

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

In the Matter of)	
)	
Structure and Practice 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
)	

**COMMENTS OF CONSUMER GROUPS
IN RESPONSE TO THE JOINT PETITION OF VRS PROVIDERS FOR WAIVER**

Telecommunications for the Deaf and Hard of Hearing, Inc., National Association of the Deaf, and Cerebral Palsy and Deaf Organization (collectively, “Consumer Groups”) submit these comments in response to the Petition for a Waiver (“Petition”) filed June 20, 2018, by five providers of telecommunications relay services (“TRS”) – ASL Services Holdings, LLC, d/b/a Global VRS; Convo Communications, LLC; Purple Communications, Inc.; Sorenson Communications, LLC; and CSDVRS, LLC, d/b/a ZVRS (“VRS Providers”). The VRS Providers seek a limited waiver permitting them to provide service to a new user or one ported from another provider while that user’s telecommunications relay services User Registration Database (“TRS-URD”) verification is pending.¹

The Consumer Groups support the VRS Providers’ Petition for a limited waiver and encourage the Federal Communications Commission (“FCC” or “Commission”) to take rapid

¹ *Telecommunications Relay Services and Speech-to-Speech Services of Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Services Program*, Joint Petition of VRS Providers for a Waiver, CG Docket Nos. 03-123 and 10-51 (filed June 20, 2018) (Joint VRS Provider Petition).

action on their request. As discussed below, the VRS Providers' request is reasonable and would enable individuals who are deaf, hard of hearing, speech impaired, deaf-blind and deaf with mobility issues to access VRS services in a timely, albeit not ideal, and practical manner while still satisfying the Commission's obligation to prevent waste, fraud, and abuse of TRS services.

A. PETITION REQUEST

The VRS Providers seek a waiver authorizing service to new or porting users for a period of up to two weeks while verification of that user's eligibility to use VRS services is pending. The VRS Providers would seek compensation for VRS calls to such users during that period once validation is, in fact, obtained.² The VRS Providers seek a waiver of Section 64.615(a)(5)(ii)'s prohibition on "register[ing] individuals"³ who "do not pass the identification verification check" to allow up to two weeks of service prior to completing verification.⁴

B. VRS PROVIDERS SHOULD BE PERMITTED TO PROVIDE SERVICE TO NEW USERS WHILE VERIFICATION IS PENDING IF REGISTRATION INFORMATION HAS BEEN SUBMITTED

The Consumer Groups urge the Commission to adopt the VRS Providers' requested limited waiver to permit the use of VRS services for new users after their registration information has been submitted for validation. While the need for this accommodation indicates a failure in

² Joint VRS Provider Petition, pp. 1-2. Note that as part of their limited waiver, the VRS Providers also seek the ability to place numbers in the TRS Numbering Directory during the period while verification is pending. See *id.*, p. 2. n.1. Consumer Groups do not have a preference of one technical method over any other in how the limited waiver is implemented. Therefore, the Consumer Groups do not provide comments on that point.

³ 47 C.F.R. § 64.615(a)(5)(iii).

⁴ The prohibition of 47 C.F.R. § 64.615(a)(5)(iii) on "seek[ing] compensation" for calls placed by individuals who "do not pass the identification verification check" would continue to be satisfied given that the VRS Providers would not seek compensation until the individuals actually pass their identification check.

the provision of VRS services that should be functionally equivalent to those received by the hearing population, the VRS Providers' limited waiver seeks to bridge a gap and provide deaf and hard of hearing individuals with a means of communication via VRS services. Once the information required under Section 64.611(a)(4) and provided by the new user is submitted for verification to the TRS-URD, VRS Providers should be permitted to provide VRS service to that deaf and hard of hearing individual.

Under the proposed limited waiver petition, the VRS Providers will not seek compensation for such calls unless within a two-week window prior that user's verification of eligibility. Calls over two weeks old before verification would not be compensable for the VRS Providers. This minimizes the risk to the TRS Fund of potential waste, fraud, and abuse while verification is pending.

Under the proposed limited waiver, the incentives for ensuring the legitimate provision of VRS services falls on the appropriate parties and does not unreasonably penalize the VRS user who is trying to communicate.⁵ For example, limiting the time period for which a VRS Provider can obtain compensation incentivizes those entities to follow through with the verification process and to ensure the accuracy of the user's information and eligibility as quickly as possible. The two-week period also recognizes the inherent inefficiencies and inequities in the verification process vis à vis the hearing population and still provides the VRS Providers and the TRS-URD Administrator a reasonable window in which to perform the back office tasks needed for individuals who are deaf, hard of hearing, speech impaired, deaf-blind and deaf with mobility issues to access VRS services.

⁵ VRS Providers are still obligated under Section 64.611(a)(3)(iv) to terminate a call which does not involve an individual eligible to use VRS or which does not appear to be a legitimate VRS call.

Accordingly, the Joint VRS Providers Petition provides VRS users with their needed benefits while still preserving the Commission's required safeguards against waste, fraud, and abuse. The Consumer Groups support the petition and urge the Commission to act quickly on the VRS Providers' request.

C. VRS PROVIDERS SHOULD BE PERMITTED TO PROVIDE SERVICE TO USERS PORTING FROM OTHER PROVIDERS WHILE RE-VERIFICATION IS PENDING

Permitting VRS Providers to provide services to VRS users porting from other providers is eminently rational and reasonable – so much so that it is surprising that the VRS Providers even need to make the request. VRS users who are porting from their existing service providers are already registered with the TRS-URD and eligible to use VRS services.⁶ Accordingly, someone porting from another provider is already verified and the transition should be seamless.

However, to the extent the Commission expects that a user seeking to move from one VRS service provider to another needs to be “re-verified,” then the Commission must minimize to the extent possible the “switching costs” associated with that process. VRS users should not be harmed for the failings of the TRS-URD service provider to timely switch a user's service. Nor should VRS service providers be required to block VRS services from a user previously eligible and verified to use such services and who is presumably seeking to switch to another VRS services provider as a personal choice.

Minimizing “switching costs” allows VRS users to move more seamlessly between VRS service providers and enables deaf and/or hard of hearing individuals to find providers that better suit their needs and tastes. The ease in changing providers will, in turn, encourage VRS service

⁶ VRS service providers are under an obligation to remove data of any user not eligible to receive service. 47 C.F.R. § 64.615(a)(3)(i).

providers to compete more directly on service quality. However, the opposite is unfortunately true: increasing switching costs discourages movement between providers and lessens competitive incentives for providers to innovate if providers know that customers may be reluctant to switch because of transitional difficulties.

Accordingly, the rationale for allowing VRS service providers to provide VRS services to previously verified and eligible users is even more compelling and the Commission should approve the VRS Providers' request.

D. CONCLUSION

The VRS Providers' request is reasonable, enables individuals who are deaf, hard of hearing, speech impaired, deaf-blind and deaf with mobility issues to access VRS services in a timely manner, and still satisfies the Commission's obligation to prevent waste, fraud, and abuse of TRS services. The Consumer Groups support the VRS Providers' Petition for a limited waiver and encourage the Commission to take rapid action on their request.

Respectfully submitted,

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Dated: July 26, 2018