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

In the matter of

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Telecommunications Relay Services and	)	WC Docket No. 10-191
Speech to Speech Services for	)	CG Docket No. 03-123
Hearing and Speech Disabilities	)	
	)	
Structure and Practice of the Video Relay	)	CG Docket No. 10-51
Service Program	)	

Communication Service for the Deaf, Inc's Reply Comments
to VTCSecure's Petition for Waiver and Request for Declaratory Ruling

Introduction

Communication Service for the Deaf, Inc. ("CSD") files this reply to the VRS Providers' comments to VTCSecure, LLC's ("VTCSecure") Petition for Waiver and Request for Declaratory Ruling.[1]

To place into the proper context and to achieve what should be the ultimate goal of best serving the signing community of deaf, deafblind, hard of hearing, and speech-disabled individuals (collectively, "Relay Users") under these proceedings, we must remember why the Americans with Disabilities Act ("ADA") was enacted. The ADA promotes equal access to opportunities and the integration and inclusion of people with disabilities in everyday mainstreamed activities.[2] Title IV of the ADA promises functional equivalency; that is, the ability for Relay Users to communicate with others over telephone in ways that achieve benefits similar to what hearing individuals receive.[3]

The crux of the issues addressed under these proceedings revolve around the consequences of some of the Federal Communications Commission's ("FCC" or "Commission") regulations overseeing the video relay service ("VRS") industry. While well-intentioned, the recent advent of new communication access solutions has revealed that certain regulations have themselves created barriers for Relay Users. To that point, Relay Users are not afforded equal access to, or inclusion with, the larger community of hearing individuals, businesses, and government entities who wish to communicate with them directly in American Sign Language ("ASL") by videophone. For instance, businesses and government entities desiring to provide Relay Users with an improved customer service experience in ASL by videophone do not have an avenue for Relay Users to connect with them using a ten-digit telephone number ("TDN") that reaches a videophone ("Video-Enabled TDN"). These entities are not able to make use of the Telecommunications Relay Service Numbering Directory ("TRS Directory"), which

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[1] Response of the VRS Providers to VTCSecure's Petition for Waiver and Request for Declaratory Ruling, CG Docket Nos. 03-123 & 10-51 (filed August 17, 2016).
[2] 42 U.S.C. § 12101(a)(7)
[3] 47 U.S.C. § 225(a)(3); *see also* 47 C.F.R. § 64.601, paragraph 15.

is currently the only mechanism that makes it possible to connect to a videophone using a TDN. In tandem, hearing individuals who want to make point-to-point videophone calls to chat in ASL with their Relay User friends and family members cannot do so because regulations prohibit them from obtaining Video-Enabled TDNs.

In keeping with the principles of the ADA, CSD is concerned with the trend of proposing regulations that continue the segregation of Relay Users' telecommunications infrastructure – the "walled garden"[4] – within the North American Numbering Plan ("NANP") of which all telephone users are a part. CSD believes that any regulation intended to perpetuate limited access to the TRS Directory under the guises of security and reliability, shielding Relay Users from telemarketing calls, or by imposing unduly restrictive criteria on who may obtain Video-Enabled TDNs, does not serve the public's interest. Such regulation will result in the continued segregation of Relay Users from the general public of telephone users, and will discourage progress on innovative communication access solutions, all in blatant contravention to the spirit that gave rise to the ADA.

To reverse the effects of certain VRS regulations that act as a barrier to achieving the equally important goals of inclusion and equal access under the ADA's other mandates, CSD urges the Commission to, in the interim, grant reasonable individual waiver requests on a case-by-case basis from entities needing Video-Enabled

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[4] *See* National Association for the Deaf, *et al*. Comments on Advanced Communications, CG Docket Nos. 10-213 (filed November 22, 2010). "Currently, VRS users, like users of other video conferencing equipment and/or services can connect with other users of the same equipment and/or services. In other words, video conferencing equipment and service can make and receive direct, "point-to- point" video conferencing calls with users of the same equipment and/or services. As a result, multiple 'silos' or 'walled gardens' of users are being created. VRS users employ a transmission system based on North American Numbering Plan ("NANP") 10-digit numbers. This system must be adopted and/or adapted by other video conferencing equipment and service providers to make their systems interconnected and interoperable with other systems, including but not limited to the system employed by VRS users."

TDNs to provide direct video ASL customer services ("Direct ASL Services") so that progress on this front is not unduly hindered.

In the near future, the Commission should broaden access to the TRS Directory to include telecommunications carriers and interconnected VoIP providers (collectively, "Carriers"). Carriers would then have the ability to provide Video-Enabled TDNs upon request from business or government entities providing Direct ASL Services, as well as hearing individuals.

In the long term, CSD recommends that the Commission explore the possibility of folding the functionality of the TRS Directory into the larger telecommunications system, for instance, through adding its functionality to the NANP to enable the global ability to dial videophones using TDNs.

Argument

I In the interim, the Commission should grant reasonable individual waiver requests on a case-by-case basis from entities providing Direct ASL Services.

In the current absence of a mechanism for obtaining Video-Enabled TDNs, entities wishing to provide Direct ASL Services must go through a VRS provider to obtain a Video-Enabled TDN. Because any Direct ASL Services operation may siphon away compensable minutes from VRS providers, such an arrangement presents a conflict; VRS providers should not be expected to indefinitely support entities providing Direct Video ASL Services operations *gratis* when such operations risk eroding their revenue. In parallel, because there is no obligation for VRS providers to disburse Video-Enabled TDNs to entities providing Direct ASL Services, such entities must rely on the goodwill of VRS providers to obtain a Video-Enabled TDN and to retain access to that TDN. Such an arrangement can and should not be sustainable.

Rather, until a more permanent arrangement is established, Direct ASL Services providers should be able to, subject to a waiver grant from the Commission on the weight of documentation confirming their operation of Direct ASL Services, obtain authorization to access the TRS Directory to enable video support for TDNs that they

pay for, subject to the access regulations set forth by the Commission and the administrator of the TRS Directory. Because Direct ASL Services providers do not provide VRS, they should not be subject to regulations governing VRS providers, aside from regulations intended to maintain the integrity of the TRS Directory.

II In the short term, access to the TRS Directory should be expanded to include telecommunications carriers and interconnected VoIP providers.

The VRS Providers seek to maintain access to the TRS Directory in the certified VRS providers' near-exclusive domain through delay-based arguments that the Commission should regulate the videophone calling activities of non-VRS providers for security and reliability reasons and by holding them to some of the standards certified VRS providers must follow.

The VRS Providers acknowledge that "multiple entities currently provide direct sign-language services through the support of certified [VRS] providers."[5] While such support of certified VRS providers is appreciated, it highlights the VRS providers' unofficial role of being a TRS Directory gatekeeper to decide who may pass, making it necessary for the Commission to take action on this issue of expanding access to the TRS Directory.

The Commission's expansion of access to the TRS Directory to include Carriers would negate much of the VRS Providers' concerns, including security and reliability. At the same time, such an expansion would elegantly leverage an existing framework under which individuals and businesses or government entities could operate within to communicate in ASL with Relay Users by requesting that the carrier of their choice provision their TDNs into the TRS Directory. Carriers are already subject to numerous Commission regulations, as well as Federal Trade Commission regulations protecting consumers. If Carriers do not currently adhere to rules that serve a similar function to the Commission's rules designed to protect the integrity of the TRS Directory, it would be a relatively simple matter to include Carriers under the scope of those rules.

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[5] Response of the VRS Providers to VTCSecure's Petition for Waiver and Request for Declaratory Ruling, CG Docket Nos. 03-123 & 10-51 (filed August 17, 2016).

But in no event, as the VRS Providers suggest, should a non-VRS provider's qualifications to provide Direct ASL Services serve as a condition to receiving a TDN from the TRS Directory. For one, Direct ASL Services is not ASL interpreting. Two, imposing a qualifications requirement on customer service is not within the Commission's authority. Ironically enough, VRS providers do not undergo a qualifications vetting process other than to meet the rather nebulous and vague requirement that their interpreters be "qualified."[6] Nor should an interoperability requirement be imposed as yet another condition to receiving a TDN. As a practical matter, no entity or individual would specifically request a TDN if they did not intend to communicate in ASL with a Relay User, or if they did not have the necessary interoperable technology to do so.

III In the long term, the Commission should explore the possibility of merging the functions of the TRS Directory with the NANP by adding to the NANP the ability to use TDNs to dial videophones.

Ultimately, Relay Users should have the same access to telecommunications resources that a hearing person has – and the videophones that Relay Users use should be reachable by the larger community, not solely only by other videophones registered with the TRS Directory.

While in the short term, the TRS Directory should be accessible to Carriers, VRS providers, and, on a temporary basis until the Carriers' access is established, to entities that provide a telecommunications service to the Relay User community, such as Direct ASL Services providers, the functionality of reaching a videophone through a TDN that the TRS Directory enables should be folded into the larger telecommunications system. While the ideal mechanism for doing so cannot be determined at the moment, a possibility is to enhance the NANP with the TRS Directory capability of dialing videophones using TDNs. CSD urges the Commission to explore this possibility and others to bring the functionality of the TRS Directory into the mainstream.

Conclusion

There is no communication experience that is purer and as fulfilling when people are able to communicate directly with one another. It is the reason why companies often provide agents fluent in other spoken languages in order to ensure the comfort of

[6] 47 CFR § 64.604(a)(1)(iv)

their customers who are more at ease in their native language. But for as long as the Commission does not take steps to allow the larger community of hearing individuals, businesses, and government entities to obtain Video-Enabled TDNs, it is a benefit that is denied to Relay Users. It is difficult to ignore the irony that the VRS industry, which was itself born of a Title IV ADA mandate, has become a barrier to inclusion and equal access which the ADA's other Titles require. CSD urges the Commission to work towards a more permanent solution to enable every telecommunications user to video-enable their TDNs, breaking down the VRS "walled garden" and bringing TDN dialing of videophones into the mainstream.

Respectfully submitted,
COMMUNICATION SERVICE FOR THE DEAF, INC.

/s/ Christopher Soukup
Chief Executive Officer

September 1, 2016