

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

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

COMMENTS OF SORENSON COMMUNICATIONS, INC. AND CAPTIONCALL, LLC

Sorenson Communications, Inc. and its wholly owned subsidiary, CaptionCall, LLC (collectively “CaptionCall”) hereby comment on Purple Communications, Inc.’s (“Purple”) petition regarding the inbound and outbound functionality of Internet Protocol Captioned Telephone Service (“IP CTS”).¹ The Commission should deny the Petition, which, if granted, would reflect a “lowest common denominator” approach to IP CTS technology development. In filings subsequent to the Petition, Purple acknowledges that IP CTS providers have already deployed technologies that allow consumers to caption both inbound and outbound web and wireless IP CTS calls. Citing some limitations of those technologies, Purple, instead of seeking simple clarifications that would resolve any compliance concerns, asks the Commission for an order that would both allow Purple to avoid investing in more sophisticated IP CTS technologies and *eliminate* the technologies that currently allow consumers to caption inbound and outbound

¹ 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, Public Notice, DA 13-1814 (Aug. 27, 2013), *seeking comment on Purple Communications Inc.*, Petition of Purple Communications, Inc. for Expedited Clarification or, Alternatively, a Waiver, CG Docket Nos. 03-123 and 10-51 (filed Jul. 8, 2013 (“Petition”).

web and wireless IP CTS calls. This technological regression would reduce Purple’s competitive disadvantage, but at the cost of making web and wireless IP CTS less functionally equivalent for hard-of-hearing consumers.

In its Petition, 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.”² In a subsequent filing, however, Purple acknowledges, as CaptionCall has already explained,³ that existing software applications do permit captioning of both inbound and outbound web and wireless IP CTS calls.⁴ According to Purple, though, those applications are either not technically compliant with the FCC’s rules or impossible to implement—neither of which is accurate.

As Purple acknowledges, providers can caption inbound IP CTS web or wireless calls using two methods. First, providers can give their customers a “call me” number. When someone calls that number, the subscriber’s phone rings; the subscriber answers it; and the subscriber opens their providers’ IP CTS application to captions 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 providers’ ability to caption inbound IP CTS calls. For outbound calls, the IP CTS user provides their telephone number and the called-party’s number to the CA, who then calls both parties and joins them, much like a three-way call. Purple calls this combined approach to inbound and outbound calls the “TFN Approach,” and for convenience, we adopt that term here.

² Petition at 2.

³ Letter from John T. Nakahata, counsel to CaptionCall, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51; 03-123 (filed Jul. 24, 2013).

⁴ Letter from Monica S. Desai, counsel to Purple, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123; 10-51 (filed Aug. 2, 2013) (“Purple Ex Parte”).

Purple criticizes two elements of the TFN Approach, neither of which justifies the relief Purple seeks. First, Purple explains that the TFN approach utilizes different call flows for inbound and outbound calls, which appears to violate the Commission’s instruction that “[c]alls that are completed using a technology that does not provide both inbound and outbound functionally are not compensable from the TRS Fund.”⁵ Purple’s reading of “technology,” however, is overbroad, as Purple claims that “[d]ifferent call flows represent different technology.”⁶ Under the TFN Approach, the consumer uses the same device and the same application to make both inbound and outbound calls. Nothing in the Commission’s rules suggests that the application must function in an identical manner for inbound and outbound calls. This issue does not justify a waiver of Purple’s obligation to caption inbound calls—the Commission could resolve it simply by clarifying the definition of “technology” in this context.

Purple goes farther, however, when it argues that the TFN Approach violates the functional equivalence mandate.⁷ Purple does not explain how its proposed approach—which would allow it to caption only outbound calls—satisfies the functional equivalence mandate, but the TFN Approach—which allows consumers to caption both inbound and outbound calls—does not. Moreover, if the Commission were to agree with Purple, then the statutory definition of telecommunications relay service would not apply to web or wireless applications that rely on the TFN Approach. Thus, providers would not receive compensation for any minutes associated with a service that utilizes this approach—effectively eliminating it. The Commission should not adopt an order that, in the name of preserving functional equivalence, prevents consumers from

⁵ *Structure and Practices of the Video Relay Service Programs, et al*, CG Docket Nos. 10-51 and 03-123, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd. 8618 n. 122 (2013).

⁶ Purple Ex Parte at 2.

⁷ *Id.* at 3.

captioning inbound IP CTS calls—a consequence more damaging to functional equivalence than the technical peculiarities of the TFN Approach.⁸

In addition to the TFN Approach, Purple acknowledges that some providers, such as Sprint, have developed a VoIP-based IP CTS service.⁹ Purple, however, claims only entities that own their network infrastructure can deploy this method. Purple is technically correct that Sprint, a wireless carrier of both voice and data, can use its in-house resources to provision the voice and data elements of IP CTS. Purple, however, fails to acknowledge that an IP CTS provider can easily obtain the same capabilities via contract. A wide variety of “softphone” applications, such as Skype, Pinger, CallTime, GlobalCall, Talkatone, Gamephone, TexPlus, ooVoo, OneCall, netTalk, sendHub, and textFree—all of which are available to consumers on iTunes—simply obtain ten-digit numbers and PSTN routing from a carrier or a trunking provider such as Level3 or Alianza. Each of these softphone developers supports both inbound and outbound calling, and Purple could do the same if it so chose.

Accordingly, there is no justifiable reason for the Commission either (1) to waive Purple’s obligation to support both inbound and outbound captioning for web and wireless IP CTS applications or (2) to issue an order that would prevent other providers from offering such capabilities. In the first case, Purple would successfully avoid incurring the development costs that others have incurred to provide functionally equivalent IP CTS. In the second case,

⁸ Purple also argues that the TFN Approach violates the default-off rule, but the recently adopted IP CTS rules moot this argument, as the Commission now explicitly allows default-on captioning on web or mobile devices, so long as the user must take an affirmative step to log into the application. *See Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 03-123; 10-51, Report and Order and Further Notice of Proposed Rulemaking, FCC 13-118 at ¶ 103 (rel. Aug. 26, 2013).

⁹ Purple Ex Parte at 2 n.3.

consumers would suffer as technology regressed to the lowest common denominator. The Commission should deny Purple's Petition.

Respectfully submitted,

/s/

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