

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

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

**COMMENTS OF ZVRS HOLDING COMPANY, ZVRS AND
PURPLE COMMUNICATIONS ON INTERSTATE TELECOMMUNICATIONS RELAY
SERVICE ADVISORY COUNCIL PETITION FOR RECONSIDERATION OF THE VRS
RATES ORDER**

ZVRS Holding Company (“ZVRS Holding”), parent company of CSDVRS, LLC d/b/a ZVRS (“ZVRS”) and Purple Communications, Inc. (“Purple”) (collectively, the “Companies”), files these comments in response to the Public Notice issued by the Consumer and Governmental Affairs Bureau (“Bureau”)¹ of the Federal Communications Commission (“Commission”) seeking comment on a petition (“Petition”) filed by the Interstate Telecommunications Relay Service Advisory Council (“Council”). The Petition requests that the Commission reconsider the compensation rates established in the *2017 VRS Rates Order*, in order to compensate video relay service (“VRS”) providers for an eight-month trial of skills-based routing (“Trial”).²

¹ Public Notice, Pleading Cycle Established for Comments on Petition for Reconsideration of the VRS Rates Order, CG Docket Nos. 03-123 & 10-51 (CGB rel. Oct. 31, 2017).

² Petition of Interstate Telecommunications Relay Service Advisory Council for Reconsideration, CG Docket Nos. 03-123 & 10-51 (filed Sept. 21, 2017), referencing *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 and Order, 32 FCC Rcd. 5891 (July 6, 2017) (“*2017 VRS Rates Order*”); see also *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-*

Specifically, the Petition asks the Commission to (i) allow all participating providers to be compensated at the emergent rate of \$5.29 per conversation minute during the trial, subject to the providers' submission of actual cost data during the Trial period; and (ii) establish new abbreviated deadlines for VRS providers to notify the Commission of their intent to participate in the Trial, and to commence the trial as quickly as possible.³ ZVRS and Purple previously filed a letter in the above-captioned proceedings expressing their support for the Petition.⁴ For the reasons stated therein and in these comments, the Companies urge the Commission to grant the Petition and increase the compensation for VRS providers participating in the Trial to *at least* the emergent rate of \$5.29 per minute.

ZVRS and Purple have emphasized that the success of the Trial depends entirely on the participation of VRS providers.⁵ As the Petition notes, however, despite VRS providers' previous expression of interest in skills-based routing, not one provider has indicated their willingness to participate in the Trial.⁶ The Council observes that this "unfortunate situation" is likely due to the Commission's unwillingness to provide any additional compensation to VRS providers offering skills-based services, as well as providers' inability to forecast and document their potential increased costs of providing such services.⁷ To remedy this situation, the Council suggests that it would be "appropriate and necessary to provide additional compensation to

Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, 32 FCC Rcd. 2436, 2438-44, paras. 4-19 (Mar. 23, 2017) (authorizing a skills-based trial for VRS calls pertaining to legal, medical, and technical computer support) ("*2017 VRS Improvements Order*").

³ Petition at 6, 8.

⁴ See Letter from Gregory Hlibok, Chief Legal Officer, ZVRS Holding Company, to Marlene H. Dortch, Secretary, FCC, in CG Docket Nos. 03-123 & 10-51 (filed Sept. 29, 2017) ("Supporting Letter").

⁵ *Id.* at 2.

⁶ Petition at 5.

⁷ *Id.*

providers for skills-based routing of calls during the trial period in order to launch the Trial and gather necessary cost data.”⁸ Specifically, the Council urges the Commission to compensate providers at the emergent rate of \$5.29 per conversation minute during the Trial, subject to their submission of actual cost data during the Trial period.⁹

The Companies join the Council in urging the Commission to increase the compensation rate for skills-based call minutes handled by VRS providers who elect to participate in the Trial. As ZVRS and Purple explained in their letter, the Companies are uncertain whether they have the financial means or resources to participate in the Trial.¹⁰ Given that skills-based routing is an entirely new service, it is not realistic to expect that providers will be able to precisely predict demand for the service. Without this data, the Companies are unable to conduct a cost-benefit analysis of participating in the Trial. In order to determine and meet the demand for skills-based calls, ZVRS and Purple will need to closely monitor users’ demand for the service on an ongoing basis. Additionally, there is a limited pool of interpreters who possess the skill sets necessary to provide the services to be tested in the Trial, and it may be difficult for ZVRS and Purple to ensure appropriate staffing levels to satisfy user demand for skills-based calls.

Even if VRS providers are unable to precisely forecast and document their potential increased costs in the absence of the demand data described above, it is indisputable that participating in the Trial will cause providers to incur additional costs associated with hiring and training specialist Communications Assistants (“CAs”). Should demand for these services grow, participating VRS providers will have to make corresponding adjustments to staffing levels, at

⁸ *See id.*

⁹ *Id.* at 6.

¹⁰ *See* Supporting Letter at 2, referencing Letter from Gregory Hlibok, Chief Legal Officer, ZVRS Holding Company, to Marlene H. Dortch, Secretary, FCC, in CG Docket Nos. 03-123 & 10-51 (filed May 24, 2017).

these higher costs, to ensure that they have a sufficient number of specialist CAs to handle the increasing volume skills-based calls.¹¹ Increasing the compensation rate to at least \$5.29 per minute for skills-based calls would help alleviate some of these financial concerns and minimize the risk of understaffing by offsetting some of the Companies' costs of recruiting specialized interpreters needed to satisfy customer demand.

In addition to setting a reasonable compensation rate for call minutes handled during the Trial, the Commission also should (i) establish a revised deadline for VRS providers to notify the Commission of their intent to participate in the Trial; and (ii) schedule a new commencement date that gives VRS providers sufficient lead time to prepare for the Trial.¹² The Companies propose that the Bureau set such notification and commencement dates at three and six months, respectively, following the date of a Bureau order granting the Council's Petition, which would allow VRS providers a reasonable amount of time to get ready to offer skills-based routing.

For the reasons stated above, the Companies respectfully request that the Commission grant the Petition and increase the compensation rates for skills-based routing of calls to a level that will account for providers' incremental costs and encourage ZVRS, Purple, and other VRS providers to participate in the Trial. The Companies are confident that the Trial will provide meaningful data necessary for the Commission and stakeholders to develop standards of metrics for assessment of the costs and benefits of skills-based routing, consistent with the objectives outlined in the Commission's Report and Order.

¹¹ The Petition does not raise the issue of compensation rates for VRS providers who elect to participate in the Commission's trial of Deaf interpreters, *See VRS Improvements Order*, 32 FCC Rcd. at 2444-52, paras. 20-37 (authorizing a voluntary trial of the provision of Deaf interpreters for VRS calls). The Companies note that they continue to study on the cost feasibility of providing such service, given that the current compensation rate does not consider the increased costs associated with the provision of a Deaf interpreter for VRS calls. For example, use of Deaf interpreter in a relay call entails two VIs which will double the costs of labor for a call.

¹² Supporting Letter at 2.

Respectfully submitted,

/s/_____

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