

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

**REPLY COMMENTS OF  
CSDVRS, LLC D/B/A ZVRS AND PURPLE COMMUNICATIONS, INC.**

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CSDVRS, LLC D/B/A ZVRS AND PURPLE COMMUNICATIONS, INC.**

**I. INTRODUCTION AND SUMMARY.**

CSDVRS, LLC d/b/a ZVRS (“ZVRS”) and Purple Communications, Inc. (“Purple”) (collectively, the “Companies,” and each, individually, a “Company”) hereby reply to the initial comments filed in response to the Further Notice of Proposed Rulemaking (“FNPRM”) of the Federal Communications Commission (the “Commission”) in the above-captioned proceeding.<sup>1</sup> The Commission should take note of the broad support in the record for permanently authorizing at-home call handling for the video relay service (“VRS”) and expeditiously issue an order doing just that. The Commission should build on the lessons and experiences gained through the participation of the Companies in the Voluntary At-Home Call Handling Pilot Program (“Pilot Program”) and adopt final rules that ensure compliance with the mandatory minimum standards

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<sup>1</sup> *In the Matter of 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 and Further Notice of Proposed Rulemaking, FCC 19-39 (May 15, 2019) (“FNPRM”).

for VRS and eliminate restrictions that were appropriate for a Pilot, but would compromise the value of at-home interpreting if they are incorporated in the final rule.

VRS providers and Consumer Groups unanimously oppose Neustar’s proposed enterprise and public videophone log-in requirement. Providers and the Consumer Groups agree that a log-in procedure is unnecessary, excessively costly to implement, and undermines functional equivalence. The Commission should therefore decline to adopt such a requirement. If, however, the Commission elects to adopt a log-in requirement, stakeholders agree that it should adopt a less complex mechanism, such as by entering a user’s phone number or certifying eligibility over Interactive Voice Response/Interactive Video Voice Response (“IVR/IVVR”).

Finally, commenters voiced broad support for the Commission’s proposal to permit VRS providers to provide service to new and porting users pending User Registration Database (“URD”) verification and the Commission should move expeditiously to adopt this proposal, which will benefit the community and further the functional equivalence of VRS.

## **II. THE COMMISSION SHOULD PERMANENTLY AUTHORIZE AT-HOME CALL HANDLING, USING THE LESSONS AND EXPERIENCE OF THE PILOT PROGRAM TO ADOPT RULES THAT WILL MAXIMIZE THE VALUE OF AT-HOME CALL HANDLING RATHER THAN FREEZING IN PLACE RULES DESIGNED FOR A LIMITED TRIAL.**

Commenters unanimously agree that the Commission should permanently authorize at-home call handling.<sup>2</sup> As ZVRS and Purple stated in their initial comments, the Pilot Program has demonstrated that at-home call handling complies with the mandatory minimum standards for

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<sup>2</sup> See Comments of ASL Services Holdings, LLC dba GlobalVRS., CG Docket Nos. 10-51, 03-123, 1 (filed Aug. 5, 2019) (“GlobalVRS Comments”); Comments of Convo Communications, LLC, CG Docket Nos. 10-51, 03-123, 2 (filed Aug. 5, 2019) (“Convo Comments”); Comments of Telecommunications for the Deaf and Hard of Hearing, Inc., National Association of the Deaf, Association of Late-Deafened Adults, Inc., Cerebral Palsy and Deaf Organization, and American Association of the DeafBlind, CG Docket Nos. 10-51, 03-123, 1 (filed Aug. 5, 2019) (“Consumer Groups Comments”).

VRS and has proven the value of at-home call handling for users, providers, and the Telecommunications Relay Services (“TRS”) Fund. Permanent authorization of at-home call handling will provide much-needed regulatory certainty and allow VRS providers to further increase efficiencies and realize cost savings that will benefit providers and the Fund.

**A. Nearly Two Years of Pilot Program Data Demonstrate that At-Home Call Handling Can Be Implemented in a Compliant Manner and Supports Deployment of At-Home Call Handling as Broadly as Market Forces Dictate.**

Based on the work and reporting of ZVRS and Purple who participated in the Pilot Program, the Commission now has nearly two years of detailed reports on costs, performance, and a number of other metrics regarding at-home interpreting services.<sup>3</sup> The Pilot Program served its purpose and the Commission has determined that the data it gathered demonstrates that at-home call handling can be accomplished in compliance with the Commission’s mandatory minimum standards and without an increased risk of waste, fraud, and abuse.<sup>4</sup> Indeed, the data indicates that for VRS users, calls handled at home are indistinguishable from those handled at traditional call centers, as the Commission intended in establishing the Pilot Program—the performance, monitoring, and supervision of at-home communications assistants are equivalent to their peers in traditional call centers, calls are handled in accordance with the Commission’s confidentiality requirements, and there is no appreciable difference in service quality between calls handled at home and those handled in call centers.

Data from the Pilot Program thus supports the notion that at-home call handling can and should be deployed permanently and as broadly as market forces dictate. The Commission

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<sup>3</sup> See *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, para. 59 (2017) (“2017 VRS Improvements Report and Order”).

<sup>4</sup> FNPRM at para. 54.

should use this opportunity to adopt rules for at-home interpreting that ensure compliance with the Commission's rules by imposing appropriate safeguards, but eliminating restrictions that would prevent all stakeholders from realizing the maximum value of at-home interpreting.

**B. The Commission Should Reduce Administrative Burdens by Eliminating the Six Month Reporting Obligations for Providers That Have Already Established Compliance of their At-Home Call Handling Capability.**

GlobalVRS asks the Commission to retain "current reporting requirements, including retention of the six-month reporting requirements, [] if or until the Commission no longer deems certain reports or reporting frequency sufficient or necessary in accordance with experience gained over time."<sup>5</sup> ZVRS and Purple agree in principle. The Commission should retain these reporting requirements for VRS providers that apply to offer at-home interpreting in the future. As GlobalVRS acknowledges, these reports are only necessary to ensure a particular provider's implementation of at-home call handling complies with the Commission's rules and maintains service quality because of that provider's limited amount of experience with at-home interpreting.<sup>6</sup>

ZVRS and Purple have proven the compliance of their at-home programs through 21 months' worth of detailed reports submitted to the Commission, as well as a thorough demonstration of the benefits of the program contained in their petition for rulemaking to permanently authorize at-home call handling.<sup>7</sup> Indeed, it is based on these reports, and the performance of ZVRS and Purple's programs, that the Commission has concluded that at-home

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<sup>5</sup> GlobalVRS Comments at 8.

<sup>6</sup> *Id.* at 8.

<sup>7</sup> Petition of CSDVRS, LLC dba ZVRS and Purple Communications, Inc. for Rulemaking to Permanently Authorize At-Home Video Relay Service Call Handling, CG Docket Nos. 10-51 and 03-123, at 3, Exh. A, & Exh. B (filed Aug. 29, 2018).

call handling can be permanently authorized without significantly increasing the risk of waste, fraud, and abuse.<sup>8</sup> Accordingly, for ZVRS and Purple, additional six-month reporting would be a burden without a corresponding benefit. For participants new to at-home interpreting, however, GlobalVRS is correct that the Commission should require two six-month reports from these providers to ensure that their newly developed at-home capabilities are compliant and effective.

**C. The Commission Should Eliminate the Pilot Program Requirements That Capped At-Home Interpreting Minutes to 30%, and Required Three Years of Call Center Experience for CAs, as These Limitations Will Hinder the Value of At-Home Interpreting if They Are Adopted in the Final Rules.**

Although some VRS providers argue in favor of implementing all the Pilot Program rules in the final rule authorizing at-home interpreting, some of those rules, which were appropriate for a Pilot that is intended to be limited, would frustrate the long-term goals of at-home call handling. For example, the 30% limitation on at-home handled minutes and the requirement that at-home Communications Assistants (“CAs”) have three years of call center experience are requirements that should be eliminated in the final rule. As stated in ZVRS and Purple’s initial comments, the 30% limitation on at-home handled minutes artificially limits the benefits of at-home call handling by restricting VRS providers from responding to market forces in deploying call center and at-home CAs.<sup>9</sup>

**1. There Is No Rational Justification for Retaining the 30% Cap on Minutes Handled by At-Home CAs.**

Convo asks the Commission to retain the 30% limitation because of privacy concerns.<sup>10</sup> However, Convo does not cite any evidence to support this concern. GlobalVRS similarly notes

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<sup>8</sup> FNPRM at para. 54.

<sup>9</sup> ZVRS and Purple Comments at 8.

<sup>10</sup> Convo Comments at 3. Convo also raises concerns about the ability of at-home CAs to handle emergency and 911 calls and asks the Commission to clarify that at-home CAs are allowed to transfer emergency

“unique at-home interpreting anomalies” but provides no information on what these anomalies might be or how a limitation on the percentage of minutes handled at home could remedy them.<sup>11</sup> ZVRS and Purple have experienced no issues with monitoring and supervising at-home CAs, and can confirm that the privacy of at-home CA workstations is at least equivalent to workstations in call centers. Additionally, the Commission’s rules governing at-home call handling already effectively ensure that at-home call handling must secure a user’s privacy by requiring at-home workstations to be equipped with an effective means of preventing eavesdropping and that they be located in a separate, secure, and restricted location in the CA’s home.<sup>12</sup>

**2. There Is No Need to Retain the Requirement That At-Home CAs Have at Least Three Years of Experience in a Call Center.**

Apart from commenters such as Convo and GlobalVRS that suggested that all Pilot Program rules should be retained in the final rules authorizing at-home interpreting, no commenter other than ZVRS and Purple addressed the requirement that each CA handling calls through the Pilot Program must have at least three years of experience as a call center CA. If this Pilot Program rule is retained in the final rule, it will limit the ability of VRS providers to expand the pool of qualified interpreters, a key benefit the Commission hopes to achieve with at-home interpreting.<sup>13</sup>

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calls to a call center if a call center interpreter is readily available to promptly accept the call. ZVRS and Purple have not experienced any issues with at-home CA’s ability to handle emergency calls but agrees with Convo that at-home CAs should be afforded this option, if the situation requires it, to ensure that CAs can flexibly respond to these often unpredictable emergency situations.

<sup>11</sup> See GlobalVRS Comments at 8.

<sup>12</sup> 47 C.F.R. 64.604(b)(8)(v)(A).

<sup>13</sup> See 2017 VRS Improvement Order at paras. 48-50.



As ZVRS and Purple described in their initial comments, the requirement that at-home CAs have three years of call center experience effectively limits the CA pool to the geographic areas surrounding traditional call centers where these CAs would have had the opportunity to gain call center experience.<sup>14</sup> Additionally, because (1) the Commission’s mandatory minimum standards for VRS already require that all CAs are “qualified;”<sup>15</sup> and (2) the rules governing the at-home program require equivalent supervision and support of at-home CAs, the three-year call center experience requirement is not necessary to ensure at-home call handling is equivalent to calls handled in a call center.

GlobalVRS acknowledges that “[t]here is already a growing demand from interpreters to be approved to work from home.”<sup>16</sup> The Commission should not stand in the way of the trend towards teleworking, which extends to the private sector and government sector, even for those entities handling sensitive information,<sup>17</sup> based on hypothetical concerns. ZVRS and Purple understand why the Commission may have limited the pool of at-home interpreters for the Pilot Program, but respectfully requests that this limitation be removed in the final rule. The Commission has the information it needs to adopt final rules that meaningfully improve at-home call handling, and should do so by eliminating barriers to full realization of the benefits of at-home call handling.

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<sup>14</sup> ZVRS and Purple Comments at 5-7.

<sup>15</sup> 47 C.F.R. § 64.604(a)(1)(i).

<sup>16</sup> GlobalVRS Comments at 8.

<sup>17</sup> 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](https://www.rand.org/content/dam/rand/pubs/research_reports/RR2000/RR2023/RAND_RR2023.pdf) (finding that 20-25% of the total U.S. workforce works from home, including agencies that handle sensitive information such as NASA, the Nuclear Regulatory Commission, and the Internal Revenue Service.).

### **III. SORENSON, CONVO, AND THE CONSUMER GROUPS JOINED ZVRS AND PURPLE IN STRONGLY OPPOSING ANY ENTERPRISE AND PUBLIC VIDEOPHONE LOG-IN PROCEDURES.**

Sorenson, Convo, and the Consumer Groups all agree with ZVRS and Purple that the Commission should not move forward with the proposed OAuth log-in procedure for public and enterprise videophones.<sup>18</sup> The unanimous opposition across this diverse stakeholder group demonstrates that (a) such a requirement is unnecessary because fraud and abuse through public and enterprise videophones is not a significant risk, (b) the proposed log-in procedure would be costly to implement in the limited instances where such implementation is possible, and (3) the proposed log-in procedure would undermine functional equivalence. Commenters unanimously agree that if the Commission must adopt a log-in procedure, despite the broad consensus to the contrary, it should adopt a simpler log-in procedure where a user inputs his or her telephone number without a pin or certifies eligibility over IVR/IVVR.

#### **A. In Light of the Extremely Low Risk of Waste, Fraud, and Abuse, an Enterprise and Public Videophone Log-in Requirement Is Unnecessary.**

Sorenson and Convo agree with ZVRS and Purple that enterprise and public videophones do not present a significant risk of waste, fraud, and abuse to the TRS Fund.<sup>19</sup> Sorenson notes that “[t]he record remains devoid of evidence that any such misuse is occurring, much less at a level that would warrant the proposal’s costs to consumers and providers.”<sup>20</sup> Further, Convo and Sorenson agree with ZVRS and Purple that the Commission has other mechanisms at its disposal to successfully mitigate this minimal risk, including the URD, the ability for providers and the TRS Fund Administrator to monitor for anomalous usage, and the standard industry practice of

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<sup>19</sup> Convo Comments at 6-8; Sorenson Comments at 6-7.

<sup>20</sup> Sorenson Comments at 7.

terminating a call when it is clear a user does not know or need to use ASL, sufficiently addresses any minimal risk that exists.<sup>21</sup>

**B. Providers Agree That Neustar’s OAuth Proposal Would Be Costly to Implement Where Feasible, Outweighing the Benefits of Addressing a Negligible Risk.**

The record also demonstrates that the Neustar proposal would be extremely costly to implement, and those costs would far outweigh any hypothetical benefit it could provide given the minimal risk described above. Sorenson, ZVRS and Purple have each explained the significant costs of implementing the OAuth proposal, driven in part by the fact that many deployed devices cannot be upgraded to support OAuth.<sup>22</sup> Sorenson explains that the device replacement costs alone would total \$25 million to \$37 million.<sup>23</sup> These significant capital costs are in addition to the significant friction and delay associated with deploying new enterprise devices, particularly for governmental clients with specific security needs, described in ZVRS and Purple’s initial comments.<sup>24</sup> Because VRS providers have little control or influence over these customer security processes, the proposed OAuth log-in requirement could effectively remove these deaf employees’ rights to access telecommunications in the workplace, harming their productivity, with potential impacts on longer-term career advancement.

**C. There Is Broad Agreement That a Log-In Procedure Undermines Functional Equivalence.**

ZVRS and Purple agree with Convo, Sorenson, and the Consumer Groups that a public and enterprise videophone log-in procedure would undermine functional equivalence by placing

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<sup>21</sup> Sorenson Comments at 8; Convo Comments at 9.

<sup>22</sup> ZVRS and Purple Comments at 16; Sorenson Comments at 10-12.

<sup>23</sup> Sorenson Comments at 11.

<sup>24</sup> ZVRS and Purple Comments at 17.

additional burdens on deaf users.<sup>25</sup> Sorenson notes that “[h]earing users can simply pick up a public or enterprise phone to access the critical communications services they need, without having to clear the extra hurdles of logging-in and placing themselves at heightened security risk.”<sup>26</sup> Convo also explains that a public videophone log-in requirement may render public videophones unusable by those who need it the most, given that one does not generally anticipate needing to use a public videophone 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.”<sup>27</sup>

**D. VRS Providers and Community Groups Agree that if the Commission Must Adopt a Log-in Procedure, It Should Adopt a Simplified Phone Number or IVR/IVVR Mechanism.**

VRS providers and Consumer Groups agree that if the Commission elects to adopt a log-in requirement for enterprise and public videophones, this requirement should be as simple as possible, from both an implementation and a user experience perspective.<sup>28</sup> As ZVRS and Purple have explained, the Commission should allow providers to address the limited possibility of fraud over enterprise and public videophones through means such as allowing a user to input their telephone number to verify their identity, or certifying their eligibility for VRS through IVR/IVVR.<sup>29</sup> Either of these solutions would ensure that only eligible users use these public and enterprise videophones and would require far less development and device costs to support this requirement. The possibility of an ineligible user knowing a VRS-associated telephone number, or being able to use ASL to certify eligibility over IVR/IVVR, is so remote that the vastly greater

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<sup>25</sup> Sorenson Comments at 2; Convo Comments at 6; Consumer Groups at 4-5.

<sup>26</sup> Sorenson Comments at 6.

<sup>27</sup> Convo Comments at 2.

<sup>28</sup> GlobalVRS Comments at 13-14; Sorenson Comments at 15-17; Consumer Groups Comments at 4-5.

<sup>29</sup> See ZVRS and Purple Comments at 18.

expense to implement technically complex systems that *could* mitigate these hypothetical scenarios, such as the proposed OAuth implementation, is an inefficient use of resources.

#### **IV. THERE IS UNANIMOUS SUPPORT FOR THE COMMISSION'S PROPOSED TWO-WEEK GRACE PERIOD TO PROVIDE SERVICE TO NEW AND PORTING USERS PENDING URD VERIFICATION.**

Commenters agree that the Commission should permit VRS providers to provide service to new and porting users for up to two weeks while URD verification is pending.<sup>30</sup> As the Commission has concluded, allowing VRS providers to offer service to new and porting users pending URD verification, and receive compensation for these calls for up to two weeks while verification is pending, will “ensure that service to new and porting VRS users can be commenced efficiently and without undue delay or disruption of service, in order to facilitate competition and ensure the functional equivalence of” VRS.<sup>31</sup> No party opposes this proposal, and the Commission should expeditiously adopt it to ensure eligible users are able to receive prompt and uninterrupted service upon the submission of the required registration information to the URD.

#### **V. CONCLUSION**

ZVRS and Purple commend the Commission for its ongoing commitment to improving VRS. The record in this proceeding makes clear that the Commission should: (1) Permanently authorize at-home call handling based on the record built by ZVRS and Purple over the past two years. Reporting obligations should be retained for VRS providers that did not participate in the Pilot Program, and restrictions should be eliminated in the final rule that were appropriate for the Pilot but are no longer necessary and would frustrate the long-term goals and benefits of at-home

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<sup>30</sup> Convo Comments at 4; Sorenson Comments at 4; Consumer Groups Comments at 2-3.

<sup>31</sup> FNPRM at para 55.

call handling, including the 30% cap on monthly minutes, and the requirement that at-home CAs have three years' experience in call centers; (2) Decline to adopt an enterprise and public videophone log-in requirement, particularly OAuth; and (3) Expediently move to permit VRS providers to provide service to new and porting users pending URD verification.

Respectfully submitted,

/s/ Gregory Hlibok

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