

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
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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
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**COMMENTS OF CONVO COMMUNICATIONS, LLC**

Convo Communications, LLC (“Convo”) hereby responds to the Federal Communications Commission’s (“FCC” or “Commission”) Further Notice of Proposed Rulemaking (“*FNPRM*”) on At-Home Interpreting, New and Porting Users Pending Verification, and Enterprise and Public Videophone (“VP”) Log-In Procedures for Video Relay Services (“VRS”).<sup>1</sup>

**I. Introduction**

Convo offers response comments to the *FNPRM*. With respect to the Commission’s at-home interpreting program, Convo requests that at-home interpreters be allowed to transfer emergency/911 calls to call center interpreters to ensure the availability of in-person teaming and support. Convo urges temporarily allowing VRS calls to be made by users pending verification on the User Registration Database (“URD”) to ensure that callers whom prove to be eligible users are not blocked from accessing telecommunications and to help reduce providers from interfering with a port in progress. Regarding the log-in procedures proposed for public VPs, Convo maintains that such a requirement would risk rendering public VPs unusable to large segments of VRS users

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<sup>1</sup> *Structure and Practice of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, FCC 19-39 (May 15, 2019) (“*Report and Order*” and “*FNPRM*”).

given that one does not anticipate needing to use a public VP and would be unlikely to be prepared with all of the inputs they would be required to have in order to log in a public VP.

## **II. At-Home Interpreting**

As a company owned and operated by consumers of interpreting services, Convo initially expressed a number of concerns about the “security, privacy and compliance” of VRS provided at the home of video interpreters (“VIs”).<sup>2</sup> Thereafter Convo petitioned the Commission to participate in the at-home interpreting pilot program, citing, among other things, the general interest in allowing interpreters to remain available to provide services in their communities rather than needing to relocate to work in a call center and to mitigate the risk to interpreter safety by allowing them to work from home in inclement weather or other adverse conditions.<sup>3</sup>

In its recent extension of the at-home interpreting pilot program, the Commission permitted Convo along with other VRS providers to participate in the program.<sup>4</sup> Convo is still in the process of developing its capacity to offer at-home interpreting, thus has no actual experience from which it can offer empirical insight in response to the Commission’s inquiries.

One of Convo’s greatest concerns relate to the ability of at-home interpreters to offer fully supported handling of emergency or 911 calls. While the Commission and participating VRS providers are committed to making remote teaming available for at-home interpreters handling emergency calls, experience has clearly established that having on site support of a supervisor or a team of interpreters is the most effective way to assist the VI connected to the emergency call.

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<sup>2</sup> See *Comments of Convo Communications, LLC*, Section VI, CG Docket Nos. 10-51, 03-123 (January 4, 2016).

<sup>3</sup> *Petition of Convo for an Expedited Limited Waiver to Offer at-home Interpreting Subject to the Conditions of the Pilot Program*, CG Docket Nos. 10-51 and 03-123 (April 11, 2019).

<sup>4</sup> *Structure and Practice of the Video Relay Service Program*, Order, CG Docket Nos. 10-51 and 03-123 (April 30, 2019).

Emergency calls by their nature are stressful and often require quick decision making by the interpreter. Experience, training, a second pair of eyes and reassurance are typically keys to well facilitated interactions between interpreters and callers in distress. This type of support is usually more available in call centers than remote locations. Thus Convo recommends that the Commission make clear that at-home interpreters are allowed to transfer emergency calls to call centers once connecting the caller to the appropriate Public Safety Answering Point (“PSAP”), if a call center interpreter is readily available to promptly accept handling the call.

The Commission mentions the “risk of waste, fraud, and abuse” as criteria for considering whether to increase or remove the thirty percent of total VRS minutes limit of the use of at-home interpreters,<sup>5</sup> but does not mention issues of great concern to consumers, privacy, security and safety. There have been issues with at-home video interpreters handling of the privacy of consumers and maintaining the security of their information. Despite the Commission and participating VRS providers’ commitment to remote monitoring, it is still uncertain whether at-home interpreting set ups well protect the consumers’ privacy and security of their information. In addition, Convo continues to be concerned about the ability of at-home interpreters to handle emergency calls to the same degree as afforded in call centers. Therefore Convo recommends that the Commission keeps intact its thirty percent limit pending further information from the pilot program and relay consumers.

Convo further urges the Commission to consider the impact that its structure of the VRS program including at-home interpreting has on the deaf community. Many deaf consumer organizations are struggling to recruit and retain staff interpreters due to the ability of VRS providers to compensate them more highly. As a consequence, these organizations are less able to

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<sup>5</sup> *FNPRM* at ¶54.

serve their communities due to inadequate interpreter staffing. The adverse impact of competing interpreter resources is also acutely felt in deaf educational institutions, workplaces, group homes, and other entities that include multiple interpreter consumers. The natural collaborations between interpreter providers and deaf consumer organizations has been disrupted by the Commission's regulatory structure, which among other things prohibits contracting with third parties for the provision of interpreting due to the Commission's concerns about fraud, waste and abuse, without insight to the dynamic this regulation has on deaf consumers. Convo looks to continuing the discussion of the rules for the provision of VRS interpreting including the at-home pilot program, to ensure that the regulatory structure of the VRS program better balances the deaf consumers' access to interpreters with the Commission's responsibility to regulate the program to ensure its integrity and long term health.

### **III. New and Porting Users Pending Verification**

The Commission proposes allowing VRS providers a two week window in which they may commence service to new and porting VRS users, pending database verification of the user's identity, with compensation for calls made during this two week period paid only if the user is ultimately verified.<sup>6</sup> Convo previously joined other VRS providers in their petition for a waiver of the URD rules allowing for such a two week period, explaining that where verification is delayed, consumers face barriers to their access to VRS, impeding their ability to make important calls that directly impact their lives.<sup>7</sup> In addition to the burden on consumer access to VRS, the delay has caused customers to cancel port in orders due to concerns about missing critical calls or an inability

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<sup>6</sup> *FNPRM* at ¶55.

<sup>7</sup> *Joint Petition of VRS Providers For a Waiver*, CG Docket No. 10-51, 03-123 (June 20, 2018) and *Reply Comments of VRS Providers on Their Joint Petition for a Waiver*, CG Docket No. 10-51, 03-123, (August 10, 2018).

to access emergency services, thereby having their right to port to their preferred provider indirectly impacted by the delay caused by issues related to verification. Complicating matters, Convo has had prospective port-ins from Sorenson Communications, Inc (“Sorenson”) cancel their port requests after being pursued by Sorenson during the time it takes to complete the port-in.<sup>8</sup> Allowing users to promptly begin making calls with the new default provider will help fend off this type of predatory and potentially non-compliant conduct.

Convo urges the Commission to act immediately. As stated in the *Reply Comments of the Joint Petition of VRS Providers for a Waiver*, “[the] harms that individuals seeking VRS services suffer from delays or gaps in service are not hypothetical. They are concrete, day-to-day disadvantages – ranging from minor to debilitating – of precisely the sort that the Congress intended to address in... requiring functionally equivalent TRS.”<sup>9</sup> These harms have now been ongoing for over a year, with the first request for a waiver made in May of 2018. The Commission should take action to cease these delays going forward. Granting users access to VRS during the verification period will further the goals of providing functionally equivalent service to deaf and hard of hearing consumers, more akin to how hearing individuals are able to use their new phones nearly immediately.

#### **IV. Enterprise and Public Videophone Log-In Procedures**

The Commission proposed in the *2017 VRS Improvements FNPRM* to add log-in requirements to enterprise and public VPs and seeks further comment on log-in requirements.

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<sup>8</sup> Convo’s General Counsel Jeff Rosen discussed with Sorenson their practice of contacting customers during the time their port from Sorenson to Convo are pending, and Sorenson’s General Counsel Cindy Williams defended such activity in a July 19, 2019 email stating that it was “legitimate competition” as they were engaged in “retention marketing” even though it was targeted to individuals whose ports were in transition. Convo is uncertain how Sorenson became aware of their ports while they were in progress.

<sup>9</sup> *Reply Comments of VRS Providers on Their Joint Petition for a Waiver*, CG Docket No. 10-51, 03-123(August 10, 2018).

Convo maintains its points of concern that requiring log-in procedures will be contrary to the intent and goal of public VPs.<sup>10</sup> As we have previously expressed to the Commission, “consumer groups commented to the Equal Employment Opportunity Commission that ‘video phones are frequently denied to or restricted in use to deaf and hard of hearing employees.’”<sup>11</sup> The Commission states that for the purposes of the FNPRM, “enterprise videophones” refers to VPs provided by entities such as businesses, organizations and governmental agencies that are designated for use by their employees and “public videophones” are those VPs made available in public spaces, such as schools, hospitals, libraries, airports, and governmental agencies.<sup>12</sup> Requiring the use of an additional log-in procedure such as a personal identifying number (“PIN”) will place undue constraints on the usability of public VPs. One rarely sets out planning to use a public phone, public phones are generally by their nature utilized unexpectedly, and thus it is not realistic to expect registered individuals to remember their PIN upon the occasional need to use VRS from a public location.<sup>13</sup> It is already a challenge for VRS consumers to recall their ten digit numbers, or recall their passwords. On Convo VPs, consumers are able to store their ten digit number and password, thus remediating the issue on a day to day basis; but such numbers and passwords cannot be stored on public VPs nor are they retrievable on these devices.

The difficulty posed by requiring a PIN for public VPs is compounded in a number of situations. As highlighted by Convo in its 2017 Comment, there are a number of scenarios in which a PIN requirement will cause consumers great difficulty, “such as [with] the use of a public VP in a

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<sup>10</sup> *Comments of Convo Communications, LLC*, Convo Communications, LLC, CG Docket No. 10-51, 03-123, (May 30, 2017).

<sup>11</sup> *Id.*

<sup>12</sup> *Report and Order and Further Notice of Proposed Rulemaking*, FCC, (May 15, 2019).

<sup>13</sup> *Comments of Convo Communications, LLC*, Convo Communications, LLC, CG Docket No. 10-51, 03-123, (May 30, 2017).

hospital where a user's mental state could be affected to the point where he or she is unable to recall a PIN to make a VRS call – a 911 call exception would not help in that situation.”<sup>14</sup> The proposed 911 call exemption will not assist users who have emergent situations for which they do not call 911 – such as to communicate with an obstetrician when labor has begun, to reach a family member who needs to meet at the hospital, call a domestic violence advocate, to list a few examples.

The requirement of a specified log-in procedure such as a PIN will, if implemented, result in the exclusion of certain groups of users from accessing public VPs such as children, the elderly, ASL users traveling in the US from abroad, and those with cognitive disabilities; all of whom have the right to access VRS and may find themselves unable to utilize such access. Convo maintains that any implementation of a log-in procedure would render public VPs inaccessible and thus would be inconsistent with the ADA's mandate that “telecommunications relay services are available, to the extent possible and in the most efficient manner.”<sup>15</sup> The burden of requiring additional login information takes on greater weight in light of every single VRS stakeholder repeatedly commenting in opposition of the requirement; the Commission alone is pushing for such a requirement and providing vague and generalized rationale that would likely fail to meet the Administrative Procedures Act standards for adopting such a rule.

The FCC expressed concern that the volume of calls justifies the imposition of a PIN or similar log-in procedure and sought comment on Rolka Loubé's estimates of enterprise and public VP usage. Convo is of the view that the number cited in the *FNPRM* of one million calls per month

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<sup>14</sup> Id. p.12.

<sup>15</sup> 47. U.S.C. § 225 (b)(1).

made by public VPs and enterprise VPs would best be understood if they were not conflated.<sup>16</sup> Users of enterprise accounts registered with Convo are identifiable; each user has their name and affiliated organization given during registration along with their point of contact's information. Enterprise accounts are still individual accounts for which the specific user can be identified; thus Convo suggests that the reliance on the combined figures of enterprise and public VP minutes in order to “justify imposing” a PIN number is misplaced.

The Commission asks in its *FNPRM* “to what extent do providers already use log-in procedures for users to access VRS...” and whether those existing procedures could be used for enterprise and public VPs.<sup>17</sup> Convo’s log-in procedures require customers to input their ten digit number and a password in order to log in and use their VPs. The password may be saved so that a customer’s VP on their laptop or their mobile phone does not require re-input of the password, thereby resolving the issue of how difficult it is for customers to recall their passwords and circumventing the challenge a log-in requirement for public VPs would present. While this is Convo’s present method for customers to access their VPs, VRS providers are currently able to choose how they establish their log-in procedures. If a provider previously allowed customers to log in using their email account and password, they are free to switch to allowing log in with phone numbers instead; or other perhaps not yet innovated ways that would ensure security. Because there is no one imposed universal requirement, providers are free to innovate to the benefit of consumers. The proposal posited by the Commission would lock providers in to one universal way to access VPs, taking away some autonomy in the design and delivery of products.

The Commission also asks in its *FNPRM* who uses enterprise accounts, and whether

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<sup>16</sup> *Report and Order and Further Notice of Proposed Rulemaking*, FCC, (May 15, 2019).

<sup>17</sup> *Id.*

customers ask for enterprise accounts simply so that their videomail can be managed over communications owned by the enterprise. It has been Convo's experience that users register for enterprise accounts primarily to ensure that upon their departure from the organization, the ten digit number remains with the organization. There are several benefits to ensuring that the number belongs with the organization including the access to voicemail, the directory of contacts, and the call history information.

In the *FNPRM*, the Commission proposes to exempt from a log-in requirement several types of calls: point to point calls, limited user enterprises, emergency calls and situations, and emergency shelters. Convo's position that there should not be a log-in requirement applies to all calls, including the ones listed under the proposed exemption. As illustrated earlier, users may have urgent calls that do not require "911" specifically medical calls to physicians, or the local police line.

The best method to ensure that these public or enterprise devices are not misused remains what is already the current standard industry practice, VIs will disconnect a call when it is clear that the caller does not use or need ASL to telecommunicate. Relying on VIs for this purpose is a far more robust approach; no amount of log-in processes or PIN can fully prevent someone from appropriating that information and attempting to use a VP to make a VRS call.

The *FNPRM* also asks what the costs, benefits, and tech concerns might be for allowing a single person to log in to an enterprise account that would be shared amongst a small group, such as a team of office members who share the same office space, so long as each person could choose their own profile. Convo supports the adoption of a rule that introduces the concept of a Limited User Enterprise VP. Convo does not foresee the introduction of Limited User Enterprise VPs to be

costly or burdensome; and predicts that it would further the goal of functional equivalency for Deaf and Hard of Hearing users of VRS. Much like how hearing officemates can share an office phone, VRS users would be able to likewise share a VP in their office while quelling any concerns about users falling out of compliance with FCC regulations.

## **V. Conclusion**

Convo appreciates the opportunity to offer comment on the proposals in the *FNPRM* and urges the Commission to implement an order allowing VRS providers to offer VRS services to users pending URD verification for a two week period; refrain from a universal log in requirement for public VPs, and leave the thirty percent limit for amount of calls handled by at-home interpreters for VRS providers participating in the at-home interpreting program.

Respectfully submitted,

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