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July 5, 2017

ACCEPTED/FILED

JUL - 5 2017

Ms. Marlene H. Dortch

Secretary

Federal Communications Commission

445 12th Street, SW

Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Federal Communications Commission
Office of the Secretary

Re: *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123; *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51

Dear Ms. Dortch:

In accordance with the *Second Protective Order* for the above-referenced proceedings, Sorenson Communications, LLC ("Sorenson") herein submits a redacted version of the attached ex parte in the above-referenced proceedings.

Sorenson has designated for highly confidential treatment the marked portions of the attached documents pursuant to the *Second Protective Order* in CG Docket Nos. 03-123 and 10-51.¹ Sorenson's ex parte includes highly confidential information that has been previously filed by ZVRS.

Pursuant to the protective order and additional instructions from Commission staff, Sorenson is filing a redacted version of the document electronically via ECFS, one copy of the Highly Confidential version with the Secretary, two copies of the redacted version with the Secretary, and sending copies of the highly confidential version to Eliot Greenwald and Robert Aldrich of the Consumer and Governmental Affairs Bureau and the TRS Reports mailbox.

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¹ *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Protective Order, DA 12-858, 27 FCC Rcd. 5914 (Cons. & Gov't Affs. Bur. 2012).

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Please contact me if you have any questions or require any additional information.

Sincerely,



John T. Nakahata
Counsel to Sorenson Communications, LLC

Attachment

cc: Eliot Greenwald
Robert Aldrich
TRSReports@fcc.gov



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July 5, 2017

Ex Parte

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

Re: *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*-, CG Docket No. 03-123; *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51

Dear Ms. Dortch:

On June 30, 2017, Scott Wood, General Counsel of Sorenson Communications, LLC (“Sorenson”), Rebekah Goodheart, outside counsel to Sorenson, and I, outside counsel to Sorenson, met with Claude Aiken, Legal Advisor to Commissioner Clyburn, regarding the *Order and Further Notice of Proposed Rulemaking on Video Relay Services (“VRS”)*.¹ Rebekah Goodheart also had a separate conversation with Mr. Aiken on July 3, 2017. We told Mr. Aiken that, if adopted with the currently proposed rates, consumers would ultimately be harmed through service cuts and cost reductions that ultimately jeopardize functionally equivalent service. In particular, Sorenson, which conditionally elected to participate in the trials pending the adoption of permanent VRS rates, would be unable to participate in the skills-based routing or deaf interpreter trials, as both such trials would impose additional costs, and it would not be feasible to do so with scheduled rate cuts. Consumers thus would be deprived of the opportunity to try skills-based routing, and the Commission would not gain valuable information. Furthermore, under the proposed rate for Tier III, Sorenson would likely be forced to curtail training for Video Interpreters, which Sorenson uniquely undertakes among VRS providers. These are prudently incurred costs, and there would be no basis for disallowing them. Nonetheless, to prepare for the rate cuts, Sorenson would likely be forced to cut this training, as well as make cuts to staff, including engineers. These services, which are actual costs to Sorenson, benefit not only consumers but ensure that services are provided at functionally equivalent levels. Doing so does not further goals of the ADA and could undermine innovation and investment.

Moreover, as Sorenson explained in its recent reply comments on the non-rate portions of the NPRM, there is a substantial difference between VRS and community interpreting that make

¹ *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, FCC 17-26, 32 FCC Rcd. 2436 (2017) (“FNPRM”).

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it important for Video Interpreters to receive additional training specific to VRS.² Dr. Marty Taylor, a leading researcher who has published several important works studying ASL-English interpreting, specifically compared community interpreting and VRS interpreting:³

TRADITIONAL INTERPRETING	VRS INTERPRETING⁴
Face-to-face communication	No in-person contact
Three-dimensional perspective	Two-dimensional perspective dependent on high speed compression with times when the quality decays
No physical limitation on signing space	Restricted signing space due to technology
Uses contextual and environmental cues for making meaning	Context/environment to support cues are lacking
Relationship between parties is commonly known (e.g., doctor/patient, employer/employee)	Relationships between callers are often unknown
Sociolinguistic factors (gender, age, ethnicity) are overt	Sociolinguistic factors are not always known
Assignments are made in advance	“Immediate” assignments
Ability to accept or turn down assignments (e.g., legal or medical interpreting)	Must accept all calls regardless of content or caller (e.g., young children, new immigrant with limited signing abilities, computer techie)
Potential for extensive preparation	Relies on prior experiences rather than preparation
Generally works alone or with one other interpreter	Team environment
Often self-employed	Works for a corporation
Interpretation is the only role	Multiple roles occurring simultaneously (e.g., operator, customer service representative)
One locale with a relatively limited and predictable number of deaf and hard-of-	Wide variety of callers and content (e.g., number of calls in a day can be more than 100)

² Reply Comments of Sorenson Communications, LLC, Regarding Part III and Sections IV.C-E and G-H of the Further Notice of Proposed Rulemaking, CG Docket Nos. 10-51 and 03-123 (filed June 26, 2017) (“Sorenson Reply Comments”).

³ See Marty M. Taylor, PhD, *Report Provided to Chris Wakeland at Sorenson Communications, Inc. in Response to FCC Questions on Metrics for VRS Interpreting*, NOI, Dated March 23, 2017 at 5-7 (June 16, 2017) (“Taylor Report”), attached as Exhibit A to Reply Comments of Sorenson Communications, LLC, Regarding Part III and Sections IV.C-E and G-H of the Further Notice of Proposed Rulemaking, CG Docket Nos. 03-123 and 10-51 (filed June 26, 2017). For convenience, we attach the Taylor Report as Exhibit A to this filing.

⁴ See Taylor Report at 5-6.

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TRADITIONAL INTERPRETING	VRS INTERPRETING⁴
hearing consumers (e.g., number of “jobs” in a day often range from one to five)	
Often regional signs are known	Often regional signs are not known
Consumers see each other and are able to monitor reactions visually and auditorily	Callers are not able to see or hear each other or monitor reactions
No special need for technology competence	Technology competence is a necessary skill
Dual-tasking at linguistic and physical levels	Multi-tasking at linguistic, physical, and mechanical levels
Generally greater demand for English to ASL interpreting	Greater demand for ASL to English interpretation
Most consumers are experienced using interpreters	Many inexperienced callers placing phone calls
Very little use of intimate register	High number of calls requiring the use of intimate register

Given these significant differences between community interpreting and VRS, additional training is important, and without it, service to consumers will suffer. As far as Sorenson is aware, no other provider currently conducts the training that Sorenson does, and thus, if Sorenson has to reduce its training levels, there will be a ripple across all providers.

In addition, we explained that if ZVRS’ two subsidiaries are allowed to “double dip” the VRS tiers, the tiers could be manipulated further to increase compensation without any changes in underlying costs. *****BEGIN HIGHLY CONFIDENTIAL***** [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
*****END HIGHLY CONFIDENTIAL*****

Finally, we reiterated the points made in a prior meeting with Amy Bender, Legal Advisor to Commissioner O’Rielly, as set forth in our letter of July 3, 2017.⁶

⁵ See Attachment A to Letter from Eliot Greenwald, Deputy Chief, Disability Rights Office, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51 and 03-123 (filed Apr. 25, 2017) (providing volumes of minutes served by the ZVRS and Purple subsidiaries of ZVRS Holdings); see also Attachment to Letter from Gregory Hlibok, Chief Legal Officer, ZVRS Holding Co., to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51 and 03-123 (filed June 6, 2017).

⁶ See Letter from John T. Nakahata, Counsel to Sorenson Communications, LLC, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 and 10-51 (filed July 3, 2017).

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On July 3, 2017, I also left a voicemail message for Zenji Nakazawa, Public Safety and Consumer Protection Advisor to the Chairman, informing him that Sorenson would not be able to participate in the skills-based routing or deaf interpreter trials if the Commission adopts what we understand to be the proposed Tier III rates.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Nakahata", with a stylized flourish at the end.

John T. Nakahata
Counsel to Sorenson Communications, LLC

cc: Claude Aiken
Zenji Nakazawa