



November 20, 2015

**VIA ELECTRONIC FILING**

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

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

Dear Ms. Dortch:

On Wednesday, November 18, 2015, Zainab Alkebsi, Policy Counsel at the National Association of the Deaf (NAD) corresponded via Video Relay Service (VRS) with Karen Peltz Strauss of the Consumer & Governmental Affairs Bureau and Edward Smith from the Office of Chairman Wheeler regarding the above-referenced dockets.

The NAD appreciates that the Commission has moved forward with a Notice of Proposed Rulemaking (NPRM) that proposes a stricter speed-of-answer standard, a limited trial for skills-based routing, and the authorized use of qualified deaf interpreters. We believe that, in examining these issues, the Commission has made earnest efforts to protect the integrity of VRS. While we applaud the efforts of the Commission in this regard, we are concerned with the Commission's extraordinary focus on cutting costs. Over the last two years, we have seen and been alarmed by the deterioration of VRS, which appear to be exacerbated each time the Commission reduces the rates. While we appreciate that the Commission heeds our requests for improvements, we are perplexed that these new mandates for improvements are accompanied by rate cuts.

In the most recent NPRM, the Commission proposes to "freeze for a maximum of 16 months the rate of compensation paid to 'small' VRS providers, defined as providers whose monthly compensable minutes do not exceed 500,000 minutes" (Tier 1)<sup>1</sup>. The NAD recognizes that this partial rate freeze would ensure the survival of the small providers and maintain competition among all of the providers. However, we remain concerned that the quality of relay services is being further negatively impacted by the ongoing rate cuts for all other providers. The Commission responded that their analysis shows only the small providers are at risk of suffering quality impacts; however, our experience and the experience of our community is that the deterioration of video relay

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<sup>1</sup> See Notice of Proposed Rulemaking, CG Docket Nos. 10-51, 03-123, at 10 (October 21, 2015) ("VRS NPRM").

quality is already evident across the board. In fact, during the call, the relay interpreter from a certain larger provider was unable to handle the call and had to be replaced.

Such a negative experience with a video relay interpreter is only one anecdotal example of the decline in quality that we and our members are seeing with the continuing rate cuts. The Commission also responded that the current rates are in excess of the allowable costs for the larger providers, as mentioned in the NPRM<sup>2</sup>, and that they thus feel that the larger providers are capable of providing VRS of certain quality. We have been unable to objectively measure whether the rates are reasonable or not, as we are receiving conflicting information between the Commission and the VRS industry, and we do not have access to actual financial data. Although we are not in a position to determine specific VRS compensation rates, VRS providers must be compensated sufficiently to improve the quality of VRS through innovation, and to adequately train and pay their interpreters.

For some time, the NAD has advocated for service quality measures such as using a script to test the accuracy of VRS interpreters. The Consumer Groups previously proposed that the FCC commission a study “by an independent organization not affiliated with any stakeholder in the debate, to thoroughly examine user experience” such as quality and reliability of the customer service experience (or lack thereof).<sup>3</sup> The Registry of Interpreters for the Deaf (RID) has similarly suggested that the Commission take a more active role in measuring the quality of interpreting in VRS calls and publishing reports on the quality of VRS calls.<sup>4</sup>

We inquired as to any progress on the GAO recommendation<sup>5</sup> that the Commission establish performance goals and internal controls to oversee its national TRS Program. The Commission responded that they are merely investigating for now. Metrics are a critical component of meeting consumer needs, and should be implemented without any further delay.

The NAD believes that rate cuts without mandates to comply with performance metrics has led to providers sacrificing quality in interpreting services through video relay. Any effort by the Commission to cut providers’ profit has the unintended consequence of cutting the quality of services instead. For this reason, the NAD is advocating for metrics that will establish a minimal level of performance standards that providers must satisfy. For this reason, the NAD supports VRS rate stabilization until service quality standards are adopted to ensure that the burden of such cuts do not fall primarily on consumers.

We appreciate the opportunity to discuss such an important topic and look forward to working with the Commission and industry stakeholders to improve the quality of VRS.

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<sup>2</sup> *Id.* at 12.

<sup>3</sup> See Consumer Group Comments in Response to Notice of Inquiry, Structure and Practices of the Video Relay Service, CG Docket No. 10-51 (filed April 11, 2011).

<sup>4</sup> See RID Ex Parte Letter to Marlene Dortch, CG Docket Nos. 10-51, 03-123 (filed April 7, 2014).

<sup>5</sup> The GAO Report is available at <http://www.gao.gov/products/GAO-15-409>.

Please do not hesitate to contact me if you have any questions regarding this filing.

Respectfully submitted,

/s/

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Policy Counsel, NAD

cc (by email): Edward Smith  
Karen Peltz Strauss