

April 9, 2015

BY ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123; CG Docket No. 10-51

Dear Ms. Dortch:

On April 8, 2015, the following representatives of all six Video Relay Service (“VRS”) providers met with members of the Commission staff:

- Angela Roth and Gabrielle Joseph of ASL Services Holdings, LLC (“ASL/Global VRS”);
- Everett Puckett and Jeremy Jack of Hancock Jahn Lee and Puckett, LLC (“CAAG”);
- Wayne Betts, Jr., of Convo Communications LLC;
- Sean Belanger, Mike Strecker (by telephone), and Lydia Runnels (by telephone) of CSDVRS LLC (“ZVRS”);
- John Goodman of Purple Communications Inc.; and
- Paul Kershisnik and Michael Maddix of Sorenson Communications, Inc.; John Nakahata, Christopher Wright, and Mark Davis of Harris, Wiltshire & Grannis LLP on behalf of Sorenson Communications, Inc.

The following FCC staff members attended the meeting:

- Karen Peltz Strauss, Bob Aldrich, Gregory Hlibok, Eliot Greenwald, Darryl Cooper, and Caitlin Vogus (by telephone) of the Consumer and Governmental Affairs Bureau;
- David Schmidt and Andrew Mulitz, and Diane Mason (by telephone) of the Office of Managing Director; and
- Jonathan Chambers of the Office of Strategic Planning and Policy Analysis (“OSP”).

In the meeting, the VRS providers summarized and distributed copies of their Joint Proposal for Improving Functional Equivalence and Stabilizing Rates. They also distributed copies of the letters filed in this docket by the Consumer Groups and the Registry of Deaf Interpreters (“RID”). These documents are attached. The providers emphasized that rate stabilization is a prerequisite to their ability to continue providing functionally equivalent VRS and that the rate decrease scheduled to occur in July of this year will harm functional equivalence. The providers also explained that, with rates stabilized, they would be able to (1) meet a more stringent speed-of-answer requirement; (2) experiment with offering skills-based

Marlene H. Dortch

April 9, 2015

Page 2 of 2

routing and using deaf interpreters, as the Consumer Groups have requested; and (3) not place additional burdens on interpreters.

Respectfully Submitted,

/s/ _____

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ASL Services Holdings, LLC (GlobalVRS)

/s/ _____

Jeremy M. Jack
Vice President CAAG VRS
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/s/ _____

Michael D. Maddix
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/s/ _____

Michael Strecker
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/s/ _____

Jeff Rosen
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/s/ _____

John Goodman
Chief Legal Officer
Purple Communications Inc.

cc: Bob Aldrich
Jonathan Chambers
Darryl Cooper
Eliot Greenwald
Gregory Hlibok

Diane Mason
Andrew Mulitz
Karen Peltz Strauss
David Schmidt
Caitlin Vogus

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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 No. 10-51
CG Docket No. 03-123

**JOINT PROPOSAL OF ALL SIX VRS PROVIDERS FOR
IMPROVING FUNCTIONAL EQUIVALENCE AND STABILIZING RATES**

In light of the D.C. Circuit’s decision vacating the increased speed-of-answer rules and remanding to the Commission to consider the effect that an enhanced speed-of-answer requirement will have on providers costs,¹ all six providers of Video Relay Service (“VRS”) have developed a proposal to lower the speed-of-answer requirement while ensuring that rates remain at levels sufficient to support functionally equivalent VRS. Specifically, providers propose to: (1) require providers to meet a faster service-level requirement so that 80 percent of calls must be answered within 45 seconds, measured monthly and (2) keep compensation rates at the current levels in effect during the first half of 2015. The providers also propose a number of reforms designed to enhance the functional equivalence of VRS. Specifically, the providers propose that the Commission (3) conduct a trial during which providers may offer skills-based routing in order to collect data about the cost and feasibility of offering that service; and (4) encourage providers to offer deaf interpreters. In addition, while independent of this proposal, the providers intend to work with the Commission’s Disability Advisory Committee (“DAC”) to resolve any interoperability issues remaining after the providers’ recent joint efforts to ensure complete interoperability. The providers also intend to work through the DAC to study the effects on video interpreters of the rate decreases that have occurred and the value-added services that providers propose to implement, and they support regulatory change to ensure that interpreters do not bear additional burdens. Specifically, the providers urge that the Commission, concurrent with adopting the proposals in this joint proposal, prohibit providers from increasing the provider-specific key performance standards that interpreters must meet.

¹ *Sorenson Communications, Inc. v. FCC*, 765 F.3d 37 (D.C. Cir. 2014).

This proposal consists of a unified package of reform proposals. Various parts of the proposal are mutually interdependent, and in particular, none of the options are feasible without an immediate stabilization of the rate. Rates are scheduled to continue to decrease every six months until 2017, and providers cannot maintain the same level of service, much less adopt new value-added features and improve service levels such as speed-of-answer, offer skills-based routing, and deaf interpreters, if the rate decreases continue. In addition, it is important to note that the Commission had planned to have a “neutral platform” in place in the relatively near future, but canceled the request for proposals (RFP) to develop and operate the platform, apparently because the bids were higher than expected. Providers believe that the Commission intended to revisit the rate reductions slated to occur toward the end of the rate schedule adopted in June 2013 once the neutral platform was in place. The cancellation of the RFP for its development is a reason to maintain rates at their current level in the near term.

I. Speed-of-Answer

For consumers, functional equivalence requires that they be able to place VRS calls instantly, as a hearing user can. At the same time, as consumers have also recognized, speed-of-answer requirements must be realistic and policies must be tailored to ensure adequate funding and protocols exist to improve—not deteriorate—services. In addition, unrealistic speed-of-answer requirements create an unreasonably stressful work environment for interpreters, which increases interpreter turnover, decreases the already limited supply of interpreters who are willing to work in VRS, and lowers the quality of interpreting and consumer experience.

In September 2014, the D.C. Circuit vacated the Commission’s recently adopted speed-of-answer requirements and remanded to the FCC with instructions to consider the effect of any new requirement on the cost of providing service and rates. On remand, the Commission should recognize that it is impossible to meet more stringent speed-of-answer requirements if rates are not commensurate with the requirement. Moreover, the Commission must recognize that a daily measurement period and an all-or-nothing penalty can actually be counterproductive because providers are subject to random variation in demand that cannot reasonably be anticipated—which incentives providers to overstaff at unsustainable levels to avoid penalties and to reduce staffing (thereby reducing costs for which they will not be compensated) if it nevertheless becomes apparent that they will miss the speed-of-answer requirement for a day. That is the exact opposite of what should happen—which is that providers should continue to attempt to answer calls within 45 seconds. In light of these concerns, providers propose the following:

- The FCC should require 80 percent of calls to be answered within 45 seconds, measured monthly. Note that this is a service-level requirement—not an “average” speed-of-answer.

Rationale: This proposal lowers the speed-of-answer requirement from the current 120 seconds to 45 seconds, providing a major improvement in mandatory minimum service levels. The use of a monthly period mitigates fluctuations that could result from periods of extended power or Internet outages, weather problems, and erratic demand patterns (spikes). The daily-measurement proposal did not account for these fluctuations and was, as the National Association of the Deaf has explained, “counter-productive.”² This proposal would also reduce stress on Video Interpreters.

- The sanction for missing the speed-of-answer in a given month should be the percentage of the provider’s total VRS billings for the month that corresponds to the percentage by which the provider fell short of 80% within 45 seconds in that month. So if a provider answered 78% of calls within 45 seconds in a month, the provider would lose 2% of its VRS billings for that month.

Rationale: This proposal is designed to avoid the harsh “all-or-nothing” penalty that would deny compensation for a whole month even with small misses in the percentage of calls answered in 45 seconds or less. This approach ensures that a provider has an incentive to keep providing service with a speed-of-answer of 45 seconds or less even if it will “miss” the benchmark when measured across the entire month-long measurement period. With this structure, a provider that substantially pared back operations would be hurting itself. This avoids the potential problem of cascading shutdowns, which could overstress other providers and reduce overall VRS capacity. The proposal is simple and implementable, based on existing data the TRS Administrator already collects.

- In calculating speed-of-answer, the FCC should exempt calls for specific extraordinary events beyond a provider’s control—including denial-of-service attacks, Internet outages not under the VRS provider’s control, periods of declared national or state emergencies covering more than 10% of a provider’s interpreting capacity, or delays caused by the TRS-User Registration Database TRS-URD of more than 1 second. A provider would notify the TRS administrator at the time it submitted its MOUs as to whether any such conditions existed and the range of calls that should be excluded from the SOA.

Rationale: This takes into account "Acts of God" and extraordinary events beyond a VRS provider’s control around which a provider cannot reasonably be expected to plan.

² National Association of the Deaf, Position Statement on Functionally Equivalent Telecommunications for Deaf and Hard of Hearing People, at <http://nad.org/position-statement-functionally-equivalent-telecommunications-deaf-and-hard-hearing-people>.

- The FCC should permit providers to petition for a waiver for a given month in other extraordinary circumstances. Rolka Loube would review a petition for waiver and recommend, within 30 days, whether the Commission should grant or deny the waiver. The Commission would act on Rolka Loube’s recommendation within 30 days. This will ensure that petitions are resolved within 60 days of filing. The only amount that would be withheld pending adjudication of the waiver would be the difference between the percentage of calls actually answered in 45 seconds or less, and 80%.

Rationale: Providers should not be penalized for unavoidable outages beyond their control. Although this should be rare, it is important that payment determinations be made promptly.

- To enable providers to achieve further functional equivalence, the FCC should, in the future, consider adopting an incentive-based system in which providers who meet stricter speed-of-answer thresholds receive additional compensation in order to meet the increased costs of providing faster service.

Rationale: Providers cannot meet stricter speed-of-answer standards without additional compensation.

II. Skills-Based Routing

Certain types of VRS calls—for example, legal, medical, and technical-support calls—involve discussions of highly specialized topics that may not be familiar to the typical generalist VRS interpreter. In those situations, callers can greatly benefit from an interpreter with specialized knowledge of the relevant field. The FCC, however, has prohibited skills-based routing because of fears that it could incentivize users to substitute VRS for in-person interpreting and because of questions about how it would be implemented. The National Association of the Deaf recently called on the FCC to permit skills-based routing, and VRS providers believe that they can offer a workable solution that does not lead to the fraudulent use of VRS for in-person interpreting. Accordingly, the providers propose that the Commission should conduct a trial of skills-based routing. Beginning four months following the issuance of an order stabilizing rates (as described in Part IV below), the Commission should permit providers to offer skills-based routing. Over the next eight months, providers would collect data regarding the cost and feasibility offering this service, and the Commission would have the opportunity to gain experience enabling it better to determine what, if any, additional rules are necessary to ensure that skills-based routing is available but is not abused. At the end of the trial period, providers would present data and invite the consumer groups and RID to present their views on the service. Accordingly:

- Beginning 4 months from the issuance of an order stabilizing rates, the FCC should conduct an 8-month trial of skills-based routing. During this period, providers would be permitted, but not required, to offer skills-based routing.

Rationale: Doing so will allow providers and the Commission to collect data about the cost and feasibility of offering this service. It would also give the Commission the opportunity to gain experience with this service and determine what rules, if any, are necessary to ensure that the service is not abused. In order to prevent misuse, providers commit to monitor, as they already do, for fraud and abuse—and particularly to discontinue calls in which it is apparent that both the caller and called parties are in the same room.

- The FCC should permit providers to offer skills-based routing on a competitive basis and not limit the subset of specialization that providers can offer during the trial period.

Rationale: Permitting a limited number of skills during the trial period would prevent consumers, interpreters, and providers from gaining insights thus limiting data collection, identifying the best practices of skills-based routing. At the end of the trial period, the Commission can consider whether to limit skills-based routing to specific areas or allow to skills-based routing on a competitive basis.

- The FCC should exclude skills-based-routed calls from calculation of speed-of-answer compliance. However, providers should still collect and report speed-of-answer data for these calls.

Rationale: The number of interpreters with special skills is necessarily smaller than the entire number of interpreters, which means that it may take longer to connect a call requiring a special skill to an interpreter with that skill. Including skills-based routing in the speed-of-answer calculation could discourage VRS providers from offering skills-based routing because that could cause them not to meet the speed-of-answer requirement. Users for whom call-processing speed is particularly important can opt to place calls through the general queue after being made aware of the anticipated wait to reach a specialized interpreter.

- The FCC should treat Spanish-language interpreting as a form of skills-based routing that is not subject to the general speed-of-answer rule.

Rationale: Spanish-language interpreting is a specialized skill for which there is a limited number of interpreters. Including Spanish-language calls in the standard speed-

of-answer calculations disincentivizes the provision of Spanish-language service. This would also create a uniform way to address all non-English/ASL interpreting on a prospective basis.

- The “sequential call rule” should be waived for successive calls not requiring the interpreter with the specialized skill. In the event that the VRS user desires to place additional calls that a generalist interpreter call can handle (*e.g.*, ordering pizza) those sequential calls should be placed at the top of the queue for assignment to the next generalist interpreter.

Rationale: The resources for specialized interpreters will be scarce. Allowing these interpreters to immediately move onto calls that require their specialized skill without requiring them to take sequential calls that do not require their specialized skill will minimize the wait for other skill-based-routing requests. Further this policy will mitigate the risk to specialized interpreter health and wellbeing by not demanding more productivity out of them than a generalist interpreter.

III. Deaf Interpreters

As the National Association of the Deaf recently recognized, “For certain individuals, the provision of a video interpreter in a video relay call is not sufficient for effective communications.” These individuals—including some who have limited English or ASL proficiency, some children, and some consumers with cognitive disabilities—require the assistance of a deaf interpreter in addition to a hearing Video Interpreter in order to communicate in a functionally equivalent manner. The availability of deaf interpreters will help alleviate stress on the general interpreter pool by allowing the generalist interpreter to rely on the specialized interpretation for the deaf interpreter rather than having to interpret the rudimentary sign language. Accordingly:

- The Commission should encourage but not require providers to offer the assistance of qualified deaf interpreters.
- The Commission should allow deaf interpreters to be added to the video session remotely from another VRS interpreting center to more efficiently facilitate calls.

Rationale: Because the supply of deaf interpreters is extremely limited, it is important to allow deaf interpreters to remotely serve various call centers without requiring each call center to physically have the deaf interpreters present.

- The Commission should treat deaf interpreters as a form of skills-based routing, exempting calls requiring a deaf interpreter from the speed-of-answer calculations.

Rationale: If a consumer or the Video Interpreter believes a deaf interpreter is necessary, the caller would be given an estimate of the expected wait time for a deaf interpreter and would have the option of waiting or proceeding without such an interpreter. Further this policy will mitigate the risk to deaf interpreter health and wellbeing by not demanding more productivity out of them than a generalist interpreter.

IV. Rates

As the D.C. Circuit recognized in September 2014, providers cannot simultaneously meet more stringent service standards in an environment where rates are continuously decreasing. Providers nevertheless believe that they can achieve the proposals in this document if the FCC does not implement the additional rate cuts scheduled by the June 2013 order. Accordingly:

- The FCC should maintain rates at their current levels—*i.e.*, the Commission should not implement the rate cuts scheduled to take effect on July 1, 2015, and every six months thereafter through January 1, 2017.

Rationale: A stable rate environment is necessary to support investments in service innovation and improvements. *See Telecommunications for the Deaf, Inc., et al., Consumer Groups' TRS Policy Statement at 7 (Objective 1.1) (Apr. 12, 2011).*³ In order to achieve functional equivalence, investments are warranted in specialized hardware, software and interoperability with non-VRS video conferencing technology, should those services open up to exchanging video calls with VRS endpoints. Also, the FCC does not appear to be on track to implement a permanent rate methodology ahead of the end of the rate reduction schedule, which was contemplated at the time the rate reduction schedule was adopted. And the FCC discontinued compensation for provider outreach but has not yet implemented the outreach program contemplated by the June 2013 VRS Reform Order. This has resulted in an absence of innovation in iTRS access technology and an absence of appropriate outreach. *Cf. id.* (Goal 2). In addition, as previously noted, the Commission recently cancelled the request for proposals to develop and operate a neutral platform. For these reasons, the Commission should stabilize rates until it implements a permanent rate methodology in the ongoing rulemaking proceeding and in light of the improvements in service included in this proposal.

³ Attached to Letter from Tamar E. Finn to Marlene H. Dortch, CG Docket Nos. 03-123, 10-51 (filed Apr. 12, 2011) (“Consumer Groups’ TRS Policy Statement”).

Respectfully Submitted,

/s/_____
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/s/_____
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Date: March 30, 2015

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April 7, 2015

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
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Re: *Ex Parte* Letter in CG Docket Nos. 10-51 and 03-123

Dear Ms. Dortch:

Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), National Association of the Deaf (“NAD”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), Hearing Loss Association of America (“HLAA”), Association of Late Deafened Adults, Inc. (“ALDA”), American Association of the Deaf-Blind (“AADB”), Cerebral Palsy and Deaf Organization (“CPADO”), Deaf Seniors of America (“DSA”), and California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”) (collectively “Consumer Groups”) submit this *ex parte* letter in support of the proposals to improve functional equivalency for VRS users that are included in the Joint Proposal of All Six VRS Providers¹ (collectively, the “VRS Providers”) for Improving Functional Equivalence and Stabilizing Rates (“Joint Proposal”), filed on March 30, 2015.² Consumer Groups urge the Federal Communications Commission (“FCC” or “Commission”) to adopt the Joint Proposal as it

¹ The “Six VRS Providers” include ASL Services Holdings, LLC, Sorenson Communications, Inc., Convo Communications, LLC, Hancock Jahn Lee & Puckett, LLC (CAAG), CSDVRS, LLC (ZVRS), and Purple Communications Inc.

² *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, Joint Proposal of All Six VRS Providers for Improving Functional Equivalence and Stabilizing Rates (filed Mar. 30, 2015) (“Joint Proposal”).

demonstrates significant progress toward achieving functional equivalence of video relay services (“VRS”).

As the FCC will recall, in the TRS Policy Statement filed over four years ago, Consumer Groups developed goals and objectives to ensure that telecommunications relay services (“TRS”) achieve and maintain functional equivalency, as required by law.³ The ten core functional equivalency principles set forth in the TRS Policy Statement sought, among other things, to (a) provide a call experience for individuals who are deaf, hard of hearing, deaf-blind or speech disabled equivalent to that of a call between two hearing persons; (b) provide the full benefit of TRS to all parties on a call, regardless of the complexity and/or cost; (c) motivate vendors to continually improve the relay experience; (d) address diverse needs of individuals who are deaf, hard of hearing, deaf-blind or speech disabled; and (e) provide readily available interoperable communications.⁴ The Joint Proposal furthers these goals by improving speed of answer (“SoA”), conducting a trial for skills-based routing and deaf interpreters, and working with the Commission’s Disability Advisory Committee (“DAC”) to resolve any remaining interoperability issues. It has been four years since we filed the Policy Statement with the FCC, and we ask that consideration be given also to those who are deaf and have a mobile disability.

I. Speed-of-Answer

The VRS Providers propose that 80 percent of calls should be answered within 45 seconds, measured monthly, noting that providers may be subject to random variation in demand and potential fluctuations from outages, weather problems or other circumstances beyond their control.⁵ While Consumer Groups ultimately support moving the SoA benchmark to 85% of relay calls being answered within 30 seconds or even sooner to achieve functional equivalence,⁶ Consumer Groups support the VRS Providers’ proposal in the interim and agree that the sanctions for missing the SoA in a given month should correlate to the percentage by which the provider fell short of the 80% calls answered within 45 seconds benchmark. Consumer Groups also agree that limited waivers from the SoA calculation may be appropriate in the event of extraordinary circumstances beyond a provider’s control.

³ Consumer Groups’ TRS Policy Statement (April 12, 2011) (attached to *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, Consumer Groups’ Notice of *Ex Parte* Meeting (April 12, 2011)) (“TRS Policy Statement”).

⁴ *See id.* at 2.

⁵ Joint Proposal at 2.

⁶ *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, Reply Comments of Consumer Groups at 3-4 (Mar. 9, 2012) (“March 9, 2012 Consumer Groups’ Comments”).

As Consumer Groups have previously noted, while deaf and hard of hearing individuals have sometimes tolerated a two minute wait for answers from a VRS Communications Assistant (“CA”), hearing callers have indicated an unwillingness to wait for any VRS CA to answer. Without prompt answer speed, there cannot be functional equivalence.⁷ However, Consumer Groups acknowledge that unanticipated variations could result in harsh penalties and ultimately disrupt the provision of video relay services which is counter-productive.⁸ Consumer Groups have noted that a reduction in speed of answer requirements will lead to an increase in costs to providers and have expressed concern that, like IP Relay services, without sufficient reimbursement, consumers will see providers drop out of the market or the quality of services will deteriorate.⁹ VRS Providers have submitted that the daily SoA measurement requirement would cause providers to incur significant costs through overstaffing to meet the needs of VRS users, or risk significant non-compliance penalties for failing to anticipate demand, a position echoed by ASL Services Holdings, LLC in a petition for waiver filed with the FCC.¹⁰

II. Skills-Based Routing and Deaf Interpreters

Consumer Groups support the VRS Providers’ proposal that the Commission conduct an eight-month trial of skills-based routing, including the provision of deaf interpreters to assist hearing Video Interpreters, in order to enable deaf and hard of hearing users to communicate in a functionally equivalent manner.¹¹ Consumer Groups have encouraged the FCC to consider allowing VRS users to opt into a skills-based system that will better match VRS CAs’ skills and expertise to callers’ communications and stylistic needs, as well as specific call subject areas.¹²

⁷ 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, Comments of Consumer Groups at 12 (Mar. 30, 2012).

⁸ See National Association of the Deaf, Position Statement on Functionally Equivalent Telecommunications for Deaf and Hard of Hearing People, <http://nad.org/position-statement-functionally-equivalent-telecommunications-deaf-and-hard-hearing-people>.

⁹ 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, Consumer Groups Ex Parte Letter at 2 (Dec. 28, 2013) (“December 28, 2013 Consumer Groups’ Letter”).

¹⁰ See December 28, 2013 Consumer Groups’ Letter at 2 (citing Letter from Kathleen M. LaValle, Counsel for Communication Access Ability Group; Jeff Rosen, General Counsel, CSDVRS, LLC; and Michael D. Maddix, Director of Government and Regulatory Affairs, Sorenson Communications, Inc., to Chairman Tom Wheeler et al., CG Docket Nos. 10-51 & 03-123 at 2-3 (filed Dec. 6, 2013); *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*, Petition for Waiver, ASL Services Holdings, LLC, CG Docket Nos. 10-51 & 03-123 (filed Oct. 24, 2013)).

¹¹ Joint Proposal at 4-7.

¹² See March 9, 2012 Consumer Groups’ Comments at 8-9.

Skills-based routing has the potential to allow consumers to select VRS CAs according to: skill sets; specialized communication needs such as choice of interpreting, transliteration and signing styles; and areas of knowledge or expertise. Also those who have experience meeting certain needs of those who are deaf-blind, or deaf and have a mobile disability. Communication needs vary among deaf and hard of hearing calls as does the subject matter of each call, which means that better matching of VRS CAs and callers with specific call subject matters will improve functional equivalency.

Consumer Groups urge the Commission to exempt skills-based routed calls from speed-of-answer compliance during the trial, as proposed by the VRS Providers. Consumer Groups believe that skills-based routing would bring VRS closer to functional equivalency and potentially reduce VRS minutes of use.¹³

Consumer groups also support the use of deaf interpreters to assist deaf and hard of hearing users that may benefit from this option. Some VRS users have limited ASL skills and/or other disabilities that make communicating with the VRS CA alone difficult. The addition of a deaf interpreter will bring such users closer to functional equivalency in their VRS communications.

The goal of skills-based routing is to better use the pool of interpreters available. Agencies regularly assign interpreters to jobs in the community based on their skills and experience. We need the same thing in VRS where somebody who is more skilled or experienced with medical issues can interpret for medical calls and the same for a legal or IT related calls. It makes little sense not to allow interpreters to be matched to callers and their calls based on the skills and experiences of these interpreters. Moreover, the Consumer Groups believe that after the trial period, skills based routing should be permitted under the Commission's rules.

III. Rates

In the past, Consumer Groups have recognized that when setting VRS rates, the Commission must take into account research and development needs to encourage VRS providers to innovate and provide ever improving functional equivalency.¹⁴ As the U.S. Court of Appeals for the D.C. Circuit recognized, the FCC must consider required labor costs associated with improved speed-of-answer requirements and “adjust rates to reflect any increase over the historical costs upon which they were based” to meet its obligation to reimburse providers for all costs incurred to meet the mandatory minimum standards established by the agency.¹⁵ As such, Consumer Groups

¹³ 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, Consumer Groups' Notice of Ex Parte Meeting at 1 (Jul. 2, 2012).

¹⁴ See March 9, 2012 Consumer Groups' Comments at 30.

¹⁵ *Sorenson Communications, Inc. v. FCC*, 765 F.3d 37, 50-51 (D.C. Cir. 2014).

respectfully request that the Commission carefully consider the Joint Proposal's request for rate stabilization.

IV. Interoperability

Consumer Groups applaud the VRS Providers' commitment to work with the DAC to resolve remaining interoperability issues. Achieving interoperability is a core principle of the Consumer Groups' TRS Policy Statement, which identifies the objectives necessary to achieve functional equivalency in relay services.¹⁶ Total interoperability is required for equipment software and services from all vendors (for any form of TRS) with no loss of core functionality. Full interoperability ensures greater protection for TRS users' safety, life, health, and property.¹⁷

The Consumer Groups have consistently expressed their support for proposals to achieve interoperability and asked the FCC to set deadlines for implementing interoperability and apply any such standards not only to VRS calls, but also to peer-to-peer calls. While all current hardware and software used to make peer-to-peer calls and VRS calls should be interoperable, the increasing use of off-the-shelf equipment makes this issue more pressing.¹⁸ Consumer Groups still have serious concerns regarding interoperability among video mail services, including for example, the inability to leave video mail messages with friends and family who use different videophones. This lack of interoperability seriously impedes consumers' telecommunications access and the freedom to choose among video relay service providers.¹⁹

Consumer Groups appreciate that the VRS Providers have reported on recent progress made toward achieving interoperability²⁰ but maintain that continued collaboration among the VRS Providers and with the DAC is necessary to resolve outstanding interoperability issues that impact consumers' VRS experiences. Interoperability requirements will ensure that consumers can seamlessly use either equipment issued by VRS providers and/or off-the-shelf equipment for

¹⁶ Consumer Groups' TRS Policy Statement at 7 (April 12, 2011).

¹⁷ *Id.*

¹⁸ *See* March 9, 2012 Consumer Groups' Comments at 14.

¹⁹ *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, NAD Ex Parte Letter at 1 (Sept. 2, 2014).

²⁰ *See, e.g., 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, Sorenson Response to Letter of California Association of the Deaf (filed Sept. 23, 2014) (expressing that Sorenson has been working diligently to resolve videomail-interoperability issues); VRS Providers Ex Parte Presentation (filed Jan. 8, 2015) (reporting on progress made in developing proposed VRS interoperability standards).

Marlene H. Dortch
April 7, 2015
Page 6

VRS services. Moreover, the Commission can ensure full compliance with interoperability and other technical standards by overseeing implementation of equipment standards.²¹

* * *

Consumer Groups respectfully request that the Commission adopt the Joint Proposal as it is a significant step forward in the goal of achieving functional equivalence of VRS.

Respectfully submitted,

/s/ Tamar E. Finn

Tamar E. Finn

*Counsel for Telecommunications for the Deaf
and Hard of Hearing, Inc.*

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²¹ 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, Reply Comments of Consumer Groups at 5 (Mar. 30, 2012).

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Marlene H. Dortch
April 7, 2015
Page 7

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April 7, 2015

VIA ELECTRONIC FILING

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

Re: *Ex Parte* Letter in CG Docket Nos. 10-51 and 03-123

Dear Ms. Dortch:

The Registry of Interpreters for the Deaf, Inc. (RID) respectfully submits this *ex parte* letter in support of the Joint Proposal of All Six VRS Providers (collectively, the “VRS Providers”) for Improving Functional Equivalence and Stabilizing Rates (“Joint Proposal”), filed on March 30, 2015. RID has reviewed the document and urges the Federal Communications Commission (“FCC” or “Commission”) to take swift action to adopt the trial outlined in the Joint Proposal.

RID’s mission of excellence in interpreting is integral in the Commission’s work to fulfill its mandate of providing a functionally equivalent VRS. To that end, RID has raised concerns with the Commission about the quality of interpreting services in VRS stemming from 1) a lack of minimum standards for video interpreters, 2) a prohibition on skills-based routing, 3) underutilization of Certified Deaf Interpreters (CDIs) in VRS, and 4) practices in VRS that adversely impact the health and safety of video interpreters. We are encouraged that the Joint Proposal takes steps to address some of these issues without further endangering video interpreters.

I. Freeze in Key Performance Standards

RID is very encouraged by the considerations afforded to interpreters in the Joint Proposal, specifically, “the providers also intend to work through the DAC to study the effects on video interpreters of the rate decreases that have occurred and the value-added services that providers propose to implement, and they support regulatory change to ensure that interpreters do not bear additional burdens.” We strongly support the VRS Providers’ request that the FCC “prohibit providers from increasing the provider-specific key performance standards that interpreters must meet.” We believe that this is a critical piece to assessing the viability and sustainability of the measures outlined in the Joint Proposal and urge the Commission to adopt the prohibition as part of any order resulting from the Joint Proposal.

II. Skills-Based Routing

RID strongly supports skills-based routing in VRS. The NAD-RID Code of Professional Conduct (CPC) requires that interpreters “accept assignments using discretion with regard to skill, communication mode, setting, and consumer needs.” In VRS, this is made more feasible with skills-based routing. The implementation of skills-based routing to connect consumers with interpreters who best match their needs or who have experience with specialty language or topics helps to ensure the needs of consumers are accommodated.

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However, we do have concerns about what skills-based routing looks like in an industry that has no uniform minimum standards, such as national certification, for video interpreters. We encourage the FCC to closely examine how skills are assessed and the impact skills-based routing has on the interpreters in the “skilled” pool to ensure there is no degradation in the quality of interpreting service in VRS.

Again, we support skills-based routing and want to emphasize that it is not a “bonus feature.” Instead, it is a necessary component of VRS that will support the Commission in fulfilling its mandate of providing a functionally equivalent VRS.

III. Deaf Interpreters

Deaf interpreters are largely underutilized in interpreted interactions, including in VRS. Deaf interpreters should be available and utilized when needed to ensure the overall success of a call. We are encouraged that providers are cognizant of this and are considering trials with Deaf interpreters to support a functionally equivalent VRS. The FCC should take necessary action to not only encourage the use of Deaf interpreters in VRS, but to ensure the viability of using Deaf interpreters in VRS. We want to emphasize again that the availability of Deaf interpreters to support successful VRS calls is not an “add-on” but an integral piece to a functionally equivalent VRS.

IV. Rates

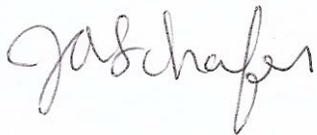
While RID is not in a position to say whether any given rate is too high or too low, we strongly believe that the reimbursement rate should be guided by what Consumer Groups recommend and what video interpreters are able to reasonably support. We believe that setting a rate without considering the position of Consumer Groups and recommendation of RID is antithetical to the Commission’s work to improve VRS.

V. Conclusion

The Joint Proposal works to balance the needs of Deaf consumers with the needs of the interpreters, who often end up unduly burdened by regulatory changes. We are optimistic that the proposed trial periods for the service offerings will be helpful in developing permanent rules that protect interpreters as well as the Deaf consumers we serve.

RID looks forward to meeting with Commission staff in person to discuss further the VRS Providers’ Joint Proposal and RID’s ongoing involvement in the effort to develop permanent new rules.

Sincerely,



Julie Anne Schafer
Director of Public Policy and Advocacy