

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

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

COMMENTS OF CONVO COMMUNICATIONS, LLC

TABLE OF CONTENTS

Summary.....	2
I. Functional Equivalency Should be Addressed Across the Board.....	3
II. The Compensation Rate Should Follow Functional Equivalency Measures.....	6
III. A Trial Period for Deaf Interpreters and Skills-Based Routing in VRS Would Provide Useful Data and Assurances.....	8
A. Deaf Interpreters are Essential for Effective Communications.....	8
B. Skills-Based Routing is a Necessary Component of Effective Interpreting.....	10
C. The Trials Should be Competition-Neutral and Providers Should be Compensated for their Engineering Costs to Participate.....	12
IV. A Faster Answer Time Should be Incented over a Reset SoA Standard.....	15
V. The TRS Numbering Directory Should Become Universally Designed.....	17
VI. Concerns Remain About the Use of Non-Call Center Interpreting.....	19
VII. Conclusion.....	19

Convo’s comments are also summarized in an ASL video available at:
<https://youtu.be/JsxAE23lpfE>

Convo Communications, LLC (“Convo”) hereby responds to Section III of the Federal Communications Commission (“FCC” or “Commission”) Further Notice of Proposed Rulemaking (“*FNPRM*”) seeking comment on a number of measures that could enhance the functional equivalence of Video Relay Services (“VRS”).¹

Convo proposes the following:

- The Commission should implement a process for identifying quality standards and a schedule for applying them to VRS to progress towards functional equivalency.² The mandatory minimum TRS standards should be revised to include the new quality standards.
- A base rate should be set for service which meets the updated mandatory minimum TRS standards and a granular rate should be set for the provision of services which achieve functional equivalency at a level above the mandatory minimum TRS standards.
- In the interim the Commission should conduct eight-month trials of deaf sign language interpreters and skills-based interpreter routing which include a limited number of customers per provider to gather further information on the costs and benefits of these interpreters in improving the functional equivalence of VRS.
- Convo supports a strengthened speed of answer (“SoA”) for VRS calls, and proposes additional compensation for a consistently faster answer time than the new SoA minimum standard.

¹ *Structure and Practice of the Video Relay Service Program*, Further Notice of Proposed Rulemaking, CG Docket Nos. 10-51, 03-123, FCC 15-143, Section III (adopted Oct. 21, 2015) (“*FNPRM*”).

² Convo agrees with the Consumer Groups’ definition of “functional equivalency” as “[p]ersons receiving or making relay calls are able to participate equally in the entire conversation with the other party or parties and they experience the same activity, emotional context, purpose, operation, work, service, or role (function) within the call as if the call is between individuals who are not using relay services on any end of the call.” Consumer Group’s TRS Policy Statement (attached to Consumer Groups’ Notice of *Ex Parte* Meeting, CG Docket Nos. 10-51, 03-123 (April 12, 2011)).

- Convo believes that a step towards the universal interoperability of video phones is to allow the provisioning of ten-digit numbers in the TRS Numbering Directory to hearing individuals and video phones in public spaces.
- Convo continues to oppose the authorization of video interpreters (“VIs”) working at non-call center locations (i.e., “at-home”) because of continuing concerns about privacy, security, reliability, compliance and a lower rate that cannot ensure the consistent application of the necessary support and monitoring safeguards.

I. Functional Equivalency Should be Addressed Across-the-Board

VRS stakeholders have asserted two calls to action: 1) the implementation of quality standards that would close service gaps to achieve the ADA mandate of functional equivalency;³ and 2) the establishment of a rate methodology which would adequately compensate for the provision of VRS at a functionally equivalent level of service. At this point, the Commission has steadily lowered the VRS compensation rate from where it stood in 2013 by about 25% with more rate cuts scheduled en route to a compensation rate in 2017 which is deemed to cover the costs for providing service that fulfills the mandatory minimum TRS requirements.⁴ However the Commission’s VRS reforms to date have principally been measures designed to deter fraud, waste and abuse. The Commission has begun initiatives to improve interoperability and portability in VRS but otherwise has yet to implement reforms which would progress the effectiveness of VRS interpreting. The mandatory minimum TRS standards must be updated to include in VRS proven interpreting standards and practices which support an accessible and functionally equivalent telecommunications experience.

³ 47 U.S.C. § 225(a)(3). *See also*, U.S. Government Accountability Office (“GAO”) TRS Report published on April 29, 2015, <http://www.gao.gov/products/GAO-15-409> (“the lack of specific TRS performance goals—and specific performance measures crafted around those goals” which made it “difficult to determine in an objective, quantifiable way if TRS is making available functionally equivalent telecommunications services”)(“GAO TRS Report”).

⁴ *See Report and Order and Further Notice of Proposed Rulemaking*, CG Docket Nos. 10-51, 03-123, 28 FCC Rcd 8618, 8696 (“VRS Reform Order”) (Adopted: June 7, 2013).

The Commission cannot settle an adequate compensation rate for VRS until there is greater certainty about the quality standards to be included in the VRS program. VRS is an interdependent system of service requirements and consumer needs. Thus it is essential that the examination of functional equivalency be organized in a considered, systematic and all-encompassing manner rather than in a randomly piecemeal fashion. The measures discussed in the *FNPRM* are important, but represent discrete items which were principally proposed as a tradeoff to stabilize the compensation rate or lower provider costs. While Convo supports taking the opportunity to proceed with certain measures proposed in the *FNPRM*, we consider it far more important that the Commission uses this rulemaking to establish a process that systematically identifies the necessary quality standards which are currently missing for VRS and a schedule for their implementation. Further, a less than full treatment of functional equivalency in VRS will leave intact or widen the disconnects between service quality standards, the integrity of the program and a sustainable rate.

A wide-ranging assessment of functional equivalency in VRS should include consumers, interpreters, providers, and regulators to ensure that the views about VRS improvement measures center on an intrinsic understanding of service needs and the standards and practices that will effectively meet those needs. To expedite the work on this long overdue task, Convo proposes that the Commission delegate the VRS functional equivalency assessment to the Relay/Equipment Distribution Subcommittee of the Commission's Disability Advisory Committee ("DAC"). Convo proposes that a task force be formed within the DAC Subcommittee consisting of its VRS consumer, interpreter and provider members, and chaired by a member who is a registered user of VRS. The VRS Quality Standards Task Force ("Task Force") would be responsible for developing an authoritative report informing the Commission about the nature of functional equivalency in VRS, recommended tangible measures to progress VRS to achieve

functional equivalency and a schedule for the implementing those measures. Since the quality of VRS is being stressed by the downward trend of rates, the Commission's consideration and decision about VRS quality standards is extremely time-sensitive, thus the Commission should request that the Task Force provide its assessment by no later than the end of this year, 2016. The Task Force should be resourced by the Commission to be able to survey and host dialogues with VRS stakeholders and consult with outside experts as is permitted by the Federal Advisory Committee Act. The work of the Task Force should be facilitated at the direction of the Commission's Disability Rights Office Chief Gregory Hlibok, presently the facilitator of the Relay/Equipment Distribution Subcommittee. This assignment would properly place the Task Force's VRS quality standards assessment under the TRS policy purview of the Commission's Consumer and Governmental Affairs Bureau/Disability Rights Office.

Convo discussed in its *FNPRM* Part II comments the building blocks for the implementation of quality standards in VRS, including the Consumer Group's *TRS Policy Statement*, the National Association of the Deaf's ("NAD") position statement on functionally equivalent telecommunications, and the Registered Interpreters of the Deaf's ("RID") Standard and Practices Papers.⁵ Convo further offered in its comments examples of proven in-person interpreting practices which are either disallowed or not supported in VRS such as permitting matching the customer with the interpreter.⁶ As the only deaf owned VRS provider, Convo personnel have a native understanding that the quality and effectiveness of VRS determines the opportunities that consumers have in life and thus it is Convo's mission to help push for functional equivalency to become the lodestar for the VRS program, which then in turn will determine an appropriate compensation rate which also preserves the long-term health of the TRS

⁵ See *Comments of Convo Communications, LLC*, Section IV, CG Docket Nos. 10-51, 03-123 (December 9, 2015) ("*Convo Comments*").

⁶ *Id.*

Fund for successive generations of VRS consumers.

II. The Compensation Rate Should Follow Functional Equivalency Measures

The requirements for VIs (i.e., Communications Assistants (“CAs”)) and their interpreting in the Operational Standards of the Mandatory Minimum Standards of the TRS rules have not been updated in more than fifteen years.⁷ The Operational Standards pertaining to interpreting are rudimentary and do not sufficiently provide for elements which effectively support the “specialized communication needs” of relay consumers, such as trilingual interpreting, the use of deaf interpreters, and interpreting for those who are deaf-blind or deaf with mobility disabilities. There is a dire need for the Commission to add onto the bare bones of the TRS Operational Standards other interpreting requirements which are minimally necessary for effective video interpreting such as the standards which would be identified by the proposed Task Force.

The Commission must also support quality interpreting standards and practices that are fundamental for the provision of functionally equivalent VRS at a level above what is required by the mandatory minimum TRS standards for interpreting. Convo listed in its *FNPRM* Part II comments some of the essential components for effective in-person interpreting such as matching consumers with interpreters, consumer and interpreter familiarity with each other, interpreter familiarity with the subject matter, and teaming for lengthy sessions.⁸ Well established standards and practices for effective in-person interpreting such as those identified by NAD or RID⁹ are either disallowed or not supported in VRS. These interpreting standards and practices are essential for functionally equivalent service but may not readily fit into the mandatory minimum standards such as supporting the routing of VRS calls to a pool of interpreters to allow for

⁷ 47 C.F.R. §64.604(a).

⁸ *Convo Comments*, section IV.

⁹ See RID Standard Practice Papers, <http://www.rid.org/about-interpreting/standard-practice-papers/> and the NAD Position Statement on Functionally Equivalent Telecommunications for Deaf and Hard of Hearing People at <https://nad.org/position-statement-functionally-equivalent-telecommunications-deaf-and-hard-hearing-people>.

familiarity between the consumer and the interpreters so that they are able to more effectively communicate instead of the current inconsistency caused by the random assignment of the VRS call to the providers' full roster of available interpreters. The Commission should implement a process to identify by the end of this year quality interpreting standards which achieve functional equivalency in VRS such as through the proposed Task Force assessment.

Once the mandatory minimum TRS standards are updated to include with more specificity criteria which ensure effective interpreting for VRS, a base rate should be set which adequately compensates providers to provide services that meet the revised minimum standards. Some new minimum standards will incur a greater cost when implemented for VRS and thus should be compensated at a higher rate, such as trilingual interpreting given that qualified interpreters are more difficult to obtain, require different training, employ more complex interpreting skills and require more than average time to reach and serve customers.

An attempt to lower quality standards so they can become mandatory minimum standards compensated by a "unitary" base rate surely will cause the VRS program to fall short of the ADA mandate of functional equivalence. Thus a rate structure above a base rate is needed to support those quality standards which provide functionally equivalent service. Convo began exploring in its *FNPRM* Part II comments innovative pricing plans for advancing the quality of interpreting by additionally modestly compensating providers for a level of service above the minimum mandatory standards such as consistently providing for the teaming of interpreters for lengthy or complex calls as audited by an independent group of experts.¹⁰ Convo also suggested that there would be greater returns in an approach which modestly rewards providers for consistently lesser wait times than provided by a minimum SoA standard compensated by a base rate.¹¹ Convo believes that the Commission should consider a granular rate plan to motivate the achievement of

¹⁰ *Convo Comments*, section IV.

¹¹ *Id.*

functional equivalency at a level above the minimum mandatory standards as compensated by a base rate. Moreover, Convo regards a rate plan which compensates for quality standards as a superior mechanism to impel progress towards functional equivalency rather than the current rate approach which solely ties higher compensation with increased call volume.

III. A Trial Period for Deaf Interpreters and Skills-Based Routing in VRS Would Provide Useful Data and Assurances.

Convo supports the Commission proceeding with trials of deaf interpreting and skills-based routing to develop information about their utility as part of the across-the-board assessment of functional equivalency measures in VRS. The trials should be voluntary Commission approved provider plans for participation within certain parameters designed to elicit information about the new service without risking waste, fraud or abuse. Further the Commission should avoid making the trials susceptible to unfair competitive advantages by larger providers with greater resources.

A. Deaf Interpreters are Essential for Effective Communications.

Studies of the National Consortium of Interpreter Education Centers (“NCIEC”) indicate that in many situations, the use of Deaf Interpreters (“DIs”) enable effective communications that are often not possible when hearing ASL-English interpreters work alone.¹² RID has issued a standard practice paper providing for the use of DIs to ensure quality communications access.¹³ Although DIs are especially sought for communications involving certain population groups such as those with limited language proficiency, they are becoming regularly used in all types of interpreted interactions, both high risk and routine. Federal agencies with a high level of consumer interaction such as the Social Security Administration consistently connect DIs by Video Relay Interpreting (“VRI”) in their meetings with sign language users not only in support

¹² See, e.g., NCIEC Deaf Interpreting studies at <http://www.diinstitute.org/study-results-2/>.

¹³ RID Standard Practice Paper “Use of a Certified Deaf Interpreter” at <http://rid.org/about-interpreting/standard-practice-papers/> (1997).

of effective communications, but also because they find the higher quality clearer and shorter interpreted communications as being cost effective. Convo VIs have amply expressed to management their interest in working with DIs to enhance the effectiveness of handled VRS calls.

However DIs are rarely used in VRS because their labor costs are not directly supported in the compensation rate. The steady rate cuts since 2013 has caused a general retreat among providers in their provision of interpreting such as placing less qualified, experienced or trained VIs because they are more affordable under a lower rate. DIs in the context of VRS are not cost neutral, they work as a team with other interpreters. Although the costs of DIs are well known through their use in in-person interpreting and VRI, it appears that a trial of DIs in VRS is needed to provide the Commission with information regarding their use, benefits and costs, as well as provide assurances that they are necessary as part of the delivery of a functionally equivalent level of service. It will not be sufficient for the Commission to authorize the use of DIs without a concurrent proceeding which considers the impact of their use on the compensation rate.

A trial would provide information which addresses the *FNPRM* inquiries about the types and percentage of VRS users of DIs, the average call volume involving DIs and the costs of DIs. As discussed in more detail below, Convo proposes that providers that wish to voluntarily participate in the trial present to the Commission their plan for the use of DIs (including a description of their qualifications) for the Commission's approval. The trial use of DIs should be exempt from the SoA calculations given the lack of information about how they are connected in a VRS call. However the Commission should make clear that emergency or 911 calls should continue to be prioritized and automatically placed without regard to the availability of a DI. Convo is unaware of a TRS rule which disallows teaming of VRS interpreters working at different call centers and thus the inclusion of DIs from remote call centers should not be an issue

and left to the providers' discretion. The call detail records required for providers would capture information about the use of DIs in VRS calls. Convo encourages the Commission (possibly through the proposed Task Force) to survey providers for more detailed information about the use of DIs during the trial while strictly respecting the requirements to keep confidential individual information about the callers and the content of their calls.

B. Skills-Based Routing is a Necessary Component of Effective Interpreting.

Taken as a whole, VRS VIs are generalists whom are required to be minimally competent in interpreting for the full range of consumers of diverse economic, linguistic, cultural or social backgrounds. However, it is not a given that every interpreter possesses the expertise to effectively interpret for any customer in any context. A bona fide interpreter agency which offers in-person interpreting or VRI will attempt to match the customer with the interpreter, based on familiarity with each other or with the subject being interpreted. Personal preferences set aside, consumers generally hire interpreters based on their ability to effectively interpret a particular interaction. It is understandable that the Commission initially extended to VRS the required indiscriminate use of CAs in relaying TTY calls. After more than two decades of Commission regulation of VRS, we should no longer be grappling with whether the complexity of sign language interpreting as compared with reading or typing text requires a different approach.

The showstopper in making progress in supporting better interpreter and consumer matches in VRS has been the concern about possible fraud if it could be arranged to select certain interpreters for specific situations. As a deaf run company, Convo personnel know first-hand the tremendous opportunities VRS has created for its consumers and the importance of protecting the integrity of the VRS program to sustain it long-term for future generations. At the same time, Convo is compelled by its consumer-first philosophy to frankly state that the wholesale ban on skills-based routing has caused a VRS that does not yet reliably support effective interpreting in

telecommunications with professionals such as lawyers, doctors, technology technicians or mental health counselors; in telecommunications involving people of diverse cultural, geographic or linguistic backgrounds; or in telecommunications for educational or work purposes. The current state of VRS is one that meets the mandatory minimum requirements but still needs to progress towards functional equivalency. The consequential impact to VRS consumers of less than consistent effective interpreting by denying them interpreters with specific subject matter expertise is an incalculable deviation from their civil right to accessible telecommunications.

The Commission should adopt a trial of skills-based interpreters similar to the one proposed for DIs. A limited-duration trial of skills-based interpreters will provide the Commission with the information that it requests in the *FNPRM* regarding their possible use, benefits and costs. As suggested for the trial of DIs and further discussed below, the providers should voluntarily present to the Commission for approval their plan for how they would conduct skills-based interpreter routing. Allowing providers the ability to individually present to the Commission their approach to skills-based routing would provide greater latitude for providers to tailor their offerings based on customers' needs and available resources to the benefit of innovating within parameters which yield the information the Commission is specifically seeking from the trial.

VRS calls which are routed as part of the trial should be exempt from the SoA since it may take longer to connect an interpreter with the requested skill. The trial should allow consumers to opt out of waiting for an interpreter in a particular skills-based pool so that they can be promptly directed to the next available generalist interpreter. Customers routed to a skills-based interpreter during the trial should be allowed to continue with the same interpreter for any successive calls rather than losing time in being pushed back to the generalist interpreter queue even if the succeeding call does not require skills-based interpreting. Since Spanish-language interpreting is

well established in VRS with ample call history to assess, Convo isn't clear about how it would help to include it in the trial but does not object to its inclusion. Convo believes that individuals who are deaf-blind or with mobility disabilities would particularly benefit from being able to have their VRS calls routed to skills-based VIs. The Commission should not impose sophisticated technical requirements that it does not plan to compensate for during a trial, such as a requirement to provide callers with an estimate of the expected wait time for a skills-based VI.

C. The Trials Should Be Competition-Neutral and Providers Should Be Compensated for their Engineering Costs to Participate.

The Commission should rigorously design the trials of DIs and skills-based interpreter routing so that they are strictly used to obtain the desired data and other information about their utility in VRS. The integrity of the information obtained from the trials should not be tainted by allowing for uncapped numbers of interpreters and consumers per provider which will bias outcomes in the direction of the largest providers with more customers and interpreters. Tight controls on the number of interpreters and customers per provider will also make it more manageable for all of the providers to participate in the trials, for the Commission to monitor and minimize any risk of fraud, waste or abuse in launching tests of entirely new approaches to providing VRS. Since the Commission does not plan to compensate for the labor costs of DIs or skills-based interpreting, it is incumbent on the Commission to ensure that the trials are financially feasible for providers over a several month period by limiting the number of interpreters and customers whom may participate. VRS stakeholders have commented that the rate cuts have affected the quality of services and interpreter working conditions thus the Commission must carefully circumscribe the trials so that providers and their VIs are not tasked with doing significantly more with decreasing resources. The Commission should ensure that the trials do not inappropriately become a competitive opportunity for larger and better resourced

providers by being able to market DI and skills-based interpreting to all of their customers as compared with the smaller providers with significantly less resources with which to serve their customers. The trials should allow for innovation with regard to quality standards, and not inadvertently push competition on the basis of the quantity of the provider's interpreters and customers.

Accordingly, Convo proposes that providers who elect to participate in the trials must randomly select up to one hundred (100) of their customers per trial who were active in the last three months by either making a VRS or point-to-point call. Convo believes that limiting the number of customers per provider and allowing them the full range of natural calling experience is a better approach during a trial than a cap on the percentage of calls that can be routed to skills-based interpreters or DIs. Furthermore, providers should pre-identify a pool of DIs or skills-based VIs who will be randomly assigned based on their availability to handle the VRS calls of a fixed pool of customers during the trial. Providers should present to the Commission by March 31, 2016 their plan to participate in an eight-month trial of DIs and/or skills based routing beginning May 2016 and ending December 31, 2016. Providers' plan of participation should include the following information:

- The proposed type(s) of interpreting to be provided (DI or skills);
- The procedure for identifying customers' DI and/or skills-based needs and how customers will be routed to those interpreters;
- The process used to determine the interpreters' qualifications to participate in the trials;
- The technology that will be used to route the calls;
- The unique identification numbers to be assigned to each of the randomly drawn customers;
- The identification number of assigned interpreters and a brief description of their skill set;
- A description of how the call data from the trial will be recorded and separately provided to the Commission; and
- How consumers and interpreters may record their experience in participating in the trial.

Once their plan is approved by the Commission, the provider should electronically provide the randomly drawn customers information about the trial, how the information resulting from their participation may be used, the protections against disclosure of their identities and content of their calls, their ability to opt out of the trial at any time and how they may opt out. The Commission should establish a mechanism by which providers can provide monthly information about the customers and interpreters participating in the trial, which logically could be handled by Rolka Loube Associates as the administrator of the TRS User Registration Database (“TRS-URD”). The Commission should also consider drawing on their existing contractual relationship with MITRE in assessing the trials’ research methodology and data outcomes.

There will be significant costs to providers who elect to participate in the trials. Providers jointly offered to conduct skills-based trials and DIs in conjunction with a proposed rate freeze, making clear that they were willing to absorb the additional costs of such services by their being offset by the anticipated cost savings of a rate freeze.¹⁴ However the Commission has indicated its disinclination to pay for any costs incurred by providers to participate in the trials.¹⁵ As previously noted, the use of DIs will be an additional expense since they must work as part of a team for a VRS call. Interpreter occupancy time will be impacted by wait times and transferring to handle routed calls, adding to the labor costs. Both skills-based VIs and DIs will require additional training at the providers’ expense for handling VRS calls. Skills-based interpreters generally command a higher compensation rate in the provision of in-person interpreting involving specific expertise. The Commission’s apparent hesitancy to cover those interpreter costs during a trial period is justifiable given the context of the unknown variable costs for labor, needing more

¹⁴ Joint Proposal of All Six VRS Providers for Improving Functional Equivalence and Stabilizing Rates, CG Docket Nos. 10-51, 03-123, at 2 (March 30, 2015) (“*Joint VRS Providers Proposal*”).

¹⁵ *FNPRM*, ¶ 50.

information from the trials to set clear parameters as to the compensable use of DIs and skills-based routing. However as soon as the Commission determines that DI and skills-based interpreter routing helps accomplish functional equivalency, the Commission should promptly adjust the compensation rate no later than the date the trials conclude to equitably compensate providers for offering those services.

On the other hand, the Commission absolutely should reimburse providers for their fixed costs of engineering a technical solution to routing calls for the trials. The information obtained from the trials is for the benefit of the Commission in developing the quality standards that it has committed to establishing consistent with its response to the *GAO TRS Report*.¹⁶ Thus it is equitable for the Commission to help foot the additional engineering costs providers will need to expend to participate in the trials. The Commission funds the VRS research and development work for the ACE Platform and TRS-URD as well as by MITRE and thus should equitably do the same in compensating for VRS' providers' technology costs for the trials. To provide the Commission with the assurance of cost controls, Convo proposes that the allowable reimbursable costs of engineering a routing system be capped at \$25,000 per provider and that provider claims for reimbursement must include supporting documentation of their costs.

IV. A Faster Answer Time Should be Incented over a Reset SoA Standard.

Consistent with its prior comments in this proceeding, Convo agrees with a judicious strengthening of the SoA standard.¹⁷ Accordingly Convo agrees with the proposed SoA standard of 80 percent of all VRS calls to be answered within 45 seconds, measured on a monthly basis.¹⁸ Convo also agrees that the SoA should be measured based on when the interpreter is actually

¹⁶ *GAO TRS Report*, Appendix IV, "Comments from the Federal Communications Commission."

¹⁷ See e.g., *Reply Comments of Convo Communications, LLC*, section IV, CG Docket Nos. 10-51, 03-123 (September 18, 2013) ("*Convo Reply Comments*").

¹⁸ *FNPRM*, ¶ 34.

connected to the call and not count a response by a provider's hold screen or interactive voice response system.¹⁹ Convo continues to endorse a "sliding scale" approach which reduces the monthly compensation based on the percentage the provider failed to satisfy the SoA standard.²⁰ Convo supports a streamlined waiver procedure within the Commission's Consumer and Governmental Affairs Bureau for specific extraordinary events beyond the providers' control which impacts their SoA.²¹ Convo strives to support transparency with VRS stakeholders²² thus does not oppose the Commission publishing summaries of provider SoA performance although based on the experience of published provider complaint logs not "moving the needle" with consumers in their selection of providers, Convo professes a question about whether the administrative work of publishing providers' SoA will lead to a reckonable consumer response.

Our compliance with the proposed new SoA standard will not cause additional costs as is being currently expended by Convo to meet the current standard. However, the Commission recognizes that the proposed SoA is not a fully functionally equivalent measure, considering factors such as interpreter availability, work conditions and high quality interpreting in proposing a lesser SoA as the new mandatory minimum standard.²³ There is merit to considering whether the base compensation rate should be adjusted upwards to allow providers to increase staffing and training of interpreters to support an even more strengthened SoA. Beyond a base rate which compensates providers for a minimum SoA standard, Convo proposes an incentive-based system for a consistently faster answer time given that the shortest wait times better accomplish functional equivalency. Convo recommends compensating providers an additional 1% of the applicable VRS rate for answering 85% of all VRS calls within 30 seconds, measured monthly. This superior SoA

¹⁹ *Id.*, ¶ 42.

²⁰ *Convo Reply Comments*, p. 24,

²¹ *See Joint VRS Providers Proposal*, pgs.3-4.

²² *See Convo Reply Comments*, section VII ("Convo consistently has agreed to make data regarding its operations public and Convo believes that, subject to privacy concerns, all cost data and all call data should be made public.").

²³ *FNPRM*, ¶ 34.

benchmark would equate to approximately \$40,000 additional for a provider delivering 1 million minutes a month, which would cover the providers' extra staffing costs. The additional compensation rate could be adjusted by a half of a percentage point for every 10 seconds faster speed of answer, e.g., an additional 1.5% of the compensation rate for answering 85% of all VRS calls within 20 seconds, measured monthly. Convo looks to further discussion among VRS stakeholders about an incentive-based rate plan which is workable for providers of different sizes.

V. The TRS Numbering Directory Should Become Universally Designed.

Convo has long supported permitting providers to assign hearing persons ten-digit iTRS numbers to significantly increase functional equivalency and also eliminate the unnecessary waste of hearing individuals whom use sign language needing to use VRS when they could communicate point-to-point with deaf individuals.²⁴ This would be an important step in progressing the TRS Numbering Directory towards a universally designed telecommunications database which allows for the registration of anyone's video phone number, whether they have a disability or not. The ADA mandates that people with disabilities can avail themselves to the same facilities as are available to people without disabilities rather than being segregated in society. An integrated TRS Numbering Directory would advance functional equivalency in that it would enable anyone regardless of whether they have a disability to readily connect with one another using video phones in the same manner that people now can with their audio phones. The Commission should take this opportunity to push commercial video platform products such as FaceTime, Skype, Google Hangout etc. to migrate to interoperability by opening up the TRS Numbering Directory to include them, in the same way the Commission facilitates interoperable audio telecommunications service through its administration of the North American Numbering Plan ("NANP"). In the future the TRS Numbering Directory could possibly be integrated into the NANP with TRS numbers

²⁴ See e.g., *Convo Reply Comments*, section I, part D.

designated in the NANP in a manner which enables relay calls to be made by eligible individuals.

A universally designed Numbering Directory for video phones would also resolve the issue of provisioning numbers for video phones in public spaces such as restaurants, hotels, shopping malls, museums, and libraries; places of congregate settings such as shared offices and residence halls; and confinement settings such as prisons and hospitals. The current system of provisioning an eligible VRS user's personal information to enable a public video phone even though the person is not necessarily at the same location as the public video phone nor uses that phone causes confusion, lends to subterfuge and creates inaccuracies in the registration of the associated number. Furthermore the lack of a Commission codified procedure for assigning numbers to public video phones has led to a barrier in the ADA requirement that "telecommunications relay services are available, to the extent possible and in the most efficient manner"²⁵ in that video phones are not widely available in public spaces and when they are, the lack of a numbering system for them creates challenges with normal call functions such as receiving call backs.

Convo agrees with the Consumer Groups that the Commission has the statutory authority to permit the assignment of TRS numbers to hearing individuals (and public video phones) as part of the functional equivalency mandate.²⁶ Providers should have the latitude to determine the handling of the costs of assigning phone numbers to hearing individuals and public video phones equivalent to the Commission currently not regulating the costs of phone numbers assigned to eligible VRS users. Convo supports the registration in the TRS Numbering Directory of phone numbers assigned to hearing individuals and does not oppose also transmitting that information to the TRS-URD as a cautionary measure to prevent the inappropriate use of VRS. Similarly phone numbers assigned to public video phones should be registered in the Directory. Eligible users

²⁵ 47 U.S.C. § 225(b)(1).

²⁶ *Comments of Consumer Groups on Section III – VRS Improvements*, section VI, CG Docket Nos. 10-51, 03-123 (December 24, 2015).

should be enabled to access VRS using the public video phone by keying in their iTRS phone number or providing the VI with their registered name for immediate verification in the database. This approach will prevent hearing people from inappropriately connecting with VRS using a public video phone. Furthermore, VIs are now well trained to identify individuals who do not use sign language to telecommunicate and to immediately disconnect such a call. With respect to the *FNPRM* inquiry about self-certifications, it should be expected that hearing users are subject to the same registration requirements as deaf users although perhaps the self-certification requirement could be dropped for everyone once the migration to an integrated numbering directory occurs.

VI. Concerns Remain About the Use of Non-Call Center Interpreting.

Convo continues to express concerns about the risk that non-call center (i.e., at-home) interpreting poses on security, privacy and compliance with the Commission's mandatory minimum standards.²⁷ Convo also is concerned about the lack of support for isolated VIs for handling emergency calls or for fulfilling quality standards which require teaming or in-person monitoring. Convo's experience is that remote locations have irregular broadband stability and reliability, and lack redundancy. Convo is sensitive to factors pertaining to VI safety, such as sparsely populated overnight shifts or haphazard weather conditions. However, it is clear that certain monitoring and support mechanisms must be in place to overcome the Commission and consumer's concerns, which may not be feasible or at risk given the thinning of provider resources due to the steady rate cuts which have led all providers to comment about their impact on operational capabilities. Thus Convo continues to oppose the use of non-call center interpreting in the present circumstances.

VII. Conclusion.

Convo appreciates the Commission's examination of steps to improve VRS and urges it to

²⁷ See *Convo Reply Comments*, section IX.

adopt a process using its DAC to assess VRS across-the-board, identify functional equivalency measures and their schedule of implementation. The Commission should reset a base compensation rate for the updated mandatory minimum standards and develop a granular rate structure to compensate for levels of service above the minimum standards which accomplish functional equivalency needs. In the interim the Commission should conduct limited-size trials to determine the costs and benefits of using DIs and skills-based interpreter routing. The SoA should be strengthened to an 80% of all VRS calls within 45 seconds standard measured monthly and the Commission should additionally compensate providers for consistently achieving a faster answer time than a reset SoA. The Commission should aim for the universal interoperability of video phones by taking the step to integrate the TRS Numbering Directory in authorizing the assignment of iTRS phone numbers to hearing individuals and video phones in public spaces. Security, privacy and compliance concerns and a steady lowering compensation rate militate against permitting non-call center VRS interpreting at this time.

Respectfully submitted,

Jeff Rosen
General Counsel
Convo Communications, LLC
2028 E Ben White Blvd #240-2168
Austin, TX 78741
(240) 560-4396
jeff@convorelay.com

January 4, 2016