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REDACTED - FOR PUBLIC INSPECTION

August 29, 2018

VIA HAND DELIVERY AND ELECTRONIC FILING

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

**RE: Request for Confidential Treatment
Petition for Rulemaking to Permanently Authorize At-Home Video Relay Service
Call Handling, CG Docket Nos. 03-123 & 10-51**

Dear Ms. Dortch:

Pursuant to Sections 1.3, 1.41, and 1.401 of the rules of the Federal Communications Commission (“Commission”),¹ CSDVRS, LLC, d/b/a ZVRS and Purple Communications, Inc. (together, the “Companies”), hereby submits the attached confidential version of its Petition for Rulemaking (“Petition”), the redacted version of which has been filed in the above-referenced dockets.

Pursuant to Sections 0.457 and 0.459 of the Commission’s rules,² the Companies request that the Commission afford confidential treatment to the information that has been marked confidential in the attached Petition and withhold that information from public inspection. The confidential information includes granular information about network facilities and operations, information that discusses in detail the amount of traffic handled, and granular information about costs and revenues. Such information falls within Exemption 4 of the Freedom of Information Act (“FOIA”).³

In support of this request and pursuant to Section 0.459(b) of the Commission’s rules, the Companies hereby state as follows:

1. Identification of the specific information for which confidential treatment is sought.

The Companies request confidential treatment with respect to the confidential information redacted from the version filed electronically with the Commission, including the attached exhibits.

2. Identification of the circumstance giving rise to the submission.

The Companies are submitting this information with respect to a petition for rulemaking to permanently authorize at-home video relay service call handling.

¹ 47 C.F.R. §§ 1.3; 1.41; 1.401.

² 47 C.F.R. §§ 0.457; 0.459.

³ See 47 C.F.R. § 0.457(d).



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3. Explanation of the degree to which the information is commercial or financial or contains a trade secret or is privileged.

The information in the attached Petition is highly-sensitive commercial information specific to day-to-day operations, network facilities and operations, and granular information about costs and revenues. This information is generally safeguarded from competitors and is not made available to the public.

4. Explanation of the degree to which the information concerns a service that is subject to competition.

The confidential information involves Video Relay Service, a nationwide competitive service.

5. Explanation of how disclosure of the information could result in substantial competitive harm.

Disclosure of the information included in the Petition could cause substantial competitive harm and would provide competitors insight into confidential operational, financial and strategy information, which would result in a severe competitive disadvantage.

6. Identification of any measures taken to prevent unauthorized disclosure.

The Companies routinely treat the information provided in the Petition as highly confidential and exercise significant care to ensure that such information is not disclosed to their competitors or the public.

7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.

The Companies do not make the information provided in the attached Petition available to the public, and this information has not been previously disclosed to third parties, except where required by the Commission and the TRS Fund administrator, each of whom protect the confidentiality of such submissions.



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8. Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.

The Companies request that the information identified in the following Petition be treated as confidential on an indefinite basis, as they cannot identify a date certain on which this information could be disclosed without causing competitive harm.

Respectfully submitted,

/s/ Gregory Hlibok

Gregory Hlibok
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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Structure and Practices of the Video Relay Service)	CG Docket No. 10-51
Program)	
)	
Telecommunications Relay Services and Speech-)	
to-Speech Services for Individuals with Hearing)	CG Docket No. 03-123
and Speech Disabilities)	

**PETITION FOR RULEMAKING TO PERMANENTLY AUTHORIZE AT-HOME
VIDEO RELAY SERVICE CALL HANDLING**

EXECUTIVE SUMMARY

Approval of the pilot program for at-home Video Relay Service (“VRS”) call handling (the “Pilot Program”) was an innovative and commendable step for the Federal Communications Commission (the “Commission”) to take to improve the VRS program for all stakeholders. CSDVRS, LLC d/b/a ZVRS and Purple Communications, Inc., (collectively, the “Companies”), both participants in the Pilot Program, are pleased to report promising preliminary results in this filing. In order to realize the full benefits of the Pilot Program, however, a more long term implementation is needed. The Companies have found that the “trial” and temporary nature of the program is counterproductive to hiring and other essential contracts (such as network agreements) where cost savings are needed but cannot be realized on a temporary basis.

The Commission took many years to consider authorizing at-home call handling and has been understandably cautious. The Pilot Program is demonstrating that the Commission’s safeguards for the program are effective to ensure that at-home call handling complies with the mandatory minimum standards for VRS. Accordingly, since the Pilot Program has been a success to date, and could be yielding even greater benefits if made permanent, the Companies petition the Commission to expeditiously initiate a rulemaking to permanently authorize at-home handling of VRS calls, and waive and extend the Pilot Program termination date, October 31st, 2018, to ensure continuity of at-home call handling before permanent rules become effective. In the event the requested rulemaking is not concluded before termination of the Pilot Program on October 31, 2018, the Companies request under Section 1.3 a waiver and minimum extension of the Pilot Program through December 31, 2020, extended as necessary to allow for implementation of permanent rules authorizing at-home VRS call handling.

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Before the
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**PETITION FOR RULEMAKING TO PERMANENTLY AUTHORIZE AT-HOME
VIDEO RELAY SERVICE CALL HANDLING**

CSDVRS, LLC d/b/a ZVRS (“ZVRS”) and Purple Communications, Inc. (“Purple”) (collectively, the “Companies”), both participants in the at-home Video Relay Service (“VRS”) call handling pilot program (the “Pilot Program”), hereby petition the Federal Communications Commission (the “Commission”) under Sections 1.41 and 1.401 of the rules to expeditiously initiate a rulemaking to amend Sections 64.604(b)(4)(iii) and 64.604(b)(8), or otherwise amend its rules, to permanently authorize at-home handling of VRS calls before termination of the Pilot Program on October 31, 2018.

The Companies’ experience in participating in the Pilot Program reveals that at-home call handling supports the Commission’s goals in this proceeding by both offering a functionally equivalent VRS service, perhaps even an improved service, and enhancing the efficiency of delivering VRS.¹ The Pilot Program is yielding unquestionable benefits for VRS providers, Communications Assistants (“CAs”), the deaf and hard-of-hearing community (the

¹ See, e.g., *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51, 03-123, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, Order, FCC 17-26, paras. 48-50 (2017) (“2017 VRS Improvements Report and Order”).

“Community”), and the Telecommunications Relay Service (“TRS”) Fund. Moreover, the experience of the Companies in the Pilot Program confirms that: (1) supervision and monitoring of at-home CAs are equivalent to that of traditional call centers; (2) at-home call handling meets the Commission’s confidentiality standards; (3) reliability, redundancy, and efficiency of VRS are improved by at-home call handling; and (4) quality of service is maintained with at-home call handling.

After years of deliberation, the Commission took a bold step in authorizing at-home call handling on a trial basis, and the Companies are proud to share with the Commission the promising preliminary results. In order to realize the full benefits of the Pilot Program, however, a more long-term implementation is needed. The Companies have found that the temporary nature of the “trial” is counterproductive to hiring and other essential contracts (such as network agreements) where cost savings are needed and cannot be realized on a temporary basis. The first step necessary to realize the full benefits of the program, therefore, is to provide needed certainty about its long-term continuation. With a clear sight line, VRS Providers can further increase efficiencies in essential contracts and CA hiring practices and realize significant cost savings. *****Begin Confidential ***** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *****End Confidential *****

In the event the rulemaking proceeding requested herein is not concluded before termination of the Pilot Program on October 31, 2018, the Companies hereby request under Section 1.3 of the rules a waiver and minimum extension of the Pilot Program through December

31, 2020, extended as necessary to allow for implementation of permanent rules authorizing at-home VRS call handling.

I. BACKGROUND.

The Companies were authorized to participate in the Pilot Program on October 31, 2017,² have submitted monthly data on at-home call handling, and each provided the Commission with a six-month report on June 1, 2018,³ detailing their respective experience with the Pilot Program.

***Begin Confidential ***

***End Confidential ***

The Companies believe their experience with the Pilot Program assuage any concerns the Commission previously held regarding at-home call handling for VRS. The Pilot Program was six years in the making due to concerns about the degree to which at-home call handling can replicate call handling in traditional call centers and satisfy the mandatory minimum standards for confidentiality, security, redundancy, and availability of service, and quality of service.⁴ In 2017, however, the Commission acknowledged that changed circumstances, including advances in the technology used to supervise and communicate with at-home CAs, could alter its calculus.⁵ The Companies can validate these changed circumstances.

² On September 1, 2017, ZVRS and Purple each submitted to the Commission a notice of their intent to participate in the Pilot Program. Each Company's notice included a detailed plan describing the means by which each Company would ensure compliance with the mandatory minimum standards applicable to VRS and with the nine elements required by Section 64.604(b)(8)(i) of the rules. See 47 C.F.R. § 64.604(b)(8)(i); ZVRS Notification, Exhs. A-I; Purple Notification, Exhs. A-I. On October 31, 2017, the Consumer and Governmental Affairs Bureau ("Bureau") authorized ZVRS and Purple to participate in the Pilot Program from November 1, 2017 to October 31, 2018. Authorizations Granted to CSDVRS, LLC, and Purple Communications, Inc. to Participate in the VRS At-Home Call Handling Pilot Program, Public Notice, 32 FCC Rcd. 9245, 9246 (CGB 2017) ("Authorization Notice").

³ See CSDVRS, LLC, d/b/a ZVRS Six-Month Report on At-Home VRS Call Handling Pilot Program, as amended by erratum dated Aug. 17, 2018; Purple Communications, Inc. Six-Month Report on At-Home VRS Call Handling Pilot Program, Exhibit B, as amended by erratum dated Aug. 17, 2018.

⁴ See *Structure and Practices of the Video Relay Services Program, Report and Order and Further Notice of Proposed Rulemaking*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 10-51, FCC 11-54, paras. 13-20 (2011) ("*2011 VRS Improvements Order*").

⁵ *2017 VRS Improvements Report and Order* at para. 48-50.

In the *2017 VRS Improvements Report and Order*, the Commission determined that, “with current technology and experienced CAs, VRS providers likely can protect against waste, fraud, and abuse, and comply with the Commission’s mandatory minimum standards while effectively handling VRS calls from CA at-home workstations.”⁶ The Commission further found that “there have been important advances in technology, including the strengthened reliability of Internet-based networks, the advent of video platforms that allow stricter monitoring of the at-home environment, and the secure use of video communications at home and in the workplace” and that “allowing VRS CAs to handle calls from at-home workstations offers several benefits, including increasing the pool of qualified interpreters and protecting the safety of CAs by eliminating the need to travel during late-night hours.”⁷ In addition, the Commission concluded that “at-home workstation arrangements can improve network redundancy and help providers meet speed-of-answer standards by allowing alternative locations for CAs to handle VRS calls away from call centers during times of inclement weather, civic emergencies, network outages, network traffic events, or other unforeseen circumstances that could affect those centers.”⁸ All of these factors – more experienced CAs, advances in technology, more reliable Internet, better monitoring and better video platforms – have contributed to the success the Companies are having in the Pilot Program.

Indeed, these same technological advances have supported a greater percentage of at-home workers across many sectors – between 20-25% of the total U.S. workforce works from home.⁹ Moreover, at-home work arrangements routinely extend to occupations that require strict

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ CORTNEY WEINBAUM ET AL., *Understanding Government Telework*, 7 (RAND Corporation 2018), available at: https://www.rand.org/content/dam/rand/pubs/research_reports/RR2000/RR2023/RAND_RR2023.pdf.

confidentiality of information, similar to the confidentiality required for VRS. Agencies that handle sensitive data, such as NASA, the Nuclear Regulatory Commission and the Internal Revenue Service (IRS) have significant portions of their workforce teleworking, nearly half in most instances. For example, at the IRS, 45% of all employees teleworked in 2015, handling confidential tax payer information at home in a safe and secure manner.¹⁰ The IRS addresses confidentiality concerns related to at-home work by establishing safeguards, including the encryption of data and proper storage of information when at home.¹¹ Similarly, NASA, with 49% of employees teleworking in 2015, has developed an effective telework program that includes access to sensitive-but-unclassified (“SBU”) and personally identifiable information (“PII”) while at home.¹² The Nuclear Regulatory Commission (“NRC”) saw 51% of its employees teleworking in 2015, successfully addressing sensitive information by requiring employees to access such information through a secure Citrix connection to the NRC’s intranet.¹³

The Commission’s decision to allow at-home servicing of VRS calls in the Pilot Program and beyond is supported by these agencies, and countless others in the private sector, that demonstrate how remote work is a critical element of a modern enterprise, and concerns about confidentiality and sensitive information can be addressed through technology and procedural safeguards – just as the Commission did in the VRS program.

As described herein, the Pilot Program is proving out the policy objectives and goals of the Commission, and it is unquestionably in the public interest to make at-home interpreting a permanent feature of the VRS program.

¹⁰ *Id.* at 25.

¹¹ *Id.* at 38.

¹² *Id.* at 41.

¹³ *Id.* at 50.

II. THE COMMISSION SHOULD EXPEDITIOUSLY COMMENCE A RULEMAKING TO PERMANENTLY AUTHORIZE AT-HOME VRS CALL HANDLING.

As described in detail herein, the results of the Pilot Program to date not only support the Commission's policy objectives when it approved at-home call handling, but they also dispel any historical concerns about whether at-home call handling can provide the features and quality of VRS service that is necessary to satisfy the needs of the Community and the requirements of the VRS program.

A. The Pilot Program is Proving that At-Home Call Handling Satisfies the Commission's Public Policy Objectives.

In its thorough consideration of at-home call handling for VRS, the Commission explored a number of public interest benefits that the Pilot Program, and at-home call handling, could generate. The Companies are uniquely positioned to confirm the accuracy of the Commission's forethought about the public policy benefits of this program.

First, without question, the Pilot Program demonstrates that at-home call handling furthers the Commission's long-standing policy of fostering a functionally equivalent and efficient VRS program. The Community is receiving the same functionally equivalent service, regardless of whether the CA is working from a call center or an at-home work station. The at-home-specific safeguards required by the Commission are ensuring compliance with the VRS mandatory minimum standards, and requirements related to monitoring and oversight of CAs, confidentiality of VRS conversations, reliability, and quality of service,¹⁴ all while preventing fraud, waste, and abuse. Additionally, the at-home call handling program is increasing the pool of qualified interpreters. At the Companies, several CAs who cannot travel to one of the

¹⁴ See 2017 VRS Improvements Report and Order at para. 59.

Companies' traditional call centers due to a lack of proximity or inadequate public transportation options are now successfully handling VRS calls at their at-home workstations.

Second, the Pilot Program is serving the public policy goal of allowing the Companies to explore innovative solutions to increase the efficiency of VRS service by reducing the need for facilities and other overhead costs that are not necessary for at-home work stations. Ultimately, this reduction in overhead will benefit the TRS Fund. *****Begin Confidential***** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*****End Confidential***** [REDACTED] A permanent program will allow the Companies to offer attractive employment opportunities and establish more favorable contracts with vendors and suppliers, further reducing costs, increasing efficiency in the VRS program, and benefiting the TRS Fund. *****Begin Confidential***** [REDACTED]

¹⁵ *****Begin Confidential***** [REDACTED]

*****End Confidential***** [REDACTED]

[***End Confidential***]

Third, the results of the Pilot Program support the Commission's supposition that at-home interpreting may improve working conditions for some CAs. The Companies have found that CAs are able to provide better service without stressful commutes and are protected from the dangers of being on the road in a vehicle after hours in order to get to work. Moreover, and as described more fully below in Sections II.B.1-4, the Pilot Program has received tremendous feedback from CAs, managers, and customers. [***Begin Confidential***]

[***End Confidential***]

Clearly, as discussed above, the Pilot Program is satisfying the Commission's policy objectives and goals for the program.

¹⁶ [***Begin Confidential ***]

[***End Confidential ***]

B. Given Advances in Technology, At-Home Call Handling is Well Supervised, Confidential, Reliable, Redundant, and Provides a High Quality of Service.

1. Supervision and Monitoring of At-Home CAs is Equivalent to that in Traditional Call Centers.

The Pilot Program validates the Commission’s assessment in the *2017 VRS Improvements Order* of the “important advances in technology, including . . . the advent of video platforms that allow stricter monitoring of the at-home environment, and the secure use of video communications at home and in the workplace” since the initial prohibition of at-home call handling.¹⁷

The monitoring and oversight obligations established in the *2017 VRS Improvements Order* have proven effective for the Companies in ensuring that supervision of at-home CAs is equivalent to supervision at a call center. [***Begin Confidential***] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [***End Confidential***] Finally, as per the Commission’s Rules,¹⁸ the Companies have conducted random and unannounced inspections of at least 5% of at-home workstations.

[***Begin Confidential ***] [REDACTED] [REDACTED] [REDACTED]

¹⁷ 2017 VRS Improvements Report and Order at para. 48.

¹⁸ 47 C.F.R. § 64.604(b)(8)(ix)(I).

*****End Confidential ***]**

The successful implementation of these remote supervision practices has been lauded by ZVRS and Purple supervisors. One Purple CA supervisor noted:

I have had the opportunity to monitor and observe at home [CAs] while working. I think the experience is at least equivalent to my ability to monitor and observe calls in a call center environment. In fact, I believe this process is even less distracting and is more effective remotely.²¹

Another Purple supervisor remarked:

the remote monitoring system in place provides me with equivalent if not superior access to be able to supervise the At Home CA's to the same extent as those within the call center allowing me to proactively address any number of issues including possible waste, fraud or abuse.²²

ZVRS CA supervisors have been similarly impressed with the Pilot Program, with one supervisor noting:

[***Begin Confidential***]

19 *****Begin Confidential*****

[***End Confidential ***]

²⁰ Exhibit B at 5.

²¹ Exhibit B at 6.

²² *Id.*

[***End Confidential***]

Notwithstanding extensive monitoring and supervision of these at-home CAs, equal to or greater than supervision in traditional call centers, it has not been necessary for either Company to take any disciplinary action against an at-home CA.

2. At-Home Call Handling is Meeting the Commission's Confidentiality Standards.

In the past, the Commission was concerned about whether “call handling in a home environment can meet the Commission’s TRS standard requiring strict confidentiality of all relay calls.”²⁴ As the Commission noted in the *2017 VRS Improvements Order*, at-home call handling “aligns with current practices across industry and government sectors that permit at-home communications-related work under strict confidentiality standards.”²⁵ The Pilot Program confirms that these industry practices ensure that at-home call handling meets the Commission’s confidentiality standards for VRS.

Responding to the Commission’s safeguards, the Companies require the use of secure, separate, and locked locations for providing VRS service in a CA’s home. The Companies arrange, oversee, and confirm installation of the lock to secure the workspace. They also require installation of eavesdropping prevention measures, such as soundproofing and white-noise emitters installed by the Companies to ensure their efficacy. The Companies also contract for and provide secure, dedicated Internet connections from the CA’s home to the respective Company’s network for routing, tracking, and support. Additionally, each ZVRS and Purple at-home CA acknowledges prior to participating in the Pilot Program that “engaging in an activity

²³ Exhibit A at 6.

²⁴ *2011 VRS Improvements Order* at para. 17.

²⁵ 2017 VRS Improvements Report and Order at para. 49.

that compromises the security and privacy of his or her at home workstation” is grounds for termination of employment.

ZVRS and Purple CAs have commented on the effectiveness of the confidentiality safeguards in surveys regarding the Pilot Program. One Purple CA noted:

maintaining privacy in this environment was stressed during training. Proper set-up ahead of time guarantees our customer’s information is protected.²⁶

Additionally, a ZVRS CA Supervisor remarked on the ability to ensure confidentiality is maintained:

[***Begin Confidential***] [REDACTED]
[REDACTED]
[REDACTED] [***End
Confidential***]

A ZVRS CA echoed the supervisor’s praise of these safeguards, stating:

My office has a lock and my entire upstairs can be locked from the house if necessary. I have no children or pets. I have a sound machine to muffle and obscure calls. [***Begin Confidential***] [REDACTED] [***End Confidential***]

3. Reliability, Redundancy, and Efficiency of VRS is Improved Through At-Home Call Handling.

Another past concern about at-home call handling related to “potential violations of the Commission’s technical standards in a home environment,” including concerns about inadequate redundancy and reliability of service.²⁹ Through the Pilot Program, the Companies have confirmed the Commission’s 2017 assessment that “CA workstations, whether located in a call center or at home, can be integrated in a virtual system in which call handling protocols apply

²⁶ Exhibit B at 36.

²⁷ Exhibit A at 7.

²⁸ Exhibit A at 34.

²⁹ 2011 VRS Improvements Order at para. 18.

seamless capabilities and failover procedures to ensure that quality standards are met at every workstation regardless of its location.”³⁰

The Pilot Program has successfully tested the Commission’s findings about the “strengthened reliability of Internet-based networks.”³¹ At the Companies, each at-home workstation is securely connected to the respective provider’s network, and at-home CAs have not experienced any significant connectivity issues. To ensure maximum reliability, the Companies screen potential at-home CAs based on the reliability of the Internet connection at the proposed at-home location. Additionally, each workstation is equipped with an uninterrupted power supply for redundant power. *****Begin Confidential ***** [REDACTED]

[REDACTED]

[REDACTED] *****End Confidential *****

The Pilot Program also is demonstrating that at-home interpreting “can improve the efficiency and effectiveness of the VRS program.”³² Indeed, the Companies have realized many of the benefits of at-home interpreting envisioned by the Commission. The Pilot Program has allowed the Companies to improve the redundancy of their networks by distributing their call-handling capabilities outside of traditional call centers. ZVRS and Purple view the at-home work stations as additional redundant and alternative “nodes” for each Company’s network.

Additionally, the Pilot Program has improved the safety of ZVRS and Purple CAs participating in the program by eliminating the need to travel after traditional work hours. CAs often work shifts outside of traditional work hours in order to provide the essential “dial-tone”

³⁰ 2017 VRS Improvements Report and Order at para. 49.

³¹ 2017 VRS Improvements Report and Order at para. 48.

³² 2017 VRS Improvements Report and Order at para. 46.

service. CAs working these shifts are often exposed to the heightened risks of travel during these late-night hours, but these risks are mitigated because the Commission is allowing for at-home call handling.

A survey of ZVRS and Purple CAs participating in the Pilot Program revealed strong support for at-home call handling and the effectiveness and efficiency of call handling. A ZVRS CA noted:

being able to get to work without being stressed out from a difficult commute makes a huge difference in my energy level and my disposition.³³

Without question, the stress reduction of at-home interpreting translates into increased call quality for the Community. Similar positive feedback was received from Purple's at-home CAs, each of which "Strongly Agreed" that "working VRS at home has impacted my comfort level in my working environment. It reduces distractions and allows me to be in the best frame of mind for excellent customer service thereby reducing my answer time . . . and processing my calls more efficiently."³⁴

The Pilot Program also has allowed the Companies to more flexibly adapt to unexpected increases in call volumes by adjusting at-home CA schedules. Similarly, at-home call handling allows CAs to serve more VRS because they don't spend time commuting. Finally, the Companies are better prepared to respond to unexpected events, such as severe weather or geographic network outages, because the at-home nodes can pick up calls that may be denied due to network outages at traditional call centers.

³³ Exhibit A at 32.

³⁴ Exhibit B at 35.

4. Quality of Service is Maintained with At-Home Call Handling.

The Companies have shown through the Pilot Program that at-home call handling provides excellent quality of service. In 2011, the Commission was concerned about “the ability to achieve service quality standards in a home environment,” including the ability for supervisors to provide assistance and the possibility for increased distractions.³⁵ These concerns are no longer germane.

Moreover, the ability for supervisors to provide assistance or teaming to an at-home CA that needs teaming has not been an issue. The Commission’s technical safeguard that requires each at-home workstation to “allow a CA to use all call-handling technology to the same extent as other CAs, including the ability to transition a non-emergency call to an emergency call, engage in virtual teaming with another CA, and allow supervisors to communicate with and oversee calls” has proven effective.³⁶ A Purple at-home CA Supervisor noted the effectiveness of these features in a survey administered to program participants:

***Begin Confidential *** [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] ***End Confidential ***

Similarly, a ZVRS at-home CA supervisor noted that the CA ***Begin Confidential*** [REDACTED]
[REDACTED] ***End Confidential *** Providing exceptional quality of service has not been an issue for either Company during the Pilot Program.

³⁵ 2011 VRS Improvements Order at para. 19.

³⁶ 47 C.F.R. § 64.604(b)(8)(iv)(C).

³⁷ Exhibit B at 6.

As all of the above demonstrates, advances in technology together with the safeguards implemented by the Commission for the Pilot Program have ensured that at-home call handling is well supervised, confidential, reliable, redundant, and provides a high quality of service.

III. IF PERMANENT RULES ARE NOT ADOPTED BEFORE THE PILOT PROGRAM EXPIRES IN OCTOBER, THE COMMISSION SHOULD WAIVE THE EXPIRATION DATE AND EXTEND THE PILOT PROGRAM TO DECEMBER 2020 IN ORDER TO ALLOW FOR ADOPTION OF PERMANENT RULES.

Generally, the Commission's rules may be waived for good cause shown.³⁸ The Commission may waive a rule where the particular facts make strict compliance with the rule inconsistent with the public interest.³⁹ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy in electing to waive one or more of its rules.⁴⁰

A waiver and extension of the Pilot Program termination date is in the public interest because the Pilot Program is working, it is satisfying the Commission's policy objectives and goals, and it is ensuring that at-home call handling is not only functionally equivalent, but is also improving the efficiency of the VRS program. An extension will allow providers participating in the Pilot Program to continue to explore methods of reducing facility and other overhead costs in order to maximize the benefits of the program, increase the efficiency of providing VRS service, and benefit the TRS Fund. Moreover, and as described in great detail above, the Pilot Program has received tremendous feedback. Indeed, the Pilot Program has confirmed the Commission's conclusions that: (1) supervision and monitoring of at-home CAs can be equivalent to that in traditional call centers; (2) at-home call handling can meet the Commission's confidentiality

³⁸ 47 C.F.R. § 1.3.

³⁹ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*").

⁴⁰ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) ("*WAIT Radio*"); *Northeast Cellular*, 897 F.2d at 1166.

standards; (3) reliability, redundancy, and efficiency of VRS are improved by at-home call handling; and (4) quality of service is exceptional in the at-home environment. For all these reasons, the Companies respectfully request a waiver and extension of the Pilot Program through December 31, 2020 if the Commission has not made the at-home program permanent by October 31, 2018.

IV. CONCLUSION.

Without hesitation, the Commission should initiate a rulemaking proceeding to amend Sections 64.604(b)(4)(iii) and 64.604(b)(8), or otherwise amend its rules, to permanently authorize at-home VRS call handling. The Pilot Program has demonstrated that, as the Commission predicted, at-home call handling offers functional equivalent and efficient VRS service, benefiting the Community, the CAs and the TRS Fund. The Companies' experience in the Pilot Program demonstrates that the Commission's at-home call handling safeguards are effective in ensuring the quality of VRS service and preventing waste, fraud, and abuse. The Companies call on the Commission to continue supporting this innovative new program, by providing certainty of long-term support, the lack of which is inhibiting the full benefits of this program for all VRS stakeholders.

Additionally, and to the extent necessary, in the event the rulemaking proceeding to make at-home call handling permanent is not concluded before October 31, 2018, the Companies respectfully request a limited waiver and extension of the Pilot Program through December 31, 2020.

[Signature on following page.]

Respectfully submitted,

/s/Gregory Hlibok

Gregory Hlibok

Chief Legal Officer

ZVRS Holding Company, parent company
of CSDVRS, LLC d/b/a ZVRS and
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August 29, 2018

Exhibit A

CSDVRS, LLC, d/b/a ZVRS
Six-Month Report on At-Home VRS Call
Handling Pilot Program
June 1, 2018
(as amended by erratum dated Aug. 17, 2018)

Exhibit B

Purple Communications, Inc.
Six-Month Report on At-Home VRS Call
Handling Pilot Program
June 1, 2018
(as amended by erratum dated Aug. 17, 2018)