



VIA ECFS

November 20, 2019

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

**Re: EX PARTE FILING
CG Docket No. 03-123 - In the Matter of Telecommunications Relay
Services and Speech-to-Speech Services for Individuals with Hearing and
Speech Disabilities; CG Docket No. 10-51 – Structure and Practices of the
Video Relay Service Program**

Dear Ms. Dortch:

On November 18, 2019, Zainab Alkebsi of National Association of the Deaf (NAD), Mark Hill of the Cerebral Palsy and Deaf Organization (CPADO), and Eric Kaika of Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), met with Diane Burstein and Robert Aldrich of the Commission's Consumer and Governmental Affairs Bureau (CGB)'s front office; Eliot Greenwald, Michael Scott, and Debra Patkin of the Disability Rights Office (DRO); Andrew Multz and David Schmidt of the Office of the Managing Director (OMD); and Virginia Metallo and Susan Lee of the Office of Economics and Analytics (OEA).

Mark Hill, President of CPADO, requested this ex parte meeting to express grave concerns with the lack of movement on the trial period of the provision of deaf interpreters in video relay services (VRS). This trial was first announced in the March 23, 2017 Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order at FCC 17-26 (March 23, 2017 VRS Order). The Commission announced a voluntary eight-month trial and required the providers to declare their intention to participate in the trial by June 1, 2017. To date, none of the providers has elected to participate and this is due to the Commission's failure to increase the rates for compensation for these services. The Commission indicated that compensation for these specialized services would be the same as for any other VRS services. That decision disregards fundamental differences between such specialized services and general VRS services. For instance, such specialized services would be provided by specialist Communications Assistants (CAs) for which there is a limited pool compared to generalist CAs. Furthermore, providers will incur development and implementation costs for the trial since it will involve intensive IT changes, including but not limited to establishing a separate queue and managing the transfer of calls.

We are deeply concerned that the standard compensation rates are insufficient to cover the VRS providers' costs for providing such specialized services. We are further concerned that the trial will never launch in the absence of further Commission action to clarify that

the providers will be able to receive increased compensation in exchange for the extensive undertaking to offer specialized services to meet the needs of the deaf users, including those with cerebral palsy, and ensure functional equivalency. Without VRS provider participants, there will be no data and without data, the permanent provision of these services will never become a reality. The Commission likely expected the eight-month trial period to be sufficient to gather data on the costs and benefits of the program but since not one provider indicated their willingness to participate in the trial, it is clear that further incentives must be offered. Therefore, it is our position that it is necessary to provide additional compensation to the providers for the pilot program in order to launch the trial and gather the necessary cost data.

We further explained that the same reasons outlined in the Interstate Telecommunications Relay Service Advisory Council ("ITRS Advisory Council")'s petition for reconsideration of the commencement date and compensation rates established in the 2017 VRS Rate Order (requesting to increase the rate of compensation for VRS providers for an eight-month trial of skills-based routing)¹ also apply to the deaf interpreter context. We reminded the Commission that the Council's request is still pending despite it being filed more than two years ago. Trials for both skills-based routing and deaf interpreters should proceed without haste. For far too long have the cries of deaf consumers calling for advancement of the quality of VRS gone unheeded. Without these trials, deaf consumers have had to endure insufficient access to the necessary level of functionally equivalent calls.

For the reasons stated in this letter, we urge the Commission to take decisive action and compensate both pilot programs at the emergent rate of \$5.29 per conversation minute.

Please be in touch with the undersigned should you have any questions.

Respectfully submitted,

/s/
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¹ *Petition for Reconsideration of the Report and Order and Order, FCC 17-86, On Behalf of the Interstate Telecommunications Relay Service Advisory Council*, CG Docket Nos. 03-123. & 10-51 (filed Sep. 21, 2017) ("Petition").