

**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 & PUCKET, LLC

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I. INTRODUCTION

1. The Federal Communications Commission’s (FCC/Commission) October 21, 2015 *Notice of Proposed Rulemaking (Notice)*¹ Section III entitled “VRS Improvements” seeks comment on a number of measures to enhance VRS toward functional equivalence. 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”) supports all of these improvements in general as a part of the United Provider’s proposal submitted in March of 2015. What must be considered in each of these improvements is 1) the Deaf/hard of hearing/DeafBlind experience as the ultimate beneficiaries of VRS, 2) the impact on Sign language interpreters, both Deaf and hearing, and their profession and lastly 3) the cost factors involved in providing these improvements, especially from the Tier I providers.

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 *Improvements FNPRM*].

II. THE COMMISSION SHOULD ADOPT A MORE STRINGENT SPEED-OF-ANSWER (“SOA”) AND RE-FRAME HARSH PENALTIES INTO INCENTIVES THAT DRIVE A PATH TO FUNCTIONAL EQUIVALENCE FOR CONSUMERS.

2. As the FCC point out both VRS Providers and the newly established Disability Advisory Council felt contentment with a SoA measurement of 80 percent of all VRS calls be answered within 45 seconds, measured on a monthly basis². The Commission points to data from RL that shows clearly that VRS Providers are well within this threshold so that the FCC “tentatively” concluded it would unnecessary to alter VRS rates for the more stringent VRS SoA requirements³. CAAG/Star VRS would argue that anytime additional measures, structural reforms or new requirements are put into place they *must* be accompanied by additional monies needed to meet these requirements. Further, CAAG/Star VRS herein strongly supports a proposal and for the FCC to re-frame how they view penalties/withholdings, changing the system to instead incentivize providers for offering a *more* functional equivalent service. Should “Provider A” make the more standard TRS SoA requirement of 85 percent of calls answered within 10 seconds measured daily that they could be exogenously “rewarded” for their labor cost to provide this high level of service. In this way VRS Providers are appropriately *motivated* to give consumers a more functionally equivalent experience. Whether the new, more stringent, proposed SoA requirement is adopted or an incentive based program is put in place, there must be additional appropriate associated compensation awarded to VRS Providers.

² 2015 Improvements FNPRM at 33

³ 2015 Improvements FNPRM at 36

III. CAAG/STAR VRS SUPPORTS SKILLS-BASED-ROUTING WITH SPECIFIC UNDERSTANDINGS.

3. There is no doubt from CAAG/Star VRS' view that skills-based-routing ("SBR") is a critical step toward functional equivalence. There are specific things that CAAG/Star VRS wants to make clear when it comes to establishing a trial. **1)** While a critical step, a trial is still just a step. The trial must quickly be followed by additional action from the FCC to establish SBR as a permanent feature of the TRS program. This trial will swiftly come to define functional equivalence to many Deaf/hard-of-hearing/DeafBlind individuals and ceasing the trial with no after action plan in place will put the FCC, the TRS program, and VRS providers in a bad light. **2)** SBR already exists in the VRS industry in the form of Spanish/ASL video relay service. It is a highly specialized service that requires the Spanish VRS interpreter to have many hours of additional training to effectively interpret this type of phone call. The pool of these specialized VRS interpreters is very small creating demand in pay well above that in English/ASL VRS. This would be true of any specialty interpreter including Deaf/Blind VRS interpreters that work for Star VRSdb. It is entirely appropriate and in line with standards in the field of ASL interpreters that these specialized interpreters be compensated at a higher rate and therefore the eligible VRS Provider be reimbursed for these higher costs. **3)** The FCC should not limit the types of specialty interpreters (i.e., Provider A has specially trained medical interpreters but also has specialized interpreters trained to work in alcohol and drug recovery. One might assume that if you have a pool of specialized medical interpreters that will be sufficient to cover working in drug and alcohol treatment as well, but addiction treatment is an even more intimate register with a wide spectrum of specialized vocabulary needed to effectively interpret for a Deaf consumer seeking out addiction treatment over the phone). This also avails each provider with the

possibility to market their specialized services and gain a stronger foothold in the VRS market. However, this proposal for the trial to be done for 8 months *at cost* to the VRS provider is simply naivety on the part of the Commission. This will prevent some providers from being able to effectively participate and therefore skew the trial data in favor of VRS Providers who can absorb these costs. 4) These calls should be exempt from the SoA requirements (including Spanish/ASL services as questioned by the FCC⁴). The calls should be answered in the order received per regulation with the Deaf consumer made aware that an SBR call may have a longer than usual answer time. 5) The Commission points out several proposed metrics for how to determine the success of the trial⁵. CAAG/Star VRS has no additional items but here emphasizes that the Deaf consumer's experience that should be the final determining factor.

IV. TRAINED DEAF INTERPRETERS IN VRS IS THE ONLY TRUE PATH TOWARDS FUNCTIONAL EQUIVALENCE.

4. Functional Equivalence in VRS as defined by the Consumer Groups is:

“Persons 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.”⁶

5. By this very definition it is necessary to have trained and qualified Deaf interpreters working in VRS. A trial of this service is unnecessary and it would behoove the Commission to

⁴ 2015 *Improvements FNPRM* at 48

⁵ 2015 *Improvements FNPRM* at 49

⁶ 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”).

immediately allow this form of relay to be compensable from the TRS Fund. No longer can we allow dysfunctional inequivalent phone conversations to occur because the specialized skill of a Deaf interpreter has been absent in VRS.

6. Virtually any Deaf individual could potentially benefit from a Deaf interpreter being available. Cost factors to consider include minutes using a Deaf interpreter and providing them 24/7 as required by English/ASL and Spanish/ASL interpreters. But these costs can be offset by allowing the Deaf interpreter to enter an active phone conversation remotely.

7. That being said, the manner in which a provider offers Deaf interpreters should not be fully dictated by regulation (i.e., Provider A chooses to bring a Deaf interpreter into an active call remotely, while Provider B chooses to ensure that there is a Deaf interpreter in each center that works alongside the hearing interpreter during an active call, and Provider C may only have the Deaf interpreter directly interact with the Deaf consumer while the hearing interpreter works with the Deaf interpreter off-screen). Such choices could offer competitive advantage to a provider because their constituents would choose to use their “method” of offering a Deaf interpreter.

8. A VRS Deaf interpreter’s qualification should be the same as their hearing counterparts until such time that the FCC releases a Public Notice to define “qualified interpreter” once and for all.

V. THE PROS OUTWEIGH THE CONS FOR AT-HOME VRS INTERPRETERS AND 10-DIGIT-NUMBERS PROVIDED TO HEARING INDIVIDUALS

9. As noted by the Commission the environment under which VRS interpreters working from home was prohibited by the FCC was entirely different than its current iteration. CAAG/Star VRS feels increasing the pool of highly qualified interpreters who live in remote

areas, potential cost savings to VRS providers, support to emergency SoA needs and the advent of video platforms that allow for stricter monitoring of the at-home environment are more than sufficient reasons to alleviate any concern about VRS interpreters working from appropriate and confidential home offices.

10. CAAG/Star VRS believes 10-digit-number provisioning for hearing individuals who are fluent in Sign language is another issue that is long overdue in being addressed. The benefit to the communication needs of a Deaf individual signing directly to another fluent ASL user cannot be understated. While not explicitly stated in Section 225⁷ the provision is obviously present in spirit and intent towards Deaf humans being able to make a phone call to or from a hearing person.

VI. CONCLUSION

11. The Commission has the opportunity to make a meaningful difference with this FNPRM. It must begin with a Tier I rate freeze immediately and then a swift move to resolve several of the quality issues that are obviously serious concerns to Consumers and Interpreters⁸. We look forward to the FCC's decisive action.

Respectfully submitted this 4th of January, 2016,

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⁷ 47 U.S.C. § 225(b)(1).

⁸ *Comment of Consumer Groups on 2015 Rate FNPRM* at 2; *Comments of RID on 2015 Rate FNPRM* at 2