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November 27, 2013

Via Electronic Filing

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, D.C. 20554

**RE: Ex Parte Notice: CG Docket Nos. 10-51 and 03-123**

Dear Ms. Dortch:

On November 25, 2013 Sean Belanger, CEO, and the undersigned of CSDVRS, LLC (“ZVRS”) met with Nicholas Degani, Wireline Legal Advisor to Commissioner Pai, Karen Peltz Strauss, Deputy Chief, and Robert Aldrich, Consumer and Governmental Affairs Bureau. Mr. Belanger presented the following points:

1) Interoperability.

The assertions made in Sorenson Communications, Inc.’s (“Sorenson”) November 14, 2013 *Ex Parte* regarding interoperability are vigorously disputed.<sup>1</sup> Based on other video relay services (“VRS”) providers’ experience in implementing interoperable video mail systems, it will not require millions of dollars and at least a year of intensive engineering work to make Sorenson video mail interoperable with other providers’ VRS access technology. ZVRS, Purple, Convo and CAAG have engineering resources which pale in comparison with Sorenson’s, yet support multi-provider capable video mail systems. ZVRS would go a step further and freely share its technology and implementation with Sorenson in order support this much-needed telephony equivalency in interoperable video mail systems.

ZVRS submits that as the Commission reviews this matter, they should first and foremost determine what is in the best interest of deaf consumers in light of the Americans with

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<sup>1</sup> *Ex Parte* Notice of Sorenson Communications, Inc. CG Docket Nos. 10-51 and 03-123 (November 14, 2013).

Disabilities Act (“ADA”) mandate of functional equivalency.<sup>2</sup> Hearing telephone consumers are not limited to voice mail by device or provider. The Commission must immediately order the interoperability of video mail for both VRS and point to point video calls. The video mail interoperability among competing providers except for Sorenson was accomplished without any industry adopted standards. ZVRS supports the development of standards in these areas and when the standards are adopted and finalized it certainly will support the movement to these standards. However, a standards setting entity such as the SIP Forum does not in itself standardize VRS technology functions. VRS technology requirements such as interoperability are driven by the rights of deaf consumers and regulations through FCC Orders independent of any standard setting.<sup>3</sup> Sorenson’s latest rebuttal to this advancement for consumers is self-serving, perpetuates a proprietary network by design and device, and once more points to the need for a requirement for off- the-shelf only Customer Premise Equipment (“CPE”). This would mean Sorenson making their devices available to other service at a fair market price with no limitation of function.

In regard to arguments by Sorenson that “the largest telepresence providers—Polycom and Tandberg” do not support video mail interoperability, ZVRS submits that that Polycom and Tandberg (now Cisco) are not regulated in this area by the Commission nor are fully funded by a public Fund administered by the Commission in support of a group of consumers with a disability as is the case in VRS. Polycom or Cisco choosing to limit their video mail in the open market is not at all analogous to Sorenson choosing to limit their video mail access. Compliance with the video mail interoperability requirements must become a prerequisite for compensation from the TRS Fund. Engineering video mail interoperability can occur in very short order, we propose the FCC allow providers no more than 90 days to comply. Sorenson’s deliberate choice to feature non-interoperable video mail is an anti-competitive practice by a monopoly provider in violation of the ADA and the Commission’s rules.

2) Address Books.

The Commission must also immediately order the portability of VRS users’ address books and speed dial lists within 90 days as a prerequisite for compensation from the TRS Fund. This would achieve functional equivalency with hearing individuals who can seamlessly port their personal information between the mobile carrier devices of different providers. As with video mail, engineering the portability of address book and speed dial lists is not a significant challenge to accomplish. Providers that have customer address books in their devices or networks must be required to build an open interface to the address book of their customers whereupon a port, the service provider receiving the port would have unencumbered open access to the address book

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<sup>2</sup> 47 U.S.C. § 225(b)(1).

<sup>3</sup> See e.g., Report and Order and Further Notice of Proposed Rulemaking, CG Docket Nos. 10-51 and 03-123, ¶ 100 (“The neutral video communication service platform also shall provide advanced capabilities as specified by CGB including, for example, video mail and address book capabilities.”), FCC 13-82, 78 FR 40407(Released: June 10, 2013).

for downloading. Requiring such portability will be a substantial step toward resolving the problem of users being locked in to their existing provider because VRS providers are enabled to resort to proprietary methods.

### 3. Second Numbers to Defeat Ports

Any schemes or systems that provide users a second number on an existing phone defeats the intention of the FCC Numbering Order to allow VRS users to port their numbers in a functionally equivalent experience as voice telephone consumers.<sup>4</sup> Providers providing a second number to a user with the intent of defeating the porting of the original default number or primary number should be prohibited. By example, a provider that gives a second number to a consumer in order for the consumer to port this second number to manipulate the provision of services or products (e.g., to set up VRS access for others in their residence) promotes waste, fraud and abuse and must be prohibited. The intention in the FCC Numbering Order was for a user to have a number functioning as their primary number which they would use to provide telecommunications equivalency enjoyed by hearing people. The 10 digit numbering and default provider system would enable users to consistently make and receive calls to and from their primary number. Porting of this number was intended to ensure fair and easy switching to an alternate default service provider. The Order further states that providers should not in prevent or interfere with a port from one provider to another.<sup>5</sup>

Paragraph 35 of the Order states that "[t]his means the Internet -based TRS provider has an affirmative legal obligation to take all steps necessary to initiate or allow a port-in or port-out itself or through its numbering partner on behalf of the internet based TRS user, subject to a valid port request, without unreasonable delay or unreasonable procedures....." By assigning a new second and temporary number on their devices, Sorenson is intentionally skirting their legal porting obligations. Paragraph 43 of the Order provides an example of a voice user who once chosen a default long distance provider will make all calls through that provider unless they "dial around." The intent of this Order to is ignored if providers are intentionally allowing and influencing customers to attempt to register with multiple default providers. In addition, the second number scheme or system diminishes providers from legitimately competing with one another when a dominant provider can flood the market with numbers. This too, promotes waste, fraud and abuse.

### 4. Remote interpreting.

Allowing providers to use remote interpreting has the following benefits: improved ability to recruit; managing new speed of answer ("SoA") standards better; helping control operating costs (facility, network, overhead); promoting the safety of the staff, especially those working

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<sup>4</sup> Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 10-51 and WC Docket No. 05-196, ¶34 (Released: June 24, 2008).

<sup>5</sup> Id. ¶ 40.

overnights; providing the ability to increase staffing levels with little notice; bringing work/jobs to rural areas; and increased confidentiality when providing remote interpreting in secure environments with the robust protections that ZVRS detailed in its August 19, 2013 comment.<sup>6</sup> The concerns about confidentiality and fraud will be fully addressed by the inclusion in the rule the operating and monitoring requirements provided in the above referenced ZVRS comment. Providers should have the ability to flexibly schedule remote interpreters beyond overnight shifts, especially for unforeseeable circumstances.

5. Speed of Answer (“SoA”).

The Commission must stay the change to a daily measurement of the SoA standard and maintain its measurement on a monthly basis. The Commission must recognize the impossibility of precisely forecasting consumer demand on a daily basis and the likelihood that providers will occasionally miss the standard and be penalized by not being compensated when demand is unexpectedly high unless they overstaff every single day. A daily measurement of the SoA creates a perverse incentive for providers to reduce their service on a certain day when it becomes apparent that there is far greater consumer demand than reasonably projected for which compensation will be withheld that day. This adversely impacts the availability of VRS to the detriment of its consumers and inconsistent with the ADA. The new SoA standard will drive up provider costs at a time the lower VRS compensation rates are in effect, that additional expense coupled with the penalty for missing the SoA standard effectively serves as additional rate cuts. The Commission should instead allow a reasonable transition period until January 1, 2015 and assess the impact of SoA at regular intervals. The FCC should also reasonably phase in the penalty for missing the SoA standard by limiting non-compensation to the volume of calls to a sliding scale.

Sincerely,

/s/

Jeff Rosen  
General Counsel

cc: Nicholas Degani  
Karen Peltz Strauss  
Robert Aldrich

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<sup>6</sup> Comments of CSDVRS LLC, CG Dockets No. 10-51 and 103-123 (August 19, 2013).