

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

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

COMMENTS OF CONVO COMMUNICATIONS, LLC

Convo Communications, LLC (Convo) hereby comments regarding the petition filed by the Interstate Telecommunications Relay Service Advisory Council (TRS Advisory Council) recommending the compensation of video relay service (VRS) providers at the “emergent” tiered rate for offering skills-based interpreting during an eight-month trial to commence at a new date.¹

As an emergent provider, Convo requests an equivalent opportunity to participate in the trial by being compensated \$7.05 per minute for skills-based interpreting, which is the percentage increase being petitioned for Tier II providers over the emergent rate. Alternatively, in lieu of an adequate rate adjustment, Convo requests the Commission reimburse it for the reasonable and necessary engineering costs required to enable its participation in the trial. Convo also requests that, during the trial, the Commission require that calls routed to skills-based video interpreters (VIs, aka Communications Assistants) which are identified as not requiring specialized interpreting must be referred to generalist VIs for further handling and that all call minutes

¹ Petition of Interstate Telecommunications Relay Service Advisory Council for Reconsideration, CG Docket Nos. 03-123, 10-51 (Sept. 21, 2017) (“Petition”); *see also*, Consumer & Governmental Affairs Bureau Seeks Comment on Interstate Telecommunications Relay Service Advisory Council Petition for Reconsideration of the VRS Rates Order, Public Notice, DA 17-980, CG Docket Nos. 10-51 & 03-123 (October 6, 2017). It is noted that Jeff Rosen of Convo is a member of the TRS Advisory Council, but he voluntarily abstained from voting on the recommendation due to a desire to avoid any potential conflict of interest given his employment at a VRS provider.

handled prior to the referral be compensated at the higher rate set for skills-based interpreting.

I. Skills-Based Trial Would Benefit from Convo's Participation.

In establishing and continuing a tiered rate structure, the Commission recognized the importance of sustaining a diversity of VRS providers to make available a variety of services among competitors that consumers can choose from to suit their accessible telecommunications needs.² The Convo experience is markedly singular in its consumer directed orientation through interpreter training and product designs that result in the ability for the deaf consumer to control her or his VRS call.³ Convo believes that its self-determination approach is a critical factor in progressing VRS from provider controlled policies and practices to an independent and empowered consumer use of VRS. Thus, Convo's participation in the trial should be enabled for the Commission to adequately and more fully assess the quality of the skills-based interpreting being trialed, in addition to the quantity of data that the Commission will receive from the older and larger VRS providers. Including Convo in the trial with a comparatively adjusted rate will also provide the Commission with the benefit of being able to evaluate the impact of providing skills-based interpreting on small providers as compared to the larger and more amply resourced providers.

The Commission is being petitioned to provide greater compensation to these larger VRS companies at the \$5.29 emergent rate for skills-based interpreting to incent their participation in a trial which involves additional service costs.⁴ The same rationale should apply to provide Convo with increased reimbursement for skills-based interpreting given that it requires compensation at the emergent rate to stay solvent and ultimately become profitable. For the provision of skills-

² 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*, Report and Order, Further Notice of Proposed Rulemaking, and Order, CG Docket Nos. 10-51 & 03-123, FCC 17-86, paras. 49-50 (rel. July 6, 2017).

³ See e.g., Comments of Convo Communications LLC, CG Docket Nos. 10-51 & 03-123, pp. 5-7 (describing unique features and services designed for consumer autonomy in their use of VRS) (April 24, 2017).

⁴ See Petition, at pp. 5-6.

based interpreting, the Commission is being petitioned to increase the Tier I rate by \$0.47 per minute (a 9.75% increase), the Tier II rate by \$1.32 per minute (a 33.25% increase) and the Tier III rate by \$2.08 per minute (a 64.8% increase). Convo requests that the Commission apply the percentage of the petitioned Tier II rate increase (the median of the three Tiers) to the emergent rate for emergent providers, which would increase the compensation of emergent providers for the provision of skills-based interpreting during the trial by \$1.76 per minute (\$7.05). Based on the analysis provided in the Petition of the total additional funding incurred in increasing the compensation at the emergent rate for Tiers I-III, Convo's requested rate supplemental for emergent providers will be de minimis in financial impact, also falling well within the "margin of error" of demand projections and similarly will not cause any need for "financial adjustment" to the contribution to the Interstate TRS Fund.⁵

The Interstate TRS Fund Administrator Rolka Loube Associates LLC (Rolka Loube) has a complete analysis of Convo's operating costs which shows that Convo requires at least the \$5.29 emergent rate to continue its operations while growing its volume of handled minutes to the point where the cost efficiency of scale is realized. Convo agrees with Rolka Loube that participation in the skills-based trial will cause it to incur additional costs.⁶ With respect to VIs, providers will need to cover the cost of training them to handle specialized calls. Providers will also need to compensate these VIs at the higher per hourly rate applicable to interpreters with specialized certification, expertise and/or experience, which Convo estimates could be an additional \$5-15 dollars per hour. In addition, Convo would need to incur the additional cost of hiring more qualified VIs on its staff because while speed of answer (SoA) is waived for skills-based interpreting, it is not for the regular queue, thus Convo would need to increase the number

⁵ Id. at pp. 7-8.

⁶ Id. at p. 6.

of its VIs to keep its SoA for the regular queue stable.

With its consumer oriented approach, Convo has made a substantive difference in the delivery of video interpreting. Undoubtedly the skills-based trial would meaningfully benefit by including Convo's innovative services. Additionally, it is critical that Convo is provided an equivalent opportunity to participate in the trial to preserve Convo's ability to retain its customers and mature to scale during a time-limited rate window by providing the skills-based interpreting that its larger and better resourced competitors can during the trial. Otherwise, the lack of provision of a desired service feature will cause a significant number of Convo's customers to transfer to another default provider that is additionally resourced to provide those services, saying "I love using Convo VRS, but I need to switch companies in order to access skills-based interpreting for my important calls." Leaving Convo exposed to losing its customers due to the lack of proportionately equivalent additional funding to offer trialed services likely will seriously undermine the opportunity the Commission provided the newest and smallest VRS companies to outgrow the need for an emergent rate.

II. Convo Should be Compensated for its Engineering Costs

To participate in the trial, Convo estimates that it will take about four months of developmental work in making modifications to the Automated Call Distribution system (ACD), Radar (queue monitoring) and Matrix (agent console) as well as Quality Assurance (QA) on the call routing. Since Convo's current technology team is fully engaged in producing the next generation of software videophones to remain competitive with the full service offerings of other providers, we would need to temporarily retain the services of two ACD developers and one QA specialist which is estimated to cost about \$50,000.⁷ Convo would also need to redesign its User

⁷ Convo provided to Rolka Loube the detailed costs described in this paragraph in a March 28, 2017 letter in response to their request for cost estimates for skills-based call routing.

Interface (UI) to allow its Work Force Managers to manage skill-routing (e.g., assign interpreters to specific queues). In addition, Convo's VRS Applications and Customer Relationship Management (CRM) software would require modification to permit customers to select their desired skill when using our services. Convo estimates that it will cost about \$100,000 to cover the UI designer, web developer, backend engineer, and data engineer required to make those modifications. Convo would also need to cover the costs of the Analytics and Reporting of the data (e.g., apply metrics, monitoring, etc), some of which the Commission mandated as requirements for participating in the trials.

Under the petitioned additional compensation plan, Convo will not have the same opportunity to absorb in the increased per minute compensation rate given the significant costs of the engineering requirements in setting up skills-based call routing. In the absence of supplemental per-minute compensation above an emergent rate for the provision of skills-based interpreting to recoup engineering costs, Convo requests the Commission reimburse Convo for its reasonable and necessary engineering costs to enable skills-based interpreting subject to its provision to Rolka Loubé its actual cost information.⁸ Convo recognizes that this cost recovery approach would potentially result in a net negative revenue outcome (albeit a more manageable one), but deems such a loss preferable to the likelihood of a crippling long term impact of a significant number of lost customers switching to a different provider if Convo did not offer skills-based interpreting.

III. Certain Controls Should Apply to Non-Specialized Calls.

The Commission is being petitioned to require a "design plan" from providers "to ensure

⁸ Convo previously proposed that the allowable reimbursable costs of engineering a routing system be capped at \$25,000, see Comments of Convo Communications LLC, CG Docket Nos. 10-51 & 03-123, pp. 5-7 (January 4, 2016). For the reasons provided in this filing, Convo now proposes that any cap applied to allowable reimbursable engineering costs be increased to \$100,000 if the compensation rate is not adequately adjusted for emergent providers.

that the minutes for skills based routing are segregated from their regular conversation minutes and therefore will be the only minutes eligible for the higher compensation rate ... per conversation minute.”⁹ Undoubtedly there will be VRS users who will consider VIs with specialized skills to be superior compared to generalist VIs and attempt to access skills-based VIs to interpret calls unrelated to those skills. The Commission’s guidance in handling these type of calls in the context of no additional compensation was that “[i]f it becomes apparent during a call that specialized interpretation is not needed, the call may be transferred back to a generalist CA (or the generalist queue) after (1) receiving confirmation from a supervisor that a specialist CA is unnecessary and (2) notifying the caller of the impending transfer.”¹⁰

If the Commission authorizes additional compensation for skills-based interpreting, Convo recommends that the Commission accordingly tweak its guidance to require a non-specialized call be transferred back to a generalist interpreter subject to the process described in its guidance. All minutes handled in a non-specialized call up to the point of the call transfer should be compensated at the higher rate. A “design plan” to mark and compensate such minutes differently would be inconsistent with the Commission’s foundational regulation that providers are required to have automated call detail records (CDRs) free of any manual manipulation. The circumstance of compensating a limited number of non-specialized call minutes at the higher rate is similar to the compensation of minutes during which a caller becomes inattentive or otherwise unavailable for up to five minutes before being disconnected – the Commission does not require providers to mark their CDRs to remove those minutes where interpreting was not occurring from being compensated. Requiring a non-specialized call be transferred back to a generalist

⁹ Petition, at p. 6.

¹⁰ *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, Further Notice of Proposed Rulemaking, and Order, CG Docket Nos. 10-51 & 03-123, FCC 17-26, para. 13 (waiving the ten-minute rule for trial participants) (rel. Mar. 23, 2017).

interpreter would serve as a deterrent for customers seeking to game the system by requesting specialized interpreters for general calls and also serve to free up those interpreters to serve bona fide specialized calls.

IV. Conclusion

Convo agrees with the Petitioners that the offering of the “sophisticated services” of skills-based interpreting will help “meet the needs of the TRS client population.”¹¹ Convo’s participation in the trial is essential to provide the Commission fuller data on the costs and benefits of skills-based interpreting so the Commission will be better informed in developing rules and policies governing this feature if it is continued beyond the trial.

Similar to the providers operating on other tiered rate levels, Convo needs additional compensation to incent its participation in the trial. The Petition does not provide any rationale why emergent providers such as Convo should not receive an equivalent opportunity of a comparably adjusted rate. The fiscal impact of such a rate adjustment for emergent providers is minimal and is far offset by the return of data that is generated by Convo’s participation in the trial. Convo has been deeply appreciative of the Commission’s commitment to supporting a diversity of providers in the VRS program and requests that it does the same for the trial by providing an adjusted rate for emergent providers if it chooses to do so for the other providers.

Respectfully submitted,

Jeff Rosen
General Counsel
Convo Communications, LLC
2028 E Ben White Blvd #240
Austin, TX 78741
(240) 560-4396
jeff@convorelay.com

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¹¹ Petition, at p. 6.