WILTSHIRE & GRANNIS LLP

February 28, 2014

Ex Parte

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

Re: *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51; *Misuse of Internet Protocol (IP) Captioned Telephone Service*, CG Docket No. 13-24

Dear Ms. Dortch:

On February 26, 2014 Paul Kershisnik and Mike Maddix of Sorenson Communications, Inc. ("Sorenson"), and Chris Wright, and I, on behalf of Sorenson, met with Maria Kirby, Legal Advisor to the Chairman. In the meeting, we discussed the points which are summarized below.

We provided background on Sorenson. Contrary to the image sometimes portrayed, Sorenson was not the first provider of VRS. There were several other providers of VRS at the time Sorenson entered in 2003. Unfortunately, the VRS offerings at the time were not very good; they used existing products designed for hearing users that were not particularly efficient or effective when used by, or for, a service intended for the Deaf. Sorenson's predecessor, which had developed video compression technology that later was licensed into industry leading applications, at first attempted to license its technology to the then-existing VRS providers. When those providers were uninterested, Sorenson developed the first dedicated videophones and became a VRS provider. Sorenson made those videophones available without charge, which was both consistent with Section 225(d)(2)(D) of the Act, and which enabled less affluent Deaf persons—of which there unfortunately were many—to be able to gain access to VRS for the first time. This led to the growth and blossoming of VRS as a life-changing communications tool for the Deaf. Since that time, Sorenson implemented features to permit dial-around calling from its videophones to other providers before FCC regulations required it to do so, and it also created the capability for point-to-point calling both between two Sorenson users and between a Sorenson user and another provider.

Sorenson has worked vigorously to improve the interoperability of videophones for both VRS and point-to-point calls. It is supporting and providing resources for the SIP Forum's efforts to develop SIP-based VRS standards. As described in Sorenson's ex parte letter of November 14, 2013, it has hosted engineer-to-engineer interoperability testing, and has participated in similar fora hosted by other providers. These efforts have improved videophone compatibility.

As discussed in that letter, a copy of which was provided to Ms. Kirby, Sorenson also supports achieving videomail compatibility among VRS providers, as well as creating a simple way for Deaf consumers to obtain speed-dial and contact-list data in order to be able to transfer that data among VRS endpoints. The best way to do this is through the development and implementation of SIP standards. The Commission should not, as some providers have requested, mandate a near-term videomail-compatibility requirement for H.323. As discussed in the attached letter, doing so would require shifting all VRS users to server-based routing, which would be time consuming, would expose more consumers to data-security problems in the existing iTRS database, and would delay efforts to reach and implement a SIP-based VRS interoperability standard.

Most important, however, are the long-term challenges facing TRS as it is being implemented by the Commission. At this point, the Commission's VRS rates and regulatory structure will neither sustain a healthy VRS industry, nor nurture continued innovation with respect to VRS. The same is true of IP Relay, and may well become true of IP CTS, depending on what actions the Commission takes with respect to IP CTS rates. In addition, we stated that the remedial nature of Section 225, which was adopted as Title IV of the Americans with Disabilities Act, requires careful fact-based analysis of the rules—both those already undertaken and those that may come. Sorenson agrees that the Commission must have the ability to take actions that eliminate 100 minutes of misuse for every minute of legitimate use squelched but believes that it is also unreasonable for the Commission to take actions to foreclose 100 minutes of legitimate use for every minute of misuse deterred. We do not believe that the measures taken in the IP CTS Order were supported by the level of fact-based analysis necessary to support a conclusion that the Commission was deterring significantly more misuse than legitimate use. While some of these issues are the subject of pending appeals, they will remain important challenges for the Commission even if the court of appeals sustains last year's VRS and IP CTS orders. TRS must have a regulatory structure that sustains a healthy VRS industry and nurtures long-term continued innovation.

Sincerely,

John T. Nakahata
Christopher J. Wright

Counsel to Sorenson Communications, Inc.

cc: Maria Kirby

Attachment

WILTSHIRE & GRANNIS LLP

November 14, 2013

Ex Parte

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

Re: *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

Dear Ms. Dortch:

On November 12, 2013, Grant Beckmann, Scot Brooksby, Paul Kershisnik, and Mike Maddix of Sorenson Communications, Inc. ("Sorenson"), and Mark Davis, Chris Wright, and I, on behalf of Sorenson, met with Henning Schulzrinne, Jonathan Chambers, and Nicholas Alexander of the Office of Strategic Planning and Policy Analysis and Gregory Hlibok, Karen Peltz Strauss, Eliot Greenwald, and Elaine Gardner of the Consumer and Governmental Affairs Bureau. In the meeting, we discussed the points which are summarized below.

The VRS industry has made great progress toward interoperability in the past few years. Dial-around and point-to-point functionalities currently work very well—in fact, Sorenson's ntouch VP and VP-200 videophones can dial around to every other provider and can place and receive point-to-point calls to and from every other provider. The remaining issues surrounding interoperability for basic VRS and point-to-point calls are not categorical, but are episodic as providers (not just Sorenson) implement changes to their networks, systems and endpoint hardware and/or software.

The industry has made significant improvements since the 2012 Gallaudet University interoperability study—through both formal and informal cooperation among providers. On the formal side, providers have held three interoperability conferences since January of 2012—the second of which was organized and hosted by Sorenson and the third of which was hosted by CSDVRS ("ZVRS") and occurred just last week. The most recent conference was attended by all six VRS providers, and providers intend to continue holding two conferences per year. Sorenson has volunteered to host one per year. Sorenson also holds monthly interoperability telephone calls separately with Purple and ZVRS to identify and resolve interoperability issues. These calls have been highly successful, and frequently lead to informal engineer-to-engineer follow-up. Although Sorenson has volunteered to hold similar calls with other providers, the other providers have not expressed interest to date. In addition to these calls, Sorenson's engineering team interacts with its counterparts on an ad hoc basis when, and if, significant issues arise.

Providers are also cooperating through the SIP Forum to develop interoperability standards to facilitate interoperability as providers switch from the older H.323 standard to Session Initiation Protocol (SIP) both between one provider's equipment and a second VRS provider (such as for dial-around or a ported customer), and also for point-to-point calls. Sorenson has consistently provided manpower for this effort. The standards resulting from this process include both contact-list portability and the ability for any endpoint to leave a video message for any third-party device.

Regarding videomail interoperability, it bears emphasis that there is currently no agreed-upon H.323 standard for the exchange of video messages across VRS providers, and neither of the largest commercial telepresence providers—Polycom and Tandberg, which is now part of Cisco—offer solutions. Providers therefore designed their own solutions from scratch. Sorenson introduced its videomail system in 2004 to enable a hearing caller to leave videomail for a Deaf VRS user. Its current point-to-point videomail system uses that same basic implementation. At the time Sorenson was developing point-to-point videomail, there was significant regulatory uncertainty over the permissibility of server-based routing—which the Commission still has not yet definitively resolved, although it now, in 2013, appears to have acquiesced to the implementation of server-based routing, at least in part, by all or nearly all providers. As a result, Sorenson designed its system not to require or use server-based routing. Other providers implemented videomail reliant upon server-based routing.

Sorenson also designed its system to provide high-quality videomail even in low-bandwidth conditions. Sorenson's ntouch VP records video messages on the *calling party*'s videophone and uploads the message to Sorenson's servers as bandwidth allows. This innovation greatly improves the quality of video messages in low-bandwidth environments common in many users' homes (and which were much more common in 2005). Other providers—and older Sorenson videophones—do not support this innovation.

This current incompatibility of videomail systems is not permanent; videomail can become compatible as part of the SIP standardization process. To facilitate this, providers are already actively working to develop a videomail interoperability standard through the SIP Forum, and once adopted and implemented, that would ultimately address most of the videomail interoperability issues that consumers experience today. The Commission should allow this standards-development process to run its course. Nevertheless, in order to facilitate the process, the FCC does need to resolve two existing regulatory issues related to server-based routing. First, the Commission should clarify once and for all that server-based routing is permissible.[1] Second, the Commission needs to fix the flaw in the iTRS database that makes the customer lists

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[1] Petition for Clarification or Waiver of Purple Communications, Inc., CG Docket No. 10-51 (filed June 2, 2010); Letter from Christopher Wright, Counsel to Sorenson Communications, Inc., to Marlene H. Dortch, FCC Secretary, at 1, CG Docket Nos. 03-123 and 10-51, WC Docket No. 05-196 (filed Jan. 7, 2011).

of providers who adopt server-based routing vulnerable to theft by anyone who can access the database (which, in the absence of hacking, is limited to other providers).[2]

The Commission should not, however, order providers retroactively to ensure videomail interoperability for H.323. Doing so would cost millions of dollars and would require at least a year of intensive engineering work to transition two-thirds of Sorenson's customer basis to server-based routing. During this work, Sorenson would be forced to shift its engineering teams away from work on the SIP transition in order to design and implement a videomail solution for H.323—a standard that is in the process of being phased out. By contrast, if the Commission allows providers to invest their resources in the SIP transition rather than H.323 videomail development, it is quite possible that by the end of 2014, Sorenson would be ready to switch to the new SIP standard—which is expected to address point-to-point interoperability, videomail interoperability, contact-list portability, and more.

Finally, the Commission also must understand that the SIP-standardization process requires provider resources, and after the impending rate cuts, there will be few if any resources left. If the Commission wants to ensure interoperability, it needs to adopt rates that are sufficient to keep providers in business—and that means implementing auctions sooner than contemplated by the June 2013 VRS rate order.

Respectfully submitted,

John T. Nakahata
Counsel to Sorenson Communications, Inc.

cc: Henning Schulzrinne,
Jonathan Chambers
Nicholas Alexander
Gregory Hlibok
Karen Peltz Strauss
Eliot Greenwald
Elaine Gardner

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[2] *See* Sorenson's Petition to Limit Access to Data in the iTRS Numbering Directory, CG Docket Nos. 03-123, 10-51 (filed Feb. 16, 2012).