

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of

Contributions to the Telecommunications  
Relay Services Fund

CG Docket No. 11-47

**REPLY COMMENTS OF CITRIX ONLINE LLC**

**INTRODUCTION**

Citrix Online LLC (“Citrix Online”) supports the Commission’s work implementing the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”). As the record demonstrates, the Commission should move cautiously as it considers how to fulfill the statutory requirement that non-interconnected VoIP providers “participate in and contribute to” the Telecommunications Relay Services Fund. Intrusive or excessive regulation paradoxically risks jeopardizing the very innovation and investment that have resulted in expanded accessibility options such as the integration of voice into information services. Any regulation should recognize and protect such innovation and thereby enable future accessibility solutions to emerge.

**I. THE RECORD CONFIRMS THAT THE COMMISSION SHOULD NOT EXTEND REVENUE-BASED TRS CONTRIBUTION METHODS TO NON-INTERCONNECTED VOIP.**

The record before the Commission confirms that extending revenue-based TRS Fund contribution methods to non-interconnected VoIP is inappropriate and infeasible. To comply with the CVAA mandate, the Commission instead should extend the existing *de minimis*

contribution requirement to non-interconnected VoIP. If the Commission nonetheless imposes revenue-based contribution requirements on non-interconnected VoIP, it should provide flexibility for providers by permitting them to rely on good faith allocations of revenue.

The Comments and the CVAA legislative history demonstrate the importance of innovation to making technology accessible to all. Forcing providers like Citrix Online to disaggregate their integrated services simply to facilitate regulation carries real risks. Innovative companies like Citrix Online can and do use non-interconnected VoIP to build voice capabilities into a wide range of services. This integration should be encouraged. In fact, as Congress has recognized, video conferencing services such as those in Citrix Online’s collaboration tools “may, by themselves, be accessibility solutions.” H.R. Rep. No. 111-563, at 23 (2010); S. Rep. No. 111-563 at 8 (2010); *see also* S. Rep. No. 111-563, at 2 (noting that video conferencing services “have improved the communications capabilities of individuals with disabilities”). Notably, these services emerged in the absence of a regulatory mandate. The cost of regulation includes decreased investment in product innovation, and may slow the development of new products or combinations of services that bring technology to wider audiences. The Commission accordingly should ensure that any regulation in this area is narrowly tailored and permits the emergence of new accessibility solutions *without* regulatory mandates, just as video conferencing emerged.

## **II. OVERBROAD REGULATION WILL CREATE DISINCENTIVES TO INCLUDE VOICE FEATURES IN NEW APPLICATIONS AND SERVICES.**

Citrix Online supports the commenters counseling a narrow definition of non-interconnected VoIP and, with them, urges the Commission to clarify the limits of that definition in a manner consistent with the CVAA. As the Consumer Electronics Association (“CEA”) stated, “[a]n incidental VoIP component or function within a broader product offering does not

itself constitute a ‘service’ and thus falls outside the definition of ‘non-interconnected VoIP service’ in both the CVAA and the proposed rules.”<sup>1</sup> Extending communications regulation to these services poses unnecessary administrative and economic barriers to the integration of voice into information services and applications, potentially chilling the backward compatibility of existing and emerging services.

The Comments further confirm the impossibility of requiring revenue-based reporting. Although the Disability Rights Organizations recognize that voice may be “purely incidental” to a service, they nonetheless seek to assess revenue from “all sources.”<sup>2</sup> But this does not comport with the statutory directive that contributions be “consistent with and comparable to the obligations of other contributors.”<sup>3</sup> Quite the contrary: this would subject providers with the least revenue from voice (those who provide incidental voice) to the greatest contribution base (revenue from “all sources”).

Any contribution requirement for providers of integrated non-interconnected VoIP must be easily administrable and recognize that revenue-based contribution requirements are not appropriate for integrated features that do not generate separate telecommunications or VoIP revenue. Fairly assessing revenues is, as the record demonstrates, extremely difficult and could result in contribution obligations that overwhelm or exceed actual revenues, and thus would not be “comparable to” or “consistent with” obligations of other contributors. A similar effect would result from the Michigan Public Service Commission’s suggestion of adopting a pro rata division

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<sup>1</sup> Comments of CEA, CG Docket No. 11-47, at 3 (filed May 4, 2011) (“CEA Comments”) (unless otherwise noted, all comments cited below were filed May 4, 2011 in CG Docket No. 11-47); *see also* Comments of Information Technology Industry Council at 2-3 (“ITI Comments”); Comments of NetCoalition at 2; Comments of Voice on Net Coalition at 3.

<sup>2</sup> Comments of National Association of the Deaf *et al.* at 3-4.

<sup>3</sup> 47 U.S.C. § 715 (2010).

of revenues from integrated or bundled services. Such an approach is inconsistent with the statute as it would in many cases arbitrarily assign voice a disproportionate portion of revenues, again resulting in an obligation that would not be “consistent with” or “comparable to” contribution requirements imposed on stand-alone voice providers.<sup>4</sup>

Citrix Online agrees with the MPSC, however, that extending the existing minimum contribution requirement to non-interconnected VoIP providers is a reasonable alternative contribution mechanism.<sup>5</sup> And as Citrix Online explained in its comments, this is the only practical alternative to revenue-based reporting meeting the statutory mandate that contributions be “consistent” and “comparable.” Moreover, this approach follows existing Commission and Supreme Court precedent holding that certain information services do not have separately regulable components.<sup>6</sup>

Citrix Online also agrees with the Information Technology Innovation Council that non-interconnected VoIP revenues should be reported in Block 5 of Form 499-A, further clarifying that non-interconnected VoIP is excluded from the definition of “telecommunications service.”<sup>7</sup>

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<sup>4</sup> See Comments of Michigan Public Service Commission at 6 (“MPSC Comments”).

<sup>5</sup> MPSC Comments at 6-7.

<sup>6</sup> See, e.g., Comments of Citrix Online at 7 (discussing *NCTA v. Brand X Internet Servs., Inc.*, 545 U.S. 967 (2005); *Cable Modem Order*, 17 FCC Rcd. 4798 (2002)).

<sup>7</sup> ITI Comments at 7.

## CONCLUSION

In short, the Commission should not reflexively extend revenue-based TRS contribution methods to non-interconnected VoIP. Revenue-based reporting would be extremely costly, burdensome, and administratively infeasible. Such an extension would impose unmanageable burdens on providers and discourage innovative new services integrating voice features. This would run counter to the Commission's goals of fostering accessibility and bringing technological innovations to the widest possible audience. Instead, the Commission should consider extending the *de minimis* contribution requirement to non-interconnected VoIP services. Doing so would foster continued integration of voice into innovative, feature-rich information services thereby increasing accessibility options for all.

Respectfully submitted,



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