

**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 Service and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities)	CG Docket No. 03-123
)	
)	

REPLY COMMENTS OF HANCOCK, JAHN, LEE & PUCKET, LLC

Jeremy M. Jack
Vice President
Star VRS/Star VRSdb
1445 North Loop West #910
Houston TX, 77008
Telephone: 713-807-1176

12/23/2015

TABLE OF CONTENTS

I. INTRODUCTION.....1

II. THE COMMISSION SHOULD IMMEDIATELY ADOPT THE EMERGENCY PETITION OF THE THREE TIER I PROVIDERS AND THEN SWIFTLY MOVE TOWARDS AN APPROPRIATE AND SUSTAINABLE RATE-SETTING METHOD.....2

III. RATES MUST BE DEFINED IN TERMS OF FUNCTIONAL EQUIVALENCE AND QUALITY STANDARDS.....4

IV. CONCLUSION.....5

**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 Service and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities)	CG Docket No. 03-123
)	
)	

COMMENTS OF HANCOCK, JAHN, LEE & PUCKETT, LLC

I. INTRODUCTION

1. The Federal Communications Commission’s (“FCC/Commission”) October 21, 2015 *Notice of Proposed Rulemaking (Notice)*¹ Section II entitled “VRS Compensation Rates” sought comment on a proposed partial rate freeze of the Tier I rate. Hancock, Jahn, Lee & Puckett, LLC, d/b/a Communication Access Ability Group and branded Star VRS and Star VRS for the DeafBlind (“Star VRSdb”) (collectively “CAAG/Star VRS”) felt strongly that the Commission should immediately move forward with adopting the *2015 Rate NPRM* proposal or the *Tier I Providers’ Emergency Petition for a Nunc pro Tunc Waiver* of a 16 month rate freeze for Tier I providers retroactive to the June 2015 rate of \$5.29 a minute through October 31, 2016. No VRS Provider or other commenters oppose a Tier I rate freeze. CAAG/Star VRS here provides reply comments.

¹ *In the Matter of Structure and Practices of the Video Relay Service Program and Telecommunications Relay Service and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Further *Notice of Proposed Rulemaking*, FCC 15-143 (October 21, 2015) [*2015 Rate FNPRM*].

II. THE COMMISSION SHOULD IMMEDIATELY ADOPT THE EMERGENCY PETITION OF THE THREE TIER I PROVIDERS AND THEN SWIFTLY MOVE TO AN APPROPRIATE AND SUSTAINABLE RATE-SETTING METHOD

2. In addition to general support of a Tier I rate freeze VRS Providers made additional comments/arguments. For example both Purple and ZVRS make strong arguments that they should be included in a partial freeze since the reality of the VRS market is that it is dominated by a single provider². Purple and ASL/Global both felt stabilization in the form of a freeze must remain in place until such time as structural reforms have been established and the results of the reform are fully realized³. ASL/Global VRS also feels a steeper glide path to 500,000 minutes should be set in place⁴ and that a rate freeze should date back to before the implementation of the *2013 Reform Order*⁵. Sorenson feels the Commission should move forward with adopting the original proposal of the United Providers⁶. CAAG/Star VRS is not opposed to any of these additional proposals and acknowledge that these are valid options for the FCC to consider; however what is needed *immediately* is a Tier I rate freeze retroactive to the June 2015 rate for the proposed 16 months ending in October 31, 2016 with cuts thereafter done with the same “glide-path” bi-annually that began in July of 2015. Any delay will cause further financial and competitive damage to CAAG/Star VRS and the other Tier I providers who are at the most risk of being forced out of the market due to scheduled rate cuts.

3. The implementation of the Tier I rate freeze should be swiftly followed by a Public Notice to accept proposals for an appropriate and sustainable rate-setting method that will ensure strong progress towards functional equivalence and robust competition opportunities within the

² ZVRS Comments at Section II and Purple Comments at Section VI

³ Purple Comments at Section VII; ASL/Global VRS Comments at Section V (A)

⁴ ASL/Global VRS Comments at 10

⁵ ASL/Global VRS Comments at Section V (D)

⁶ Sorenson Comments at Section II

VRS industry. It is critical that a new appropriate and sustainable rate-setting method is established before the end of the 16 month proposed rate freeze or the rate freeze may very well have been for not.

III. RATES MUST BE DEFINED IN TERMS OF FUNCTIONAL EQUIVALENCE AND QUALITY STANDARDS

4. Both RID and the Consumer Groups point to the findings of the recent GOA audit as a serious concern⁷ and that rates cannot continue to be cut or new rates established without first defining functional equivalence and quality standards and the associated costs⁸. CAAG/Star VRS fully agrees with the comments of consumers and interpreters that the only true way to establish appropriate and sustainable rates is to have consumers define functional equivalence and then set quality standards based on this definition. After which interpreter organizations should be consulted about what standard practices used in the field of Sign language interpreting would be needed to support the defined quality standards. Since VRS is a labor intensive industry and labor cost makes up the majority of the VRS industry's total costs, quality standards and standard practices are the easiest and most appropriate way to establish a base rate for VRS. Then additional allowable costs can easily be added to this base rate. This approach is supported by the Congressional Omnibus⁹ and allows the consumer to control their experience of a functional equivalent phone call, ensures VRS interpreters are supported, and eligible VRS providers are compensated for the actual cost of providing video relay which is almost entirely made up of labor. CAAG/Star VRS believes strongly that this is how VRS should have been established, and rates set, from its inception. The result of it not being established in this manner is VRS

⁷ *Telecommunications for the Deaf et al Comments* at Section I; *RID Comments* at Section II

⁸ *Telecommunications for the Deaf et al Comments* at Section I; *RID Comments* at Section II

⁹ "The FCC should continue to assess this issue to determine the compensation rates that will reimburse providers for their costs while ensuring a high quality of service." *Congressional Omnibus* at H10138

providers that are in danger of closing their doors, VRS interpreters leaving the VRS industry or suffering injury and emotional distress because the industry cannot financially support standard practices of Sign language interpreters, and consumers left with a dysfunctional inequivalent experience. This rate freeze avails the FCC with the opportunity and time “to set things right” between consumers, VRS interpreters and their profession, VRS providers, and the Commission.

IV. CONCLUSION

5. There is no question from commenters that a Tier I rate freeze is immediately needed. CAAG/Star VRS implores the Commission to delay no further in taking action in sustaining the three Community based Tier I providers that provide specialized technology and services. Any delay will not only create additional financial and competitive harm to these three providers but would be detrimental to the significant steps towards functional equivalence that these three providers have achieved. Additionally, any freeze must be immediately followed by an invitation for appropriate and sustainable rate-setting proposals. Swift action at this point will show the FCC’s commitment to the high stakes called functional equivalence in telecommunications for Deaf, hard of hearing, and DeafBlind individuals.

Respectfully submitted this 23rd of December, 2015,

Hancock, Jahn, Lee & Puckett, LLC



Jeremy M. Jack
Vice President
Star VRS/Star VRSdb
1445 North Loop West #910
Houston TX, 77008
Telephone: 713-807-1176