VRSCA™
Video Relay Services Consumer Association
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February 1, 2016

Via Electronic Filing

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

Re: Reply Comments, Further Notice of Proposed Rulemaking, rel. November 3, 2015, in CG Docket Nos. 10-51 and 03-123

Dear Ms. Dortch:

The Video Relay Services Consumer Association ("VRSCA") respectfully submits the following reply comments in response to the Federal Communications Commission's ("FCC") Further Notice of Proposed Rulemaking ("FNPRM") in the above proceeding on the FCC's proposals for improvements to the Video Relay Service ("VRS") program. Specifically, Section III of the FNPRM seeks comments on a number of measures that may improve the functional equivalence of VRS. On December 24, 2015, the Consumer Groups[1] filed comments and on January 4, 2016, the Registry of Interpreters for the Deaf, Inc. ("RID") filed comments responding to Section III of the FNPRM on VRS improvements. On January 19, 2016, NAD filed an *Ex Parte* Letter regarding this proceeding. These reply comments of the VRSCA are in support of the comments filed by the Consumer Groups and RID, and the *Ex Parte* Letter filed by NAD.

The VRSCA is a national communications forum for deaf, hard-of-hearing, deaf-blind, speech-disabled, and hearing individuals who communicate using American Sign Language ("ASL") and VRS. The VRSCA regularly conducts surveys and participates in deaf events, and has submitted numerous filings in these Dockets expressing the concerns of VRS consumers with respect to the FCC's efforts to ensure functionally equivalent VRS and quality interpreting in VRS calls.

Section III of the FNPRM cites to the Americans with Disabilities Act ("ADA"), which charges the FCC with ensuring that telecommunications relay service ("TRS") provides the ability for an individual who has a hearing or speech disability to engage in communications by telephone in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability. 47 U.S.C. § 225.

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[1] The comments were filed by the following organizations: 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"), Association of Late Deafened Adults, Inc. ("ALDA"), 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, the "Consumer Groups").

Pursuant to this mandate, the FNPRM seeks comment on measures that are designed to improve the functional equivalence of VRS, including whether to (1) strengthen the speed-of-answer requirement, (2) adopt a trial of "skill-based routing" of VRS calls, (3) permit compensation for the use of qualified deaf interpreters, (4) authorize the use of at-home interpreters under certain conditions, and (5) allow the assignment of 10-digit numbers for phones used by hearing individuals.

First, functional equivalence requires a prompt speed-of-answer and a high quality of interpreting. The Consumer Groups support improvements in the speed-of-answer, while at the same time, underscore the need to ensure a high quality of interpreting. Similarly, the RID supports a strengthened speed-of-answer standard but is concerned about interpreting quality. The VRSCA agrees with the comments of the Consumer Groups and the RID concerning the speed-of-answer standard.

Second, the use of skill-based routing for VRS calls would improve functional equivalency because a VRS consumer with a specific subject matter need may request an interpreter with a particular skill set. The VRSCA agrees with the Consumer Groups that each provider should be permitted to perform a trial of skills-based routing.

Third, in certain situations, the use of a qualified deaf sign language interpreter would bring VRS users closer to functional equivalency. We agree with RID, that deaf interpreters should be utilized when needed to ensure the success of a VRS call. While the VRSCA supports imposing a faster speed-of-answer, adopting a trial of skill-based routing, and using deaf interpreters on VRS calls, these improvements cannot be done without increasing compensation because additional staffing, training and adequate support are required. The VRSCA is concerned that the FCC is seeking to make improvements and increase services while inappropriately cutting VRS rates.

Fourth, if the FCC authorizes at-home interpreting, the VRSCA believes that a number of safeguards, such as remote monitoring, must be imposed in order to ensure confidentiality. The measures outlined in the comments filed by the Consumer Groups and RID would help to ensure that VRS calls made during at-home interpreting programs are handled properly and are secure. Similar to the improvements above, VRS providers would need additional compensation to implement such a program.

Fifth, the proposal to assign 10-digit iTRS numbers to hearing individuals would allow them to have direct point-to-point video calls with other VRS users, such as deaf, hard-of-hearing and speech disabled relatives, friends and colleagues who use ASL. This is a great idea because it allows for increased functional equivalence and it conserves the TRS Fund by reducing the use of compensated VRS calls. In September 2013, the VRSCA filed reply comments supporting a request by the Consumer Groups that iTRS 10-digit numbers be made available to hearing individuals who use sign language to allow them to make direct point-to-point calls. We continue to support assigning 10-digit iTRS numbers to hearing individuals for this purpose.

In considering any improvements to the VRS program, the FCC's goal should be to achieve functional equivalency in communications, as required by Section 225 of the Communications Act. The Consumer Groups urge the FCC to refrain from making any further rate decreases for VRS providers until the FCC adopts specific service quality standards which address interpreter accuracy and other parameters, and to ensure that the rate cuts do not fall primarily on the VRS consumers. The RID also suggests that the FCC, before making decisions related to rate methodology and VRS improvements, should carefully consider quality standards to ensure a functionally equivalent VRS, particularly standards to ensure interpreting quality. According to the RID, until the FCC recognizes interpreting as a core service of VRS, and interpreter qualifications and performance are measured appropriately, the FCC will not meet its mandate to provide a functionally equivalent VRS.

The VRSCA, consistent with the Consumer Groups and RID, believes that the FCC should address the issue of service quality, such as interpreter accuracy, by conducting an analysis and adopting quality standards. This should be done before the FCC further decreases rates. Inadequate compensation is a sure way for the FCC to reduce the level of interpreter competency. At the same time, the FCC is expecting the VRS providers to make improvements in these other areas. Although the VRSCA is not in a position to objectively determine VRS rate standards for providers, it is quite elementary that any further reduction in rates will be detrimental to the future of the quality of VRS. From our perspective, the quality of interpreting appears to deteriorate each time the FCC reduces compensation rates to providers. The VRSCA is concerned that further rate cuts will have a tremendous impact on the ability of individuals with hearing and speech disabilities to deliver effective communications to hearing individuals during VRS calls. A decrease in the quality of interpreting makes individuals in this community sound less competent when making calls, a situation that would be moving away from the functional equivalency mandated by the ADA.

The NAD in its filing on January 19, 2016, asserts that any decision by the FCC to cut rates would have the unintended consequence of decreasing the quality of service, and rates should instead be tied to the level of quality of VRS through the establishment of quality measurements. According to the NAD, the FCC has not seen a significant number of complaints about the quality of interpreting of VRS calls. We wonder how the FCC can rely on the number of complaints from consumers to make a determination about the current quality of VRS interpreters.

Traditionally, individuals with hearing or speech disabilities have not filed complaints or comments with the FCC on their own because they usually leave it up to others to take care of communicating their concerns to the FCC, such as the VRSCA and deaf organizations. Many people with hearing disabilities grew up language deprived, meaning they did not have full access to both ASL and English, so they have impoverished writing skills. Thus, writing a letter is not an effective communications avenue. According to research led by Dr. Tom Humphries, Professor at the University of

California at San Diego, "many deaf people have been linguistically deprived at some level . . . ." The researchers found that, among other harms to the individual, "linguistic deprivation leads to psychosocial problems due to the isolation and frustration one experiences from diminished linguistic and cognitive capability. This also results in the inability to express oneself fully, and to easily understand others completely."[2] We urge the FCC to acknowledge the unique challenges faced by many of these consumers.

To more fully address this situation, the FCC should conduct more outreach to solicit comments from VRS consumers. Based upon our communications with consumers, we have found that it is more convenient for consumers to just hit the disconnect button when they find themselves with an incompetent interpreter and dial up the call again until they get someone who is more competent. Like NAD, we have seen deterioration in the quality of VRS interpreting and VRS consumers are becoming frustrated. We continue to be concerned with the potential impact of further rate cuts on all of the VRS providers. It is important for the FCC to freeze rates in all tiers for all VRS providers while the FCC conducts more outreach and addresses the issue of service quality standards. The VRSCA agrees with NAD, that VRS providers must be sufficiently compensated in order to improve the quality of VRS through innovation, and to adequately train and pay their interpreters.

The demand for ASL interpreters is expected to grow rapidly, driven by the increasing use of VRS.[3] When making decisions on improvements to the VRS program, the FCC should ensure functional equivalency in communications, particularly with regard to interpreting quality. The FCC should continue to adequately compensate VRS providers to cover essential costs that allow them to grow, and invest in research and development to remain competitive and facilitate improved service to their customers.

Respectfully submitted,

/s/ electronically signed

Sharon A. Hayes
Director, VRSCA

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[2] Humphries *et al.* "Language Acquisition for Deaf Children: Reducing the Harms of Zero Tolerance to the Use of Alternative Approaches" *Harm Reduction Journal* 2012, 9:16. http://harmreductionjournal.biomedcentral.com/articles/10.1186/1477-7517-9-16

[3] Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook, 2016-17 Edition*, Interpreters and Translators, Job Outlook (December 17, 2015), last visited February 01, 2016. http://www.bls.gov/ooh/media-and-communication/interpreters-and-translators.htm#tab-6