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

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

**REPLY COMMENTS OF CONVO COMMUNICATIONS, LLC**

Commenters to Section III of the Federal Communications Commission ("FCC" or "Commission") Further Notice of Proposed Rulemaking ("FNPRM")[1] were uniformly generally supportive of the Commission conducting trials for the use of Deaf Interpreters ("DI") and skill-based Interpreters, strengthening the speed of answer ("SoA") for VRS calls and the provisioning of ten-digit numbers to hearing individuals. However these commenters also unvaryingly expressed great concern about the discrepancy of the Commission continuing to add VRS program initiatives while continuing to lower the VRS compensation rate on a schedule established in 2013. At some point, if not already, the downward exertion of the declining rates will affect provider capacity and correspondingly the quality of their services. Providers said that the proposed FNPRM initiatives will involve additional costs to implement, however the Commission does not plan to initially compensate for any of the initiatives. In those circumstances, keeping the VRS program on a trajectory aimed at functional equivalency while controlling the costs of providing the service through competitive multi-vendors presents a formidable challenge.

[1] *See 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) ("*VRS FNPRM*").

As a business run by deaf people who are also part of the community of VRS users, Convo Communications, LLC ("Convo") appreciates the Commission's across-the-board assessment in the past several years of the prevention of waste, fraud and abuse in the VRS program which has resulted in a number of measures which protect the integrity of the TRS Fund for the long-term. Convo absolutely believes that this is an essential time for the Commission to similarly conduct a wide-ranging assessment of quality standards in VRS with an eye towards identifying a tapestry of interrelated measures which enhance the effectiveness of interpreting in progressing towards a functionally equivalent experience in VRS. Convo appreciates the Consumer Groups' reminder that "the Commission has held that "functional equivalence" requires "periodic reassessment" in light of the "ever-increasing availability of new services and the development of new technologies."[2] With in-depth information about interpreting quality standards, we can have an informed, reasoned and well-rounded discussion about the appropriate compensation rate. Otherwise a piecemeal approach to VRS quality of service improvements will risk continuing the ongoing lack of certainty about the features the VRS program is supposed to offer and how much it will cost to maintain the availability of those features.

Convo agrees with the Registry of Interpreters for the Deaf ("RID") that the definition of functional equivalence should not be solely measured by operational technological standards such as SoA and interoperability, but "must [also] be measured based of the overall success of the call."[3] To achieve the much needed across-the-board VRS quality standards assessment, Convo proposed that the Commission charge the Relay/Equipment Distribution Subcommittee of the

[2] *Comments of Consumer Groups on Section III – VRS Improvements*, pg 2 [citation omitted], CG Docket Nos. 10-51, 03-123 (December 24, 2015).
[3] *The Registry of Interpreters for the Deaf, Inc. In Response to Public Notice Seeking Additional Comments on Structure and Practices of the Video Relay Service (VRS) Program*, pg. 6, CG Docket Nos. 10-51, 03-123 (January 4, 2016) ("*RID Comments*")

Commission's Disability Advisory Committee with preparing an authoritative report informing the Commission about the state of functional equivalency in VRS, recommended measures to progress VRS to attain functional equivalency and a schedule for the implementing those measures.[4] While VRS stakeholders have urgently called upon the Commission to adopt quality standards for VRS, Convo hopes its specific proposal as to the assessment process is of help in establishing a plan of action in identifying those standards. A stakeholder-led assessment may help us better understand consumer and interpreter priorities for VRS so that we can concentrate on the qualitative standards that are possibly more complex but matter more for effective interpreting instead of disproportionately allocating time in debating quantitative measures such as the SoA standard.

Nevertheless, Convo, while advocating for a wide-ranging functional equivalency assessment, supports the opportunity presented by the FNPRM to conduct trials of DI and skills-based Interpreting. Providers uniformly expressed that it will cost them time and money to provide the additional services in participating in the trials.[5] Convo agrees that it would be appropriate for the Commission to limit the necessary expenditures to participate in a trial. Convo also agrees that the Commission should help resource the additional provider expenses of participating in a trial. Convo proposed controlling the cost of participation in the trials by limiting the number of participants per provider.[6] Convo also suggested a capped reimbursement

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[4] *Comments of Convo Communications, LLC*, Section I, CG Docket Nos. 10-51, 03-123 (January 4, 2016) ("*Convo Comments*").

[5] *See, Sorenson Communications Inc. Comments on VRS Improvements*, section II, CG Docket Nos. 10-51, 03-123 (January 4, 2016) ("*Sorenson Comments*"); *Comments of ZVRS to the Compensation Rate Freeze*, section II, part C, CG Docket Nos. 10-51, 03-123 (January 4, 2016); [5] *Comments of Purple Communications, Inc. on Section III – VRS Improvements, Further Notice of Proposed Rulemaking*, section II, part c, CG Docket Nos. 10-51, 03-123 (January 4, 2016); *Comments of ASL Services Holdings, LLC (Section III)*, section II, part F, CG Docket Nos. 10-51, 03-123 (January 4, 2016); and *Comments of Hancock Jahn Lee & Puckett, LLC*, section III, CG Docket Nos. 10-51, 03-123, (January 4, 2016) ("*CAAG/Star VRS Comments*").

[6] *Convo Comments*, section III, part C.

for the providers' technology costs in enabling the routing of VRS calls for the trials.[7] It is important that the trials last no more than 8 months so that the providers are not "stuck" with the uncompensated cost of providing the additional service for an indefinite period and consumers do not form an expectation that the providers will find a way to provide the additional service in some way.

Convo agrees with Sorenson and CAAG/Star VRS that providers should receive additional compensation for achieving a faster SoA.[8] Beyond a base rate which compensates providers for the reset minimum SoA standard, Convo proposed an incentive-based system for a consistently faster answer time given that the shortest wait times better accomplish functional equivalency. Convo recommended compensating providers an additional 1% of the applicable VRS rate for answering 85% of all VRS calls within 30 seconds, measured monthly. Convo further recommended adjusting the additional compensation rate 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.[9] Convo supports RID's caution about examining the impact of an adjusted SoA on the work conditions of video interpreters.[10]

Convo reviewed Sorenson's comment about the security issue in the iTRS Numbering Directory[11] and wondered whether the VRS industry's transition to SIP based routing will help resolve the issue. Convo looks to a follow up discussion with Sorenson to clarify as part of the ongoing joint industry SIP transitioning effort.

The *FNPRM* is an opportunity for the Commission to adopt an inclusive process for

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[7] *Id.*
[8] *Sorenson Comments*, pg. 7; *CAAG/Star VRS Comments*, pg. 3.
[9] *Convo comments*, pgs. 16-17.
[10] *RID Comments*, section II.
[11] *Sorenson Comments*, pg. 11.

identifying VRS quality standards so we that can adopt measures which attain the ADA requirement of accessible telecommunications in full brushstrokes rather than nibbling at its edges. Once quality standards are identified, Convo believes that a granular rate plan is needed to support those measures which deliver quality interpreting above the competency required by the minimum mandatory TRS standards as compensated by a base rate. Moreover, Convo regards an incentive-based compensation plan connected with achieving high quality standards (and not tied with measures designed to increase call volume) as a superior mechanism to impel progress towards functional equivalency.

Respectfully submitted,

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