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Via ECFS

November 9, 2017

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: *Structure and Practices of the Video Relay Service program*, CG Docket No. 10-51:
*Telecommunications Relay Services and Speech-to-Speech Services for Individuals with
Hearing and Speech Disabilities*, CG Docket No. 03-123, Comments of ASL Services
Holdings, LLC dba GlobalVRS to Interstate Telecommunications Relay Service
Advisory Council Petition for Reconsideration of the Report and Order, FCC 17-86

Dear Secretary Dortch:

ASL Services Holdings, LLC dba GlobalVRS ("GlobalVRS") submits to the Commission the attached
*Comments of ASL Services Holdings, LLC dba Global to Interstate Telecommunications Relay Service
Advisory Council Petition for Reconsideration*, in the above-referenced matter.

Thank you for your attention to this matter. Questions may be directed to the undersigned.

Sincerely,

MILLER ISAR, INC.

/s/ Andrew O. Isar

Andrew O. Isar

Regulatory Consultants to
ASL Services Holdings, LLC dba GlobalVRS

cc: Karen Peltz-Strauss (via Email)
Eliot Greenwald (via Email)
Robert Aldrich (via Email)

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

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

**COMMENTS OF ASL SERVICES HOLDINGS, LLC DBA
GLOBALVRS TO
PETITION FOR RECONSIDERATION OF THE REPORT AND ORDER AND ORDER,
FCC17-86, ON BEHALF OF THE
INTERSTATE RELAY SERVICE ADVISORY COUNCIL**

Pursuant to the Commission’s October 6, 2017 and October 31, 2017 Consumer and Government Affairs Bureau *Public Notices* in the above-captioned matter,^{1 2} ASL Services Holdings, LLC dba GlobalVRS (“GlobalVRS”) hereby submits comments in response to the Interstate Relay Service Advisory Council’s (“Council”) Petition for Reconsideration of the Commission’s July 6, 2017 *Report and Order and Order*.³ GlobalVRS specifically addresses the Council’s skills-based trial (“Trial”) reimbursement structure recommendation.

The Commission has made clear that Trial participants will “continue to be compensated at the applicable rate for compensable minutes,” noting that “[a]lthough providers generally contend that they will incur additional costs associated with the trial, no party has quantified such projected

¹ Consumer and 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 (CGB October 6, 2017)

² Pleading Cycler Established for Comments on Petition for Reconsideration of the VRS Rates Order, Public Notice, DA 17-1071 (CGB October 31, 2017).

³ *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 and 03-123, *Petition for Reconsideration of the Report and Order, FCC 17-86, on behalf of the Interstate Telecommunications Relay Service Advisory Council* (September 21, 2017) [*Petition*].

costs.”⁴ Indeed without specific identification of Trial-related costs, any additional short-term compensation of skills-based services would *appear to* have no basis in fact.

Yet the Council’s two underlying concerns; 1) that the standard compensation rates for skills-based routing of calls are insufficient to cover the VRS providers’ costs; and 2) that “the Trial will never launch in the absence of further Commission action to clarify that the providers will be able to receive a compensable rate in exchange for undertaking the offering of these more sophisticated services to meet the needs of the TRS client population,”⁵ are entirely valid and should be addressed by the Commission in the context of the Council’s Petition.

The *2017 Report and Order acknowledged* the providers’ contention that additional costs will be incurred with the Trial, but leaves open whether skills-based Trial and ongoing costs would be “justified.”⁶ By making Trial participation “voluntary” the Commission establishes an unreasonable expectation that any provider - and emerging providers in particular - would be willing to assume *any* additional trial-related costs on the basis that the Commission *might* ultimately justify the value and benefits of skills-based services.

The Commission itself has also acknowledged that emerging providers are not being fully compensated for their allowable costs of providing VRS, even at the \$5.29 per minute emerging provider rate.

⁴ *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 and 03-123, *Report and Order*, FCC 17-26 (rel. March 23, 2017)[*2017 Report and Order*] at para. 9.

⁵ Petition at page 3.

⁶ “Without knowing the extent of such expenses, we are not in a position to assess whether [the providers’] compensation is justifiable in relations to the potential benefits of this feature. *2017 Report and Order* at para. 9.

Based on that acknowledgement, some basic obvious identifiable parameters need to first be put in place so some costs within set limits would be compensated to the providers for doing the work for the Commission of running trials, gathering data that would ultimately provide information that would benefit the Deaf community. And within those parameters, any increase to the larger providers must be equitably increased proportionately to the emerging providers.

Anything less creates a totally inequitable advantage again to only two large providers, who possess the financial wherewithal and incentives to run the trials without any compensation.

The Commission has not established that it would *at the very least* accept and provide some level of compensation for provider Trial costs. This approach certainly offers no incentive for GlobalVRS to assume added Trial costs. The Commission's open-ended approach to Trial related cost reimbursement does, however, create an anti-competitive opportunity. Dominant providers gain an opportunity to increase their compensable rate long-term by assuming the initial costs of trialing skills-based services. This is a financial risk larger carriers may be able and willing to take, but a risk that emerging providers can ill afford.

Alternatively, the Commission should establish basic Trial cost parameters that will be reimbursable for all providers, as noted. Such parameters could include additional documented training, programming, engineering costs directly associated with the Trial. These costs would be compensable as exogenous costs_during the Trial period only, proportionate to each provider's costs and subject to additional justification. Such documentation would also provide much needed Trial data to the Commission. In so doing, *all* providers would have an equal, equitable incentive to participate in the Trial, and other pilot programs.

Otherwise, the Commission effectively places the full burden on providers to conduct trials and assume all associated costs and risks simply to create data for the Commission's evaluation, with

no explicit Commission commitment to even consider cost reimbursement. Such an approach is unreasonable at best and discriminatory in favor of larger providers at worst.

The Commission has allowed all providers to participate in the Trial, without restriction, recognizing that “enabling consumers to have conversations relayed by interpreters skilled in the vocabulary of these subjects can contribute to achieving functional equivalence in accordance with the goals of section 225 of the Communications Act.”⁷ Regrettably, the Council’s proposal seemingly overlooks the emerging providers’ situation and focuses exclusively on compensating compensate larger providers for their Trial costs at the emerging provider rate. This will only exacerbate the very situation the Council seeks to resolve.

By failing to consider compensating emerging providers proportionately for their costs and by not proposing that costs be paid during the Trial period for specific items to offset initial Trial investments, the Council is unwittingly exacerbating a disincentive for emerging providers to participate. Such a position would actually create an unfair competitive advantage to larger providers and provide no incentive for others to participate; *i.e.* in effect works against the Council’s very goal of incentivize all providers to join in Trials. GlobalVRS hopes that the Council will reconsider its proposal in light of its impact on emerging providers.

The Commission’s unwillingness to consider any Trial cost compensation also precipitates the very concerns raised by the Council. GlobalVRS urges the Commission to allow all providers to seek reimbursement for established basic Trial costs as exogenous costs by adopting basic Trial cost parameters for reimbursement that are proportionately fair to emerging providers in order to encourage full Trial participation and eliminate the potential anti-competitive effect of the Council’s proposal and Commission open-ended position on Trial cost reimbursement.

[Signature on following page.]

⁷ *Id.* para 4.

Respectfully submitted this 9th day of November, 2017,

ASL SERVICES HOLDINGS, LLC dba
GlobalVRS

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