

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
)
Telecommunications Relay Services) CG Docket No. 03-123
And Speech-to-Speech Services for) WC Docket No. 05-196
Individuals with Hearing and Speech)
Disabilities)
)
To: The Commission)

***OPPOSITION TO PETITION FOR CLARIFICATION AND
DECLARATORY RULING***

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Summary

Purple Communications, Inc. (“Purple”) opposes Sorenson Communications, Inc.’s (“Sorenson”) August 4, 2009, filing styled as a petition for Clarification and Declaratory Ruling (“Petition”). Sorenson’s Petition seeks to have the Commission declare that consumers may have only one VRS default provider at a location without regard to how many VRS devices they may have or from whom acquired. The Petition represents another attempt by Sorenson to leverage its near monopolistic control over the video relay service (“VRS”) endpoint -- or VRS customer premises equipment (“CPE”) -- market to strengthen its dominant position (estimated at between 70-80%) in the VRS services market.

Here, as in other recent submissions, Sorenson is attempting to manipulate the regulatory environment to entrench its control over the VRS market, acquired as a result of its legacy of anti-competitive conduct surrounding the distribution and use of its VRS videophone devices, the VP-100 and VP-200. Granting Sorenson’s Petition would further damage competition in the industry and would pose a violation of the civil rights of deaf and hard of hearing persons to choose the relay provider(s) of their choice. There is no basis to roll back the rights of the deaf and hard of hearing to freely choose their relay providers, and Sorenson has shown no legitimate basis for the FCC to sanction the limitation of such rights. Sorenson’s motivation is easily seen. Currently dominating the VRS equipment market, Sorenson’s dominance would continue indefinitely if it can restrict consumers from adding videophones obtained from other providers. Sorenson’s attempt to enlist the Commission in its anticompetitive and anti-consumer efforts should be flatly rejected.

Sorenson's Petition is a solution in search of a problem. The rules do not prohibit assigning more than one number to a device. Nor does the practice interfere with effective 911 access. Sorenson's related assertion of potential issues associated with a consumer having more than one device operating from a single IP Address is misplaced. There is no technical impediment to a consumer having multiple devices all working simultaneously on one IP Address.

Sorenson's proposal would severely restrict consumer choice, especially where VRS users access the service via a computer equipped with an Internet video camera and provider specific software which must now be associated with a 10 digit telephone number. It is commonplace for users to have the software of more than one provider resident on their computers, and thus have more than one local telephone number, each number associated with a different VRS software application. To adopt the Sorenson approach, and restrict the user to only one telephone number, would of necessity restrict the user to only one provider, eliminating the consumer's freedom of choice.

Sorenson's proposal is especially inappropriate as more and more relay CPE devices become wireless-based. Persons visiting a friend's house (or even the local Wi-Fi hotspot in a coffee shop) utilize the same IP address to make and receive calls using their own local 10 digit telephone numbers. Sorenson's Petition, if granted, would not only make this impossible, but would be impossible to enforce. For example what is supposed to happen if two individuals with their own relay devices utilize the same Wi-Fi hotspot (and thus the same IP address) with their own (and separate) relay providers)? It would make no sense to deny either of them service. Sorenson's Petition should therefore be dismissed.

TABLE OF CONTENTS

I. Introduction and background..... 2

II. The Commission’s rules do not prohibit assigning more than one number to a device or an IP Address..... 6

III. Conclusion. 14

Appendix A 15

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Purple Communications, Inc. (“Purple”) opposes Sorenson Communications, Inc.’s (“Sorenson”) August 4, 2009, filing styled as a petition for Clarification and Declaratory Ruling (“Petition”).

Sorenson’s Petition seeks to have the Commission declare essentially that consumers may have only one VRS default provider at a location without regard to how many VRS devices they may have or from whom acquired. We believe that Sorenson’s Petition represents another attempt by Sorenson to leverage its near monopolistic control over the video relay service (“VRS”) endpoint -- or VRS customer premises equipment (“CPE”) -- market in order to strengthen its dominant position (estimated at between 70-80%) in the VRS services market. Here, as in other recent submissions, Sorenson is attempting to manipulate the regulatory environment to entrench its control over the VRS market, acquired as a result of its legacy of anti-competitive conduct surrounding the distribution and use of its VRS videophone devices, the VP-100 and VP-200. Granting Sorenson’s Petition would further damage competition in the industry and would pose a violation of the civil rights of deaf and hard of hearing persons to

choose the relay provider(s) of their choice. There is no basis to roll back the rights of the deaf and hard of hearing to freely choose their relay providers, and Sorenson has shown no legitimate basis for the FCC to sanction the limitation of such rights. Sorenson's attempt to enlist the Commission in its anticompetitive and anti-consumer efforts should be flatly rejected.

I. Introduction and background.

At its core, Sorenson's Petition seeks to seriously curtail consumers' choice of relay providers. Sorenson's Petition attacks the freedom of choice of relay consumers to use any relay provider they want, and its implementation would further stifle healthy competitive in the industry.

The FCC's relay numbering scheme essentially mirrors that for VoIP. The functional equivalency in this model allows for robust consumer choice of providers and endpoints. Sorenson seeks to deny deaf consumers this choice. We believe this effort is consistent with a history of anticompetitive and anti-consumer practices, which we describe below.

Sorenson began providing VRS in the Spring of 2003 and quickly established dominance in the market over established VRS providers by providing consumers (at no charge) a TV set-top videophone device called the VP-100 and electronically and contractually locking that device so that the consumers could only make and receive calls through its own service. The electronically locked device blocked the consumer from accessing the web sites of all competing VRS providers. Moreover, Sorenson included (and enforced) contract terms which prohibited consumers from making calls with the device through other another provider's services. *Telecommunications Relay Services*, 21 FCC Rcd 5442, 5448, 5450 (2006).

Sorenson also established a closed "proxy" numbering scheme for the VP-100 so that deaf consumers could make point to point (i.e., non-VRS) calls to one another without knowing

each other's often changing IP addresses. This closed network gave Sorenson a distinct competitive advantage over other providers who lacked access to the closed network. To communicate with other deaf individuals over video, a deaf person in practice had to have a Sorenson videophone which allowed for normal 10-digit dialing of a static (albeit faux) telephone number. The alternative of dialing through IP Addresses, most of which are dynamic – i.e., subject to change – was woefully inadequate. Through these two mechanisms, Sorenson was able to capture a dominant market share estimated as high as 85 percent.

Consumers complained that Sorenson's practices violated functional equivalency, were anticompetitive and were a threat to safety. *See* California Coalition of Agencies Serving the Deaf and Hard of Hearing, *Petition for Declaratory Ruling on Interoperability*, CC Docket No. 98-67, CG Docket No. 03-123 (February 15, 2005) ("CCASDDH Petition"). Consumers also complained of Sorenson's closed proxy number system. CCASDDH Petition at 3-4 & n.3. (This latter complaint ultimately led to the Commission's decision to adopt real 10 digit numbering for Internet based relay service, the subject of the instant Petition.)

Sorenson rejected consumers' complaints in an effort to maintain its ability to lock down its videophones. On March 1, 2005, the FCC placed the CCASDHH Petition on Public Notice.¹ Six TRS providers and six organizations filed comments in support of the CCASDHH Petition, and numerous individuals also filed comments in support of the Petition. Sorenson, however, was a consistent and vocal opponent of the CCASDHH Petition, filing comments and reply comments citing a variety of claims and arguments, in its bid to keep its phones locked down.²

¹ *See* Petition for Declaratory Ruling filed by the California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH) concerning Video Relay Service (VRS) Interoperability), CC Docket No. 98-67, CG Docket No. 03-123, Public Notice, 20 FCC Rcd 4162 (March 1, 2005).

² Sorenson Reply Comments at 4; Sorenson *Ex Parte* (Jan. 6, 2006) at 12.

Sorenson claimed, for example, that consumers using its locked down videophone remained free to use any providers' VRS service with any other equipment they may have.³

Fortunately, the Commission in May of 2006, rightly ruled against Sorenson's wrongful "lock-down" practices by ruling that the practice of blocking consumer access to competing services was contrary to Section 225 of the Act. *Telecommunications Relay Services, Inc.*, 21 FCC Rcd 5448. Despite the Commission's clear ruling, Sorenson resisted the rulings through its implementation. For example, when consumers sought to make a VRS call through another provider using a VP-100 or VP-200, Sorenson placed a confusing intercept message on the consumer's screen warning the consumer that video quality might suffer with another provider's service. Following complaints from other providers, Sorenson eventually ceased this practice.

Since that time, Sorenson and its outreach representatives have employed a variety of means by which to hamper and inhibit consumers from a free choice of providers. Purple has

³ Sorenson Comments at 4; Sorenson Reply Comments at 4. Sorenson characterized its VRS service as a "total service platform," which it argued was developed at considerable expense and Sorenson argued that if it were forced to "unbundle its platform," i.e., permit consumers to use its VP-100 with other VRS providers, the VP-100 would no longer be part of Sorenson's service and therefore, *e.g.*, Sorenson would not be responsible for maintaining and repairing the equipment. Sorenson *Ex Parte* (Jan. 6, 2006) at 4, 8, 10, 14-15.

Sorenson further claimed that if it was required to permit consumers to use its videophone to make calls through other providers' VRS service, "much of the incentive to develop innovations will disappear because any new technology will be shared with all other VRS providers, thus precluding the inventor from recovering or profiting on any investment made." Sorenson Reply Comments at 11; Sorenson *Ex Parte* (Jan. 6, 2006) at 17. Sorenson claimed it had spent approximately \$50 million to develop its videophone and provide VRS service. *Id.* at 8, 10. Sorenson contended that under Section 225, the Commission had the obligation to ensure that the TRS regulations encourage, not impair, the development of new technology and that it had a duty to make TRS available to all Americans in an expeditious manner as possible. Sorenson Reply Comments at 9-12. Sorenson therefore argued that allowing a competitive VRS market without regulatory intervention – such as an interoperability requirement – would "encourage providers to invest in advanced technology for VRS products and services, which [would], in-turn, benefit the deaf and hard-of-hearing communities." *Id.* at 12.

Sorenson also took the opportunity to defend its closed proxy numbering system, arguing *inter alia*, that this "proprietary videophone number dialing feature [was] part of Sorenson's integrated VRS solution and [was] not available independently of [its videophone device]." Sorenson Comments at 12.

received reports: (1) that Sorenson outreach representatives have told consumers they may have only one provider; (2) that consumers have been told that Sorenson is monitoring their usage and if they do not use Sorenson they will not be eligible for upgraded equipment; (3) that consumers have been threatened with repossession of their equipment if they use other services; (4) that consumers have experienced Sorenson representatives making unannounced house calls to “fix” their equipment and as a result of the “fix” Sorenson has removed other providers from the speed dial features of the Sorenson equipment; (5) that consumers have been told that if they dial around to other providers, they will lose virtually all features of their videophones; (6) that Sorenson representatives have disconnected other provider’s equipment, including videophones and routers and told consumers not to use other providers’ equipment; and (7) that Sorenson representatives have actually pilfered other providers’ equipment from the homes of consumers.⁴ Moreover, several providers recently brought to the Commission’s attention that Sorenson is not properly passing caller ID information. *See* Request for Cease and Desist Order or Other Enforcement Action to Compel Sorenson Communications, Inc. Compliance with the Interoperability Order (June 16, 2009).⁵

⁴ On December 27, 2007, Hands On Video Relay Services, Inc., later merged with Purple, submitted a Request for Institution of Enforcement Action, documenting with statements under penalty of perjury many of the abuses set forth herein. Notwithstanding, the documented instances of misconduct, the Commission has apparently failed to take any action to bring Sorenson’s anticompetitive and illegal conduct under control. CSDVRS, LLC on August 21, 2009 filed a Petition for Rulemaking, which although not mentioning Sorenson by name, complained of many of the practices discussed above and asking the Commission to adopt specific sanctions for such conduct. In addition, CSDVRS, LLC recently circulated a letter to consumers pointing out the extensive anticompetitive misconduct in which Sorenson has been engaging, including not populating the NeuStar iTRS database with consumers’ 10 digit local numbers. *See* <http://www.drzvrs.com/?p=1493>. A reprint of the CSDVRS letter is attached herewith as Appendix A.

⁵ Sorenson refuses to show caller ID from other devices, nor caller ID of VRS calls to or from VP-100 and VP-200 devices. Rather, Sorenson sends caller ID only on point to point calls and it is Purple’s understanding that the number sent is the device’s faux proxy number. As a result, for example, Consumers using VP-100s and VP-200s receiving callbacks from a public safety answering point would not know they are receiving a 911 callback and might not answer the call when faced with the exigent

In light of this history of repeated and serious anticompetitive conduct, Sorenson's most recent Petition, seeking to limit consumer access to numbers supplied from other providers, has to be seen as part of its continuing attempt to dominate -- if not to monopolize -- VRS service.

II. The Commission's rules do not prohibit assigning more than one number to a device or an IP Address.

Sorenson's Petition requests two related actions, each of which should be rejected. First, it requests the Commission to rule that only one VRS provider should be allowed to assign telephone numbers to a particular relay device. In addition, it asks the Commission to hold that only one provider should be allowed to assign telephone numbers associated to a single IP address, no matter how many different devices or protocols are used. The Commission should dismiss Sorenson's Petition in its entirety in the interest of fostering competition vital for the long-term health of the TRS industry.

Sorenson requests that the Commission issue a declaratory ruling stating that assigning more than one number to an end-user's device is contrary to the Commission's rules. Sorenson's Petition is predicated on the assertion that "all numbers associated with a particular Uniform Resource Identifier ("URI") be provided by a single" relay provider. Petition at 1-2, citing *Telecommunications Relay Services*, 24 FCC Rcd 791, para. 44 (2008), the Second Report and

circumstances of an emergency. Sorenson's refusal to pass Caller ID along with its current Petition to limit each IP Address to one provider is tantamount to an attempt on its part to reverse the FCC's Interoperability Order and rebuild the closed network it had in place prior to the Interoperability and Numbering Orders. Then, Sorenson was the only device provider in 95 percent of households and any non-Sorenson device could not connect with Sorenson's devices. Since the interoperability order, deaf consumers are now acquiring non-Sorenson devices and using them along with Sorenson devices. With the current Petition, its Caller ID practices, and other anticompetitive practices, Sorenson is trying to eliminate the ability of consumers to use any device but Sorenson's own, with the expectation that consumers will not go to the trouble of dialing around, or if they do, that Sorenson can simply scare them by threatening to confiscate their videophones or to defeature them.

Order and Order on Reconsideration of the TRS Numbering Order (December 19, 2008) (“Numbering Reconsideration Order”). Sorenson’s position is unfounded.

Controlling authority governing the issuance of numbers is FCC Rule Section 64.611. Paragraph 44 of the Numbering Reconsideration Order which Sorenson cites, does not purport to amend or modify Section 64.611, which was adopted in the FCC’s original June 24, 2008 numbering order.⁶ Section 64.611(a) requires relay providers to provide relay users with the capacity to register with that provider as a “default provider.” Upon registration, the provider must either facilitate the user’s valid number portability request, or if the “*user does not wish to port a number, assign that user a geographically appropriate NANP number.*” FCC Rule Section 64.611(a)(1)(ii) (emphasis added). Sorenson is questioning the action by other providers when they are doing exactly what the rule requires, i.e., providing users with the capacity to register and providing a number if the consumer does not wish to port his or her existing number.

Paragraph 44 of the Numbering Reconsideration Order speaks in terms of URIs, not devices. No URI can be managed by more than one provider, but that does not mean that a device cannot have more than one number. A URI in our industry must include a telephone number. Therefore paragraph 44 is essentially saying that no phone number can be served by multiple providers. This makes perfect sense and does not conflict with any restriction in paragraph 44. Users can have multiple numbers from multiple providers at the same IP address but because they are all different phone numbers, all the URIs are different. This is functionally

⁶ See *Telecommunications Relay Services*, 24 FCC Rcd 791, 812 (2008). It is in any event, an elementary rule of construction that the codified rule trumps any textual discussion of the rule, whether contemporaneously stated or discussed, but not amended in a later order. See *Reuters, Ltd. v. FCC*, 781 F.2d 946, 951-52 (D.C. Cir. 1986).

equivalent to the public switched telephone system where multiple telephone numbers may be associated with the same telephone line.

Paragraph 44, properly interpreted clarifies that once a number is ported, the previous default provider of that particular number must disassociate itself from that particular number. The Internet Engineering Task Force (*see www.IETF.org*) works on and develops Internet standards. According to IETF, the definition of a URI includes as a key element, a user information component. In the case of VRS, this is represented by the user's local 10 digit phone number. The following is the definition of "URI" from IETF RFC 2396 (which defines the standards) <http://www.ietf.org/rfc/rfc2396.txt>:

3.2.2. Server-based Naming Authority URL schemes that involve the direct use of an IP-based protocol to a specified server on the Internet use a common syntax for the server component of the URI's scheme-specific data:

<userinfo>@<host>:<port>

Thus, a relay user's URI, by definition, contains the following three elements: IP Address, port number, and the unique 10 digit number. By definition then, a URI for a VRS device cannot be associated with more than one telephone number. It follows then that the Commission's rules do not prohibit assigning more than one telephone number to a device.

Sorenson's proposed approach, as a practical matter, would severely restrict consumer choice. For example, many VRS users access VRS service via a computer equipped with an Internet video camera and provider specific software. Such software, pursuant to the Commission's numbering requirement, must now employ a VRS provider supplied telephone number. It is commonplace for users to have the software of more than one provider resident on their computers, and thus have more than one local telephone number, each number associated with a different VRS software application. It is the only way consumers can access more than one provider using a personal computer in the VRS numbering environment. To adopt the

Sorenson approach, and restrict the user to only one telephone number, would of necessity restrict the user to only one provider, eliminating the consumer's freedom of choice because there is no way to dial around with another provider's proprietary software.

Just as consumers should have a choice of providers if they access VRS through a personal computer, consumers should have a choice of providers no matter from whom they may obtain their videophones. The Commission sought to assure this choice of providers when it required in the June 2008 Numbering Report and Order that consumers be given the right to port their numbers to and from any provider. However, Sorenson effectively nullified this provision when it decided to remove virtually every feature of its videophones if a consumer desires to exercise his right to switch default providers while keeping his Sorenson supplied device. As a result any consumer electing to change his default provider from Sorenson is faced with an effectively disabled videophone.

As a result of Sorenson's actions, the only practical solution for consumers if they want to maintain their existing videophones *and* to have a free choice of providers is to assign a second or third number to their devices. Those additional numbers come into play for a consumer only in one instance, when the consumer *receives* a VRS call. For outgoing calls, the consumer dials around just like he would if he had only one number, and the call is processed exactly the same as if he only had only one number. However, for receiving calls, having multiple numbers allows the customer to receive calls on his videophone processed through whatever provider he prefers to use for that purpose, even if the provider is not his default or device provider, without forcing persons wishing to call the consumer having to go through a multiple number dialing sequence. In other words, rather than calling a specific provider's 800

number and then giving the VI the consumer's 10 digit number, the caller can just dial the 10 digit number the consumer has with the provider of the consumer's choice.

Grant of Sorenson's Petition would violate functional equivalency and would thus roll back the civil rights that deaf and hard of hearing persons have gained in recent years to use the relay services of their choice. Access to relay service is a civil right. And access to the relay services of the consumer's choice is equally an important civil right. Hearing persons have the right to choose the phone service provider of their choice. They have the right to multiple lines and even multiple service providers. They have the right to use providers that employ VoIP technology (and numbering protocol) -- protocol that is instituted in the FCC's numbering orders. Under VoIP technology and protocol, hearing persons can and do have multiple providers using the same IP address. Relay customers should, like VoIP customers, be allowed to have multiple relay providers using the same IP address. If hearing VoIP providers have this right, so should deaf relay users.

More and more VoIP and relay CPE devices are wireless-based. That means they utilize Wi-Fi, third generation cellular or some other wireless broadband technology. Persons visiting a friend's house (or even the local Wi-Fi hotspot in a coffee shop) will utilize the same IP address and still be able to make and receive calls using their own local 10 digit telephone numbers (whether for VoIP calls or for relay calls). Sorenson's Petition, if granted, would not only make this impossible, but would be impossible to enforce. Who is to police this process? Suppose two individuals with their own devices utilize the same Wi-Fi hotspot (and thus the same IP address) with their own (and separate) relay providers, who would be denied service? Should Starbucks have to play referee?

Sorenson's stated concerns simply do not support the relief it requests. There is no public safety issue here. Any provider that provisions a number to a consumer is under an obligation to update location information for that consumer. The vast majority of devices are located permanently or semi-permanently in residences or offices and updating those devices is not an issue. For portable or mobile devices, yes the consumer needs to update his or her registered location. However, when a consumer is making a 911 call, there is virtually no doubt that he will make that call through his default provider, who will have his registered location and who will in any event verify that registered location in the course of processing that 911 call. To the extent the consumer does dial around, because for instance he is dissatisfied with the service of the VRS provider who supplied his device, it is an advantage that he has registered with the dial around provider and has supplied that provider with registered location information.

In this sense, having the additional number from his alternative provider enhances public safety. This would especially be the case in the event of a serious public calamity which would stress the telecommunications and the relay infrastructure. Under such a circumstance any particular provider could well be slammed with emergency traffic. Having access to alternative providers each with registered location information could be a life saver.

We also note that the concern that a consumer may believe that another provider who has given him a number is his or her default provider and not the device provider and thus not update the device provider in the event the device is moved to another location -- aside from being purely speculative -- is itself indicative that the consumer would intend that other provider to be his or her default provider. Thus, if there is a violation of paragraph 44 by the assignment of another number to the device -- to the extent that one can violate a paragraph and not the

controlling rule – that violation lies with the device provider that has not facilitated porting of its equipment, and not with a provider who supplies the customer a second number for a device.

Sorenson's Petition raises no other substantial public interest concern. Nevertheless, Sorenson's Petition would go even further and prohibit consumers from having multiple VRS devices sharing an IP address provisioned by differing providers. There is no basis for this request other than Sorenson's desire to increase its already dominant position in the VRS market.

Sorenson asserts that a consumer having two devices from different providers sharing an IP Address violates paragraph 44 of the Second Report and Order because it claims that if the two devices operate with the same protocol they would have the same URI and thus calls could ring at the wrong device. That is not true. Preliminarily, the two devices would not have the same URI for the reasons discussed above. More importantly, the routing ambiguity issue Sorenson raises is easily addressed. First, industry transition to SIP like server routing would definitively solve any routing ambiguity. SIP is after all the more preferred and technologically advanced signaling protocol. Second, even with H.323, any routing ambiguity may be resolved through the port forwarding process. By using a custom port for H.323 traffic (which both Sorenson and the Purple MVP now have capability to support) a customer can in fact have multiple video phones at a single location with all them using H.323 protocol and the same public IP address. Each device in that configuration would receive calls to its associated phone number with no conflict. Although this does require some configuration work on the customer's home router so that it is aware of the custom ports that would be used and how to forward the traffic associated to those ports; that process is not complicated to configure as long as the consumer has a configurable router.

As mentioned above, an even better alternative method for supporting multiple devices and numbers at a single location is to use a server based routing design (e.g. SIP). In those environments, there is no customer router configuration needed – assuming a standard off the shelf router is used. Purple has asked the Commission to clarify that server based routing is permissible for VRS and is awaiting that decision. *See Request for Clarification of Requirements for Populating the iTRS Database (July 21, 2009).*

Sorenson does raise an issue concerning providers tampering with routers and equipment. Petition at 5. It is ironic, however, that Sorenson does so, because as discussed above, Sorenson representatives have repeatedly removed Purple routers and disconnected Purple supplied equipment so as to disable Purple's MVP videophone or other Purple supplied devices. Given that Sorenson is largely responsible for creating the problem, we hardly see how the problem supports the relief Sorenson requests, which would effectively cement Sorenson's dominance of the VRS market. Purple acknowledge that installers for one provider must take care to ensure they leave a customer's premises with all devices working. Purple so instructs its installers and requires that they verify that each device is working before they leave a customer's premises. And Purple endorses rules that provide deterrent penalties where a provider's representatives intentionally interfere with consumers' access to the services and equipment of other providers.

Finally, any concern as to safety of having multiple devices utilized from the same IP Address is fallacious for the reasons discussed above. Indeed, a recent filing in the docket in response to Sorenson's Petition advised that on Friday, August 28, 2009, the commenter placed two 911 test calls between 8:20 and 8:26 am with prior notice and consent from the management of his local public safety answering point call center. For the first call the consumer used a Purple MVP with the ten-digit number assigned by Purple and the second time he used a

Sorenson VP 200 with the ten-digit number assigned by Sorenson. The commenter indicated that he had only one Internet service provider, one router (a Westell 327W wireless modem/router), and one public IP address with each videophone having its own private IP address. Both calls to 911 via HOVRS and Sorenson were successful and his location was identifiable to the PSAP. Therefore, he concluded, Sorenson's concern, as discussed in the Petition as to the safety of allowing only one VRS provider per geographic location "has no validity."⁷

III. Conclusion.

We believe Sorenson's Petition is intended to solidify its dominant VRS market position, at the expense of relay consumers' civil right to choose which providers they desire to use. We respectfully request that the Commission reject Sorenson's Petition; we further, ask that the Commission investigate a pattern of Sorenson's anti-competitive conduct, and continued unfair practices, that has resulted in the near-monopoly control in the VRS market by this one provider, in order to foster competition, consumer choice and the long-term health of the TRS industry.

Respectfully submitted,

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⁷ See Comment of Lawrence Brick (August 31, 2009).

APPENDIX A

CSDVRS, LLC LETTER TO CONSUMERS DETAILING SORENSON ANTICOMPETITIVE PRACTICES.

Dear Consumers,

This letter is to detail some urgent issues concerning 10-digit numbering and the practices of the largest VRS provider, Sorenson Communications. After careful investigation, review, and technological inspection, it has been determined that Sorenson is intentionally misleading deaf and hard of hearing people in regard to 10-digit numbering ostensibly to further their own business interests. In doing so, Sorenson has implemented an internal operating procedure that confuses the marketplace and impedes the effectiveness of the FCC Order on numbering. Specifically, the following has occurred:

1. Sorenson has used the position of default provider to tell customers that they must use Sorenson exclusively as their VRS provider. This simply is NOT TRUE and is in contradiction to FCC Orders.
2. Sorenson has communicated to consumers that if they do not use Sorenson, they will lose features on their Video Phone. This too is a misleading and bullying tactic and also is in contradiction to FCC Orders.
3. Sorenson is providing 10-digit numbers to deaf consumers and not immediately placing the numbers in the national numbering database. This results in the failure of point to point calls from a non-Sorenson user. Sorenson responds to this issue by stating that the point to point call fails because of the other VRS provider's video phone. This is NOT TRUE. The point to point calls would be fully functional if Sorenson would provision the national database with each 10-digit number that they provide.
4. Sorenson is not eliminating the proxy/faux number resulting in consumers continuing to use the proxy number versus the new real 10 digit number. The FCC Numbering Orders require the elimination of proxy numbers but Sorenson still affirmatively uses them thereby causing confusion for the consumers.
5. Sorenson is not provisioning the national numbering database with the 800 numbers it provides to deaf consumers. Sorenson is further advising deaf consumers that 800 numbers are better numbers to use for point to point calls as the consumers will not have to pay long distance charge. This is NOT TRUE. There are no long distance charges for point to point calls. However, by not putting the 800 in the national database, Sorenson can start a new closed network for the deaf that utilizes solely the Sorenson system. Much like the 10-digit numbers, if an 800 number is not provisioned in the national database and if a deaf person calls a Sorenson video phone from another brand of video phone, the call will fail. However, the call originates from another Sorenson video phone (i.e. it is a Sorenson to Sorenson call), the call will function as Sorenson has placed the 800 number in the local LDAP, but not into the national database.

6. Sorenson is not permitting functional caller ID when there is a standard for presenting caller ID to phones. When a video phone from another provider calls Sorenson they present the caller ID to the Sorenson phone. The caller ID (phone number) should show up in the call history as a missed call with the accurate number. However, Sorenson does not place the caller number in the correct location in the caller ID data stream. Instead, Sorenson displays an IP address where the caller ID would normally appear. This usually results in the deaf consumer trying to return the call to the IP address, and the call going to the wrong place, or not functioning at all. However, when the call is between two Sorenson video phones, when the call comes in from a Sorenson device, the proper identifier appears in the missed call log, and the deaf consumer can return the call from the missed call log. This "hiding" of caller ID for non-Sorenson consumers is an attempt to manipulate consumer choice in the VRS market (in favor of Sorenson), and is at odds with FCC interoperability requirements.

Sorenson's actions are unacceptable to the industry, at odds with FCC rules, and above all else, they are abusive to the deaf consumer.

What can a consumer do to help?

1. Take this email and forward it to the FCC at fccinfo@fcc.gov and say, "I am tired of being misled and manipulated by Sorenson!"
2. Stop using Sorenson. Exercise your right to use dial around and/or use the default provider of your choice. Pick any other provider and put their URL in your phone. If Sorenson comes knocking and asks why you are not using their phone, then point out the 6 items above. Choose another provider who you like or try several but don't use Sorenson until they stop making it harder for the deaf to communicate and start making it easier. There are 3 ways to access CSDVRS/ZVRS.

1. CSDVRS.TV

2. ZVRS.TV

3. Dial 888-888-1116

If you need help please contact the help desk at help.zvrs.tv