pressing need or meeting the expectations of consumers. Compliance with a stricter standard would lead inevitably to overstaffing and inefficiency.

⁵ Comments of Convo Communications LLC, pp. 3-4 (Aug. 19, 2013).

⁶ ZVRS's Comments, p. 29; ZVRS Ex Parte Notice, p. 2. (Sept. 9, 2013).

Access to Video Mail

As noted in its Comments, CAAG favors development of interoperability standards that will support the capability of all VRS users to leave video mail messages, regardless of the users' service provider and without the intervention of an interpreter. CAAG also supports that position ZVRS advances⁷ that the deliberate non-interoperability of Sorenson's video mail system is anticompetitive and designed to erect barriers to entry and restrict consumer choice.

Non-Competition Agreements

Sorenson's latest arguments against prohibiting non-competition agreements have not improved the merits of its blatantly anticompetitive position. In fact, Sorenson's claim that non-competes are necessary because "the labor pool for Video Interpreters is limited,"⁸ provides yet a further explanation as to why restrictions on the mobility of interpreters are pernicious. Sorenson's position is that of a dominant provider determined to lock in a scarce and essential resource. Virtually all CAs come with a level of interpreting skills (regardless of whether the provider hires only certified CAs), exposing Sorenson's "investment" explanation as complete and utter pretense.

⁷ ZVRS's Comments, p. 41-43.

⁸ Sorenson's Comments, p. 76.

Conclusion

CAAG appreciates the opportunity to provide these Reply Comments and looks forward to reviewing the reply submissions of other commenters in this proceeding.

Respectfully submitted,

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