

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20544**

In the Matter of

Structure and Practices of the Video Relay
Service Program

CG Docket No. 10-51

Telecommunications Relay Services and
Speech-to-Speech Services for Individuals
with Hearing and Speech Disabilities

CG Docket No. 03-123

**REPLY COMMENTS OF SORENSON COMMUNICATIONS, INC.,
ON VRS IMPROVEMENTS**

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Sorenson Communications, Inc., (“Sorenson”) submits these reply comments on the portions of the Commission’s October 21, 2015 Further Notice of Proposed Rulemaking (“*FNPRM*”)¹ pertaining to proposed service-related changes to video relay service (“VRS”).

INTRODUCTION AND SUMMARY

The comments confirm that the Commission should not mandate a vast array of service enhancements while continuing to drastically slash rates every six months. Although the record reflects widespread support for many of the enhancements proposed in the *FNPRM*, it also confirms that service enhancements and rates cannot be considered in isolation. As Purple explains, the Commission’s attempt to view service enhancements in isolation overlooks “the impact that scheduled future rate cuts will certainly have on VRS providers.”² If the Commission wants to improve service, the first thing it must do is fix rates—mandating service improvements without fixing the rate system is an exercise in futility.

So long as the Commission provides adequate funding, the comments reflect widespread support for many of the Commission’s proposals:

- The comments unanimously support the Commission’s proposal to change the speed-of-answer requirement, but they also confirm that the Commission should make no such change until it reforms the Draconian all-or-nothing penalty system and until it stabilizes future rates so that providers will be able to meet the requirement in the future.
- The comments also support the Commission’s proposal to allow providers to use deaf interpreters and commend the Commission for proposing to fund this.

¹ *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Further Notice of Proposed Rulemaking, FCC 15-143, 2015 WL 6855270 (rel. Nov. 3, 2015) (“*FNPRM*”).

² Comments of Purple Communications, Inc. on Section III – VRS Improvements Further Notice of Proposed Rulemaking at 4, CG Docket Nos. 10-51 & 03-123 (filed Jan. 4, 2016) (“Purple Comments”).

- Regarding skills-based-routing, the comments confirm that the Commission should permit providers to run a trial of this badly needed functionality, but they make clear that the Commission needs to fund any such trial in order to ensure widespread participation.
- There is also widespread support for allowing hearing users access to ten-digit numbers—but only if providers do not bear additional costs and, as Sorenson pointed out in its opening comments, only if the Commission fixes the security holes in the iTRS database.

The record does not, however, make a good case for permitting at-home interpreting.

The comments confirm that at-home interpreting would require extensive controls, but these controls are likely to be so expensive and so intrusive as to be infeasible. The Commission should not put the privacy and reliability of calls at risk and should maintain its ban on at-home interpreting.

I. PROVIDERS MUST BE ADEQUATELY COMPENSATED FOR MEETING AN ENHANCED SPEED-OF-ANSWER REQUIREMENT.

The comments reflect widespread support for the Commission’s proposal to increase the speed-of-answer requirement,³ but only if the Commission ensures that rates adequately support the increased requirement and only if the Commission reforms the penalty for missing the speed-of-answer requirement. As the Consumer Groups correctly note, improving the speed of answer should not come at the cost of decreasing the quality of service VRS users receive.⁴ But that is what will inevitably happen if the Commission strengthens the speed-of-answer requirement without taking both of these steps.

³ *FNPRM* ¶ 34.

⁴ Letter from Tamar E. Finn, Counsel, Telecommc’ns for the Deaf & Hard of Hearing *et al.* to Marlene H. Dortch, Secretary, FCC, at 3, CG Docket Nos. 03-123 and 10-51 (filed Apr. 7, 2015) (“Consumer Groups Letter”).

A. The Commission Must Ensure that Rates Are High Enough to Support an Increased Speed of Answer.

The comments confirm that enacting an enhanced speed-of-answer requirement without adequately stabilizing rates will put the industry on a path toward collapse. In the Joint Proposal, providers made clear that their ability to meet the proposed new speed-of-answer requirement was contingent on long-term rate stabilization.⁵ The Commission, however, now proposes to ratchet up the speed-of-answer requirement without providing any long-term rate stability, tentatively concluding that no rate adjustment is needed because providers are already meeting the new requirement. But as Purple correctly points out, this incorrectly views “the speed-of-answer requirement in a vacuum . . . and is missing the impact that scheduled future rate cuts will certainly have on VRS providers.”⁶ Indeed, there is no evidence in the record that providers can meet stringent new speed-of-answer requirements if scheduled rate cuts go into effect. On the contrary, every provider has noted that the scheduled rate cuts will force service cuts.

Making matters worse, the proposal also does not account for market changes which will inevitably drive up the cost of maintaining current levels of service. As Sorenson pointed out in its opening comments, changes in the VRS market—including the growth of mobile VRS—will require providers to increase staffing in order to maintain current service levels on high-volume days. The proposal simply does not properly account for these increased costs.

⁵ See Joint Proposal of All Six VRS Providers for Improving Functional Equivalence and Stabilizing Rates at 2, CG Docket Nos. 03-123 and 10-51 (filed Mar. 30, 2015) (“Joint Proposal”).

⁶ Purple Comments at 4.

As the DAC and the Consumer Groups both point out, the Commission must ensure that rates are high enough to support increased speed-of-answer requirements.⁷ The current proposal simply does not do that. As rates fall, providers will be forced to cut service somewhere—whether by cutting staffing, cutting interpreter pay, or otherwise.⁸ The Commission’s attempt to mandate better service while slashing rates is woefully unrealistic and will eventually kill VRS.

B. Before Increasing the Speed-of-Answer Requirement, the Commission Must Reform the Penalty System.

The record also universally demonstrates that the Commission must reform the penalties for non-compliance with the speed-of-answer requirement.⁹ The sliding scale approach of the Joint Proposal will incentivize providers to have appropriate staffing levels and avoid discouraging providers from taking on any additional work once it knows speed-of-answer targets will be unmet.

⁷ Recommendation of the Subcomm. On Relay & Equipment Distribution to the FCC Disability Advisory Comm. at 2, CG Docket No. 10-51 (May 7, 2015) *approved & adopted by the Disability Advisory Comm.* (June 23, 2015) (“[The DAC] recommends that the Commission ensure that the rates used to support a revised speed of answer reflect the providers’ resources and staffing needed to provide high quality VRS interpreting necessary to satisfy functional equivalency”); Consumer Groups Letter at 3 (“[A] reduction in speed of answer requirements will lead to an increase in costs to providers and . . . without sufficient reimbursement, consumers will see providers drop out of the market or the quality of services will deteriorate.”).

⁸ See The Registry of Interpreters for the Deaf, Inc. in Response to the Further Notice of Proposed Rulemaking on Structure & Practices of the Video Relay Service Program at 7-8, CG Docket Nos. 03-123 and 10-51 (filed Jan. 4, 2016) (“RID Comments”).

⁹ See, e.g., Comments of Consumer Groups on Section III – VRS Improvements at 5-6, CG Docket Nos. 03-123 and 10-51 (filed Dec. 24, 2015) (characterizing harsh penalties as “counter-productive”) (“Consumer Group Comments”); Comments of ZVRS to the VRS Improvements FNPRM at 9, CG Docket Nos. 03-123 and 10-51 (filed Jan. 4, 2016) (“An overly punitive ‘all-or-nothing’ approach creates a fear of withholding and the wrong incentives.”) (“ZVRS Comments”).

In addition the Commission must create a system to allow providers to expeditiously obtain an exemption from the speed-of-answer requirement when the provider reasonably staffs its call centers but misses the requirement because of unforeseeable circumstances beyond its control. For this reason, Sorenson supports ASL’s proposal to have the Fund Administrator serve as decision maker when a provider files for such an exemption.¹⁰ The Fund Administrator should be required to act on such proposals within 30 days, as ASL suggests. However, to ensure that the Commission retains proper oversight, providers should have the right to appeal to the FCC if the administrator denies a request, and the administrator should have the right to refer a matter to the FCC if necessary. The FCC should commit to act on any such a request within 45 days to ensure that decision making is prompt.

C. At this Time, the Commission Should Not Offer a “Bonus” for Exceeding the Speed-of-Answer Requirement.

The Commission should not institute a program of bonus payments to providers who exceed the speed-of-answer requirement. Comprehensive rate stabilization is the only way to ensure that providers have the necessary resources to ensure functional equivalence for VRS users. Incentivizing improvements to speed of answer without meaningful rate reform—and not even a temporary rate freeze for all providers—will simply result in providers reallocating overly scarce resources toward improving speed of answer at the cost of other expenditures that impact quality of service. If rate reform is adopted, retaining a single speed-of-answer requirement will allow providers to compete on speed of answer at no cost to the Commission, without improperly encouraging providers to spend more than necessary on improving speed of answer while

¹⁰ Comments of ASL Service Holdings, LLC – Section III at 6, CG Docket Nos. 03-123 and 10-51 (filed Jan. 4, 2016) (“ASL/Global Comments”).

ignoring other aspects of call quality. The Commission should expend its energy on the main event (rate reform) rather than on a side show (a bonus program).

In particular, both ASL and Convo's proposed methods of calculating incentive pay would provide an inappropriate windfall to smaller providers. ASL's proposal explicitly favors smaller providers, calling on the Commission to establish incentives "in proportion to company size and average usage in minutes."¹¹ Convo's proposal has the same effect by increasing per-minute compensation by a certain percentage when a provider meets higher thresholds for speed of answer.¹² This would result in larger providers, whose minutes are compensated mostly at a lower rate, receiving less of a monetary incentive for improving speed of answer. The Commission's stated goal is to reduce the gap in compensation between large and small providers in order "to encourage the provision of VRS in the most efficient manner."¹³ Speed-of-answer compensation should not be used to further increase the gap in compensation between large and small providers.

II. THE COMMISSION SHOULD ENSURE PROVIDER FLEXIBILITY WHEN OFFERING DEAF INTERPRETERS.

The record also reflects a general agreement among all interested parties that the Commission should allow, and compensate for, the use of deaf interpreters (DIs). In either launching a DI trial or allowing compensation for the use of DIs on a permanent basis, the

¹¹ *Id.* at 5.

¹² Comments of Convo Communications, LLC at 16-17, CG Docket Nos. 03-123 and 10-51 (filed Jan. 4, 2016) ("Convo Comments").

¹³ *Structure & Practices of the Video Relay Serv. Program*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd. 8618, ¶ 198 (2013).

Commission should give providers discretion over how to best run a DI program, and allow VRS users who need a DI to select their provider based on the quality of a provider's DI program.

Such flexibility begins with how a DI is connected to a call. As CAAG/Star argues, “the manner in which a provider offers Deaf interpreters should not be fully dictated by regulation,”¹⁴ as competition among the providers regarding how deaf interpreters are connected will best serve consumers. Sorenson agrees with the Consumer Groups that, unlike other forms of skills-based routing, individuals should not necessarily have to enter a special queue to receive a deaf interpreter.¹⁵ Instead, providers should have the discretion to allow a consumer to request a DI before being connected or to bring in a DI after a call has begun and communications difficulties arise.

Sorenson agrees with CAAG/Star that in order to achieve functional equivalence, the FCC must ultimately allow the large-scale use of deaf interpreters.¹⁶ Thus, if the Commission believes it already possesses enough information to begin full-scale compensation of DIs, Sorenson does not oppose the proposals of RID and CAAG/Star that the Commission should launch a full-scale DI program without a trial.¹⁷

However, if the FCC requires additional information about the need for and cost of DI programs before launching a full-scale DI compensation program, it can and should conduct a trial. The trial should be designed to gather this information efficiently and provide VRS users with the best possible service until a full-scale program is launched.

¹⁴ Comments of Hancock, Jahn, Lee & Pucket, LLC at 6, CG Docket Nos. 03-123 and 10-51 (filed Jan. 4, 2016) (“CAAG/Star Comments”).

¹⁵ Consumer Group Comments at 10; *see also* Purple Comments at 10.

¹⁶ CAAG/Star Comments at 5-6.

¹⁷ *Id.*; RID Comments at 10.

Convo’s proposed trial design accomplishes neither of these goals, and the Commission should reject it. Convo proposes that, as part of a trial, “providers should pre-identify a pool of DIs . . . who will be randomly assigned based on their availability to handle the VRS calls of a fixed pool” of no more than 100 customers during the trial period.¹⁸ Such a small sample set is unlikely to yield useful data on when DIs are needed and the costs associated with providing them. Additionally, Convo expressly notes that its proposal is designed to prevent interpreters from competing based on their DI programs.¹⁹ But the providers *should* be competing for VRS users needing the assistance of a DI based on the availability and quality of DIs. There is no reason to dampen competition among the providers and prevent the marketplace from encouraging providers to offer the best possible DI programs.

Similarly, Sorenson opposes Convo’s proposal that providers submit a detailed “plan of participation” to the Commission before a trial can be launched.²⁰ The FCC should give providers the flexibility to experiment, see what works, and change course in the middle of a trial. This approach will best serve VRS users, as well as give the FCC more meaningful information about the costs and benefits of DI programs.

III. THERE IS BROAD CONSENSUS THAT THE FCC SHOULD FUND A TRIAL OF SKILLS-BASED ROUTING.

The comments on skills-based routing in this proceeding echo the Joint Proposal: all VRS providers agree that skills-based routing can enhance VRS service.²¹ Communications involving

¹⁸ Convo Comments at 13.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *See* Consumer Groups Comments at 8; RID Comments at 8; Convo Comments at 10-11; Purple Comments at 5; ASL/Global VRS at 7.

certain specialized subjects, including legal, medical, or technical support calls, can be greatly improved with the assistance of an interpreter with the relevant specialized knowledge.²² The FCC should conduct a trial and should structure it to ensure that study costs do not speed the declines in service already resulting from falling compensation rates.

Funding. Commenters agree that the FCC should fund the trial.²³ The FNPRM proposes that the TRS fund should not cover trial costs because participation is “voluntary,”²⁴ But those costs may render individual VRS providers unable to participate in the trial if doing so requires them to shoulder the burden of interpreter and consumer training, additional wages, and engineering and configuration costs. *All* of these costs should be compensable—not just engineering costs at Convo has suggested.²⁵ Nor should the Commission limit compensation only to smaller providers²⁶ or cap engineering costs at \$25,000 in advance, as providers are not currently in a position to accurately estimate what those costs will be.²⁷

Trial structure. VRS providers should have flexibility in structuring trial participation and should compete to provide the best user experience. To that end, data collection should be tailored to each provider’s offerings and designed to provide actionable information. Because providers should design—and make changes to—their trial plans based on feedback from their

²² Consumer Groups Comments at 8; ZVRS Comments at 10; ASL/Global VRS at 4.

²³ ZVRS Comments at 12; CAAG/Star VRS Comments at 5; *see also* Consumer Group Comments at 9 (expressing concern that VRS providers will not participate if rates are not frozen).

²⁴ *FNPRM* ¶ 50.

²⁵ *See* Convo Comments at 15.

²⁶ *See* ASL/Global VRS Comments at 15.

²⁷ *See* Convo Comments at 15. Sorenson agrees that cost data will be more reliable if collected *after* the trial. Purple Comments at 8.

users, Sorenson does not support Convo’s proposal that trial plans should be submitted for pre-approval.²⁸ Additionally, commenters agree that skills-based routing trial calls should be exempt from speed-of-answer requirements.²⁹

During the trial, skills-based interpreters should be subject to the same standards as other interpreters; the Commission should reject the call for it to develop and adopt additional standards for specialist interpreters.³⁰ In Sorenson’s experience, no existing certification is a good proxy for suitability for VRS interpreting.³¹ As a result, Sorenson has created its own rigorous screening process to identify those who can provide the best user experience. That screening process has revealed that existing certifications are both under- and over-inclusive: many highly skilled interpreters have not received these credentials, and many credentialed interpreters do not meet Sorenson’s quality standards. Imposing a uniform “standard of qualification” would, therefore, unnecessarily limit the pool of specialist interpreters. Providers should develop their own standards and compete on the quality of their skilled interpreters.

VRS providers should also have the flexibility to select categories of specialist offerings based on their consumers’ needs, both during the trial and when the system is fully implemented.³² Sorenson does not agree with proposals that would artificially limit the trial to

²⁸ See Convo Comments at 11, 13.

²⁹ ZVRS Comments at 11; Consumer Groups Comments at 8; Convo Comments at 11; Purple Comments at 8; ASL/Global VRS Comments at 10.

³⁰ See ZVRS Comments at 11 n.21.

³¹ See Sorenson Communications, Inc. Comments on VRS Improvements at 14, CG Docket Nos. 10-51 & 03-123 (filed Jan. 4, 2016).

³² CAAG/Star Comments at 4 (“[T]he FCC should not limit the types of specialty interpreters.”); Consumer Groups Comments at 7; Purple Comments at 9.

medical, legal, and foreign language skills.³³ Individual providers are best positioned to assess the needs of their consumers and the capabilities of their staff. Those factors should drive trial offerings, and data should be collected during the trial to determine whether there are sufficient interpreters available with particular skills.³⁴ The trial experience may ultimately reveal that skill-based routing can be accomplished only if resources are invested in identifying and training a larger population of specialist interpreters.

Nor should the FCC artificially limit the number of interpreters and consumers who can participate in the trial, as Convo has proposed.³⁵ As with a trial of DIs, in order to fully test skills-based routing, providers must be allowed to test their real capabilities, not some pre-selected test set. Convo provides no compelling reason for such a limitation beyond its desire to be shielded from competition. The complex and unnecessary participation requirements Convo proposes will suppress participation in the trial.

Interoperability. Sorenson is not aware of any interoperability issues that would affect skills-based routing as ZVRS claims. ZVRS claims that unspecified “interoperability” issues will prevent users of one provider from taking advantage of skills-based routing offered by competing providers.³⁶ But if a user wants to take advantage of skills-based interpreting through another provider, he just has to dial around to the other provider. Sorenson believes that all of its devices are capable of dialing around to other providers.

³³ See ZVRS Comments at 12.

³⁴ Consumer Group Comments at 8.

³⁵ See Convo Comments at 12.

³⁶ See ZVRS Comments at 11, 13.

Successive calls. Successive calls placed after a call that has been subject to skills-based routing should be sent to the generalist queue.³⁷ Allowing customers who are routed to a specialist interpreter to continue with the same interpreter for successive calls when there is no specialist needed could unnecessarily tie up scarce specialist resources.³⁸ Additionally, the Commission should not adopt ASL/Global VRS's proposal to give generalist interpreters more control over transferring calls to another interpreter.³⁹ Current rules governing transfers among interpreters are sufficient.

Post-trial routing. Sorenson agrees that, after a successful trial, there should not be a break in the availability of skills-based routing while the FCC implements final rules.⁴⁰ As many parties have described in this proceeding, skills-based routing can make an enormous difference for users who need to communicate about legal, medical, or other technical subjects requiring special knowledge and vocabulary. Abruptly eliminating this option at the end of the trial period would deny functionally equivalent service to users who have grown accustomed to specialized routing.

IV. HEARING INDIVIDUALS SHOULD HAVE ACCESS TO TEN-DIGIT NUMBERS ONCE SAFEGUARDS ARE IMPLEMENTED.

As Sorenson explained in its opening comments, the Commission should not consider adding an additional class of users to the iTRS database until it has fixed a longstanding security issue with the database. If the Commission fixes this problem, however, Sorenson supports

³⁷ See Purple Comments at 7 (successive calls should go to the top of generalist queue).

³⁸ See Convo Comments at 11.

³⁹ See ASL/Global VRS Comments at 11.

⁴⁰ See CAAG/Star VRS Comments at 4.

allowing providers to assign ten-digit numbers to hearing users and to put those numbers in the iTRS database.

Commenters agree that allowing “VRS providers to assign ten-digit iTRS numbers to hearing individuals so that they are able to place and receive direct (point-to-point) video calls to and from other VRS users” could benefit VRS users.⁴¹ But this step should only be taken if four conditions are met: First, participation in this new offering should be optional for VRS providers.⁴² While this added service may prove valuable to VRS users, it is outside the core VRS offering, and providers should have the flexibility to decide whether to expend the necessary resources to expand their services in this way.

Second, compliance safeguards must be in place to avoid abuse.⁴³ For example, numbers assigned to hearing people should be marked as such in the TRS Numbering Directory, and the TRS-URD should indicate that the user is a hearing person. These safeguards help ensure that extending ten-digit numbers to hearing individuals does not jeopardize the core VRS service.

Third, commenters agree that providing ten-digit numbers and implementing appropriate safeguards against misuse will come with costs that should not be borne by VRS providers.⁴⁴ Enabling direct video communications between hearing persons who communicate in ASL and VRS could ease the burden on the TRS fund by reducing the number of compensable minutes covered by the fund. But VRS providers must be compensated for the cost of supporting that

⁴¹ FNPRM ¶ 60; *see, e.g.*, RID Comments at 12.

⁴² *See* Purple Comments at 12.

⁴³ *See* ZVRS Comments at 14 (FCC should require certification from hearing users); RID Comments at 12 (hearing users should be designated as ineligible for reimbursement); Convo Comments at 19; Purple Comments at 13.

⁴⁴ *See* ZVRS Comments at 14; Consumer Comments at 14; Purple Comments at 12-13; ASL/Global VRS at 19.

initiative. If VRS providers are forced to assume that cost, they will have to take resources away from other efforts that *directly* benefit VRS users.

Fourth, Sorenson agrees that the FCC should limit the functionality of TDNs assigned to hearing people so that they function only to enable point-to-point calling with iTRS registered TDNs assigned to people who are deaf, and not to reach 911 or another hearing user.⁴⁵ This service should be offered solely for the purpose of facilitating direct communication between VRS users and hearing people who sign. Hearing individuals have access to existing options for other uses, and those needs should be handled outside the VRS system.

V. AT-HOME INTERPRETING WOULD NOT REDUCE COSTS AND RAISES THE POTENTIAL FOR WASTE, FRAUD, ABUSE, AND LACK OF CONFIDENTIALITY.

The Commission should continue to ban at-home interpreting. Allowing interpreters to work outside of the call center context necessarily presents the risk of waste, fraud, abuse, and lack of confidentiality—risks that even expensive technology cannot ameliorate.

Supporters of at-home interpreting acknowledge that the Commission should only allow at-home interpreting if it imposes “rigorous conditions” that can reliably ensure privacy, reliable service, and the opportunity to discover waste, fraud, and abuse.⁴⁶ Among the conditions supporters propose are “scrutiny, ongoing training, an onsite work and training requirement, and aggressive oversight”;⁴⁷ using video platforms for strict, ongoing monitoring of at-home

⁴⁵ See Purple Comments at 12.

⁴⁶ ZVRS Comments at 5; see also Consumer Group Comments at 11-12 (neither supporting nor opposing at-home interpreters but noting that, “[i]f CAs are permitted to work at-home . . . substantial safeguards [should] be imposed to ensure the confidentiality and privacy of calls” and technological solutions should be employed to prevent waste, fraud, and abuse).

⁴⁷ ASL/Global Comments at 18.

interpreters;⁴⁸ and ongoing “teaming, debriefing, [and] case conferencing” between work-at-home CAs and supervisors in call centers.⁴⁹ However, these proposals are not cost effective and, in the end, cannot ensure privacy, reliable service, and the opportunity to discover waste, fraud, and abuse.

The costs of imposing these proposals would be substantial. As ASL itself notes, at-home interpreting would not be a cost-saving measure for providers.⁵⁰ Thus, Sorenson shares Convo’s concern that instituting the “monitoring and support mechanisms [necessary] to overcome the Commission and consumer’s concerns” will not be feasible “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.”⁵¹

Due to cost concerns, providers allowing at-home interpreting will face incentives to offer sub-standard solutions to ensure privacy, reliable service, and the opportunity to discover waste, fraud, and abuse. For example, it is difficult to understand how ZVRS expects to save money while providing a “secure, dedicated connection” to every work-at-home CA, inspecting all at-home offices to ensure that white noise emitters and soundproofing insulation remains in working order, consistently monitoring every work-at-home CA, and even installing lighting and painting CA work stations so they “mimic the appearance of the provider’s call centers in both

⁴⁸ CAAG/Star Comments at 7.

⁴⁹ RID Comments at 11.

⁵⁰ ASL/Global Comments at 18 (“ASL/Global VRS does not believe that operational costs of employing work at home interpreters would necessarily be lower,” and recognizes that providers would have to make significant investments in providing “additional safeguards and operation support functions.”).

⁵¹ Convo Comments at 19.

color and lighting schemes.”⁵² In reality, providers will either offer work-at-home standards far below this relatively rosy picture, or if all these safeguards are in fact implemented, significant cuts will need to be made to other portions of providers’ budgets, likely resulting in lower quality of service for VRS users.

Even more fundamentally, at any cost, these proposals are not enough to ensure privacy, reliable service, and the opportunity to discover waste, fraud, and abuse. Commenters supporting at-home interpreting do not address the reality that—because of less reliable Internet service and a general lack of back-up power and system redundancy—any VRS call routed through an interpreter’s home is more likely to experience problems than a call routed through a call center. Moreover, in ensuring proper CA behavior, there is no substitute for the direct supervision and verifiable confidentiality controls that are available in a call center. At-home interpreting represents a step backward in achieving functional equivalence for VRS users and should not be allowed.

In its opposition to at-home interpreting, Purple makes an alternative proposal that also raises quality-of-service concerns. It proposes that the Commission consider “allow[ing] the sub-scale providers to white label to each other for overnight staffing” in order to “increase efficiency by reducing costs associated with providing overnight staffing.”⁵³ The Commission should ban this practice. Consumers do not receive adequate advanced notice about what company will be handling their calls. This reduces VRS users’ ability to select a provider based on speed of answer, interpreter quality, and other metrics—metrics that often worsen when white labeling occurs. If the Commission continues to allow this practice, it should improve consumer

⁵² ZVRS Comments at 6-7.

⁵³ Purple Comments at 11.

choice by requiring providers who engage in white labeling to give consumers clear notice on all marketing materials that consumer calls may be sent to another provider, as the provider does not service all of their calls.

CONCLUSION

As Sorenson explained in its comments, many of the proposals included in the FNPRM could make meaningful improvements in the quality of VRS service. But these new initiatives cannot be adopted if the Commission allows compensation rates to continue to decline. The Joint Proposal should be adopted.

Respectfully submitted,

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