

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

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)	

REPLY COMMENTS OF PURPLE COMMUNICATIONS, INC.

Purple Communications, Inc. (“Purple”) has sought clarification that footnoted language in the Commission’s *VRS Reform 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 Internet Protocol Captioned Telephone Service (“IP CTS”) via web and wireless services.¹ Purple hereby replies to the comments filed by Hamilton Relay, Inc. (“Hamilton”)² and Sorenson Communications, Inc. (“Sorenson”)³ regarding this issue.

Purple would very much like the FCC to agree with Hamilton’s assertion that footnote 122

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, 28 FCC Rcd 8618, n. 122 (2013) (“*Order*”); see also Petition of Purple Communications, Inc. for Expedited Clarification or Partial Reconsideration or, Alternatively, a Waiver, CG Docket Nos. 10-51 and 03-123 (filed July 8, 2013) (“*Purple Petition*”); see also *Request for Comment on Petition Filed by Purple Communications, Inc. Regarding the Provision of Both Inbound and Outbound Functionality for Internet Protocol Captioned Telephone Services*, DA 13-1814 (rel. Aug. 27, 2013).

² See Comments of Hamilton Relay, Inc., CG Docket Nos. 10-51 and 03-123 (filed Sept. 26, 2013) (“*Hamilton Comments*”).

³ See Comments of Sorenson Communications, Inc. and CaptionCall, LLC, CG Docket Nos. 10-51 and 03-123 (filed Sept. 26, 2013) (“*Sorenson Comments*”).

does not apply to web and wireless IP CTS, given the context of the *Order*.⁴ Purple is worried, however, that the *Order* is not sufficiently clear on this point.⁵ Within days of the *Order*'s release, Purple emphasized to Commission staff the critical need for clarification of this issue. Given the potential for confusion surrounding the definition of iTRS Access Technology, and the lack of granularity in the Commission's definition of iTRS, Purple agrees with Hamilton that the Commission should avoid the use of the term iTRS unless it makes clear that the term is intended to include all three separate forms of Internet-based relay services – VRS, IP Relay, and IP CTS.⁶ Purple originally commented on this issue in March 2012, specifically emphasizing the need for granularity in defining iTRS – which would have avoided the current confusion regarding the applicability of footnote 122 to IP CTS.⁷

Furthermore, Purple fully agrees with Hamilton and Sorenson that using a different method or technology for captioning inbound and outbound IP CTS web and wireless calls should not affect the compensability of those calls.⁸ Purple does not suggest otherwise. Purple believes, however, that a strict reading of the rule in footnote 122 of the *Order* may not permit the use of different technologies to caption inbound and outbound IP CTS calls on web and wireless technologies, absent the requested clarification. The fact remains that footnote 122 uses the term “a technology,” which implies the use of a single technology. Using a TFN approach (or any other inbound methodology currently available) plainly constitutes the use of more than one technology. If the

⁴ See Hamilton Comments at 2-3.

⁵ See Comments of Purple Communications, Inc., CG Docket Nos. 10-51 and 03-123, at 2, n. 3 (filed Sept. 26, 2013) (“Purple Comments”); see also Purple Petition at 1.

⁶ See Hamilton Comments at 3.

⁷ See Comments to FNPRM on Structure and Practices of the Video Relay Services Program, Purple Communications, Inc., CG Docket Nos. 10-51 and 03-123, at 14 (filed March 8, 2012).

⁸ See Hamilton Comments at 4 (“Whether Hamilton uses a different method for captioning *inbound* IP CTS calls than it uses for captioning *outbound* IP CTS calls is not relevant to the compensability of such calls, as long as Hamilton captions the calls as required.”); see also Sorenson Comments at 3.

Commission did not actually mean that a provider was restricted to using “a” single technology, and the Commission meant to continue allowing different methods for captioning inbound IP CTS calls than for captioning outbound IP CTS calls, the Commission needs to clarify this expeditiously.

In Purple’s petition and initial comments, Purple emphasized that, if the Commission were to clarify that footnote 122 does apply to IP CTS through web and wireless services, the Commission should allow Purple sufficient time to update its software accordingly.⁹ After discussions with Commission staff, and based on the expectation that the footnote 122 language would be subsequently clarified, in August and September, Purple expended resources to develop a solution that would comply with a reading of footnote 122 that would allow inbound web and wireless traffic to operate on a technology different than that supporting the provider’s outbound web and wireless calls. Purple has now successfully developed an inbound calling function for IP CTS over web and wireless technologies that would be compliant with such a clarified reading of footnote 122.

As such, in the event the Commission clarifies that footnote 122 does apply to web and wireless IP CTS, and that inbound calls and outbound calls can run on different technologies, Purple will have been compliant with the rule as of September 30, 2013. Accordingly, Purple would, in that scenario, modify its waiver request to apply only to Purple’s web and wireless IP CTS minutes generated between August 5, 2013 and September 30, 2013, during which time Purple was waiting for clarification from the Commission regarding (a) whether footnote 122 applied to web and wireless IPCTS, and (b) the technical configuration of a solution that would be compliant with the Commission’s interpretation of footnote 122.

Purple emphasizes that had the Commission acted more quickly to provide the requested clarification, Purple would have been able to begin developing the inbound calling solution sooner.

⁹ See Purple Comments at 2; Purple Petition at 3.

Or – alternatively, it may not have needed to expend resources to develop this function if the FCC had clarified that it did not intend a literal interpretation.

CONCLUSION.

The Commission should either expeditiously (1) clarify that it agrees with the position of Hamilton Relay that footnote 122 was not intended to apply to inbound web and wireless IP CTS calls; OR (2) if the Commission decides that footnote 122 does apply to such calls, (a) clarify whether the inbound and outbound calls can operate on more than one technology, AND (b) grant a waiver for Purple’s web and wireless IP CTS minutes generated between August 5, 2013 and September 30, 2013.

Respectfully submitted,



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