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 Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CG Docket. 03-123
	)	

REPLY COMMENTS OF ZVRS TO THE VRS IMPROVEMENTS FNPRM

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EXECUTIVE SUMMARY

ZVRS supports a number of the improvements proposed in the FNPRM, and recognizes their potential benefit to the functional equivalence of VRS, but joins other commenters in noting that the improvements were proposed to the Commission, by all six VRS providers, with the understanding that the improvements would be made possible by stabilizing VRS provider compensation rates.

Putting the issue of rate stabilization to the side, ZVRS urges the Commission to promptly authorize the use of at-home interpreters. The concerns that led the Commission to ban the practice in 2011 have been mooted by technological advancements that have emboldened use of at-home work forces across industry and government. The VRS industry should be afforded this same right. Authorizing at-home interpreters, subject to the rigorous safeguards proposed by ZVRS, holds clear benefits for the VRS industry and the TRS fund.

In addition, the record clearly demonstrates that the Commission should:

1) Adopt the rule requiring 80% of monthly VRS calls to be answered within 45 seconds, adopt proportional penalties for failure to meet the standard, and streamline the waiver process for failures due to unavoidable events beyond a provider's control;

2) Conduct a trial of skills-based routing after thorough review of the various proposals put forth by commenters and compensate providers at the level needed to allow them to fully participate trial;

3) Assign iTRS numbers to hearing individuals with sign language proficiency for calls with deaf and hard of hearing individuals after thoroughly reviewing and resolving the associated implementation issues; and

4) Authorize the use of deaf interpreters in the provision of VRS, potentially after conduct of a trial to collect data on the number of calls requiring this service and the impact on the TRS Fund, which will enhance the functional equivalence of the service for all VRS users.

ZVRS looks forward to continued partnership with the Commission in improving the VRS program, both through the development and implementation of needed structural reforms and through service enhancements of the type proposed in the FNPRM.

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CSDVRS, LLC d/b/a ZVRS ("ZVRS") hereby replies to the comments filed in response to the "improvements" to the Video Relay Service ("VRS") proposed by the Federal Communications Commission ("Commission") in the Further Notice of Proposed Rulemaking in the above-captioned proceeding.[1] ZVRS commends the Commission for its efforts to improve VRS through the measures proposed in the FNPRM, but urges the Commission to heed the commenters who point out that the improvements were proposed by all six providers with the understanding that these measures were "feasible only if the FCC stabilized VRS compensation rates."[2] Although the proposed measures will likely have some beneficial impact on the VRS program, particularly the proposal related to at- home interpreting, structural issues in the VRS program must be addressed in order to establish a truly competitive market, which we know is of concern to the Chairman and the Commission.

Notwithstanding the uncertainty related to rate stabilization, ZVRS urges the Commission to promptly authorize the use of at-home VRS interpreters. Providers and consumer groups alike

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[1] *See Structure and Practices of the Video Relay Services Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51, 03-123, Further Notice of Proposed Rulemaking, FCC 15-143 (2015) ("FNPRM").

[2] Comments of Sorenson Communications, Inc., CG Docket Nos. 10-51, 03-123, at 1 (filed Jan. 4, 2016) ("Sorenson Comments").

support adoption of the practice subject to the safeguards proposed by ZVRS. The objections of commenters who oppose authorization of at-home interpreting are overcome by the fact that: (A) available monitoring software and hardware will deter fraudulent activity at home just as effectively as it will in call centers; (B) the proposed safeguards provide robust confidentiality protections and are in line with at-home work practices in government and the myriad of industries that utilize an at-home workforce under confidentiality obligations; and (C) infrastructure and technology advances have ensured that at-home interpreting will satisfy the Commission's mandatory minimum requirements for redundancy and emergency call handling.

In addition, the record makes clear that there is broad support among the deaf and hard of hearing community and VRS providers for the Commission to:

1) Adopt the rule requiring 80% of monthly VRS calls to be answered within 45 seconds, adopt proportional penalties for failure to meet the standard, and streamline the waiver process for failures due to unavoidable events beyond a provider's control;

2) Conduct a trial of skills-based routing after thorough review of the various proposals put forth by commenters and compensate providers at the level needed to allow them to fully participate in the trial;

3) Assign iTRS numbers to hearing individuals with sign language proficiency for calls with deaf and hard of hearing individuals after thoroughly reviewing and resolving the associated implementation issues; and

4) Authorize the use of deaf interpreters in the provision of VRS to enhance functional equivalence, potentially after conduct of a trial to collect data on the number of calls requiring this service and the impact on the TRS Fund.

I. SUBJECT TO THE RIGOROUS SAFEGUARDS PROPOSED BY ZVRS AND OTHER COMMENTERS, IT IS TIME FOR THE COMMISSION TO APPROVE AT-HOME INTERPRETING, WHICH CAN AND WILL COMPLY WITH THE COMMISSION'S MANDATORY MINIMUM STANDARDS.

ASL Services Holdings, LLC ("ASL/Global"), the Registry of Interpreters for the Deaf ("RID"), Jahn, Lee & Puckett, LLC d/b/a Communication Axess Ability Group ("CAAG/Star VRS"), and Consumer Groups all joined ZVRS in urging the Commission to lift the prohibition on

the use of at-home interpreters in the provision of VRS.[3] The Commission has been considering at-home interpreting since 2011. With advances in technology, cloud computing and networks, it is time to greenlight this improvement which is widely utilized in government and private industry. ZVRS agrees with CAAG/Star VRS that the "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."[4] RID further notes that authorizing at-home interpreting will increase the available pool of qualified interpreters for reasons that "range from limited work opportunities in rural areas to disabilities preventing the interpreter from travelling to a call center to a lack of public transportation options."[5] Indeed, "these concerns are exacerbated by the need to travel [to call centers] during overnight hours and inclement weather,"[6] concerns that could be alleviated immediately through the adoption of at-home interpreting. In addition, complementing call-center-based VRS with available at-home interpreters creates a level of flexibility and scalability in the face of weather, network traffic, and emergency events that call centers alone cannot provide.[7]

These commenters concur with ZVRS that at-home interpreting should be approved subject to reasonable safeguards necessary to ensure that providers electing to support at-home interpreting

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[3] *See* Comments of ASL Services Holdings, LLC, CG Docket Nos. 10-51, 03-123, at 18-19 (filed Jan. 4, 2016) ("ASL/Global Comments"); Comments of the Registry of Interpreters for the Deaf, Inc., CG Docket Nos. 10-51, 03-123, at 10-11 (filed Jan. 4, 2016) ("RID Comments"); Comments of Hancock, Jahn, Lee & Puckett, LLC, CG Docket Nos. 10-51, 03-123, at 6-7 (filed Jan. 4, 2016) ("CAAG/Star VRS Comments"); Comments of Consumer Groups, CG Docket Nos. 10-51, 03-123, at 11-12 (filed Dec. 24, 2015) ("Consumer Groups Comments") (Consumer Groups is comprised of 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 ("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")).

[4] CAAG/Star VRS Comments at 6-7.

[5] RID Comments at 11.

[6] *Id.*

[7] *See* Comments of ZVRS, CG Docket Nos. 10-51, 03-123, at 3-5 (filed Jan. 4, 2016) ("ZVRS Comments").

comply with the Commission's mandatory minimum standards. As detailed more fully in ZVRS' initial comments in this proceeding, such safeguards should include requirements of: (1) a secure, dedicated location in the interpreter's home to preserve confidentiality; (2) remote monitoring by supervisors via software and audiovisual cameras; (3) at least 3 years' experience as an interpreter in a call center setting; (4) sufficient resources to enable the call to be transferred out of the home to an available CA in the event of power or connectivity issues; and (5) an appearance that mirrors call center settings to ensure a uniform customer experience between calls handled in a center and those handled in a home office.[8] ASL/Global and Consumer Groups expressly support the safeguards proposed by ZVRS.[9]

Three commenters—Purple Communications, Inc. ("Purple"), Convo Communications, LLC ("Convo"), and, in particular, Sorenson Communications, Inc. ("Sorenson")—oppose the authorization of at-home interpreting on the basis of "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."[10] While ZVRS agrees that security, privacy and minimum standards are critical, these issues are adequately addressed for at-home workforces in a multitude of industries and government, and VRS should be no exception.

A. The Monitoring Techniques Proposed for At-Home Interpreting Provide the Same Level of Fraud Deterrence as Do Supervision Practices in Call Centers.

Sorenson contends that providers supporting at-home interpreting "simply cannot reliably provide the needed supervision and support to interpreters who are off-site, so the practice necessarily raises the risk of fraud."[11] This claim is premised largely on a previous Commission

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[8] *Id.* at 5-7.

[9] *See* ASL/Global Comments at 18; Consumer Groups Comments at 12.

[10] Comments of Convo Communications, LLC, CG Docket Nos. 10-51, 03-123, at 19 (filed Jan. 4, 2016) ("Convo Comments").

[11] Sorenson Comments at 16.

statement from five years ago that "although most [interpreters] have high ethical standards, if even a small percentage of [interpreters] are predisposed to commit unscrupulous acts *absent supervision*, allowing [interpreters] to work from home could cause a significant increase in waste, fraud, or abuse."[12] However, no party proposes, and the Commission does not seek comment on, any at-home interpreting regime that would operate "absent supervision." Instead, at-home interpreters would be subject to multiple forms of supervision through the recording of each keystroke and click on their desktops and audiovisual monitoring via a camera in the secure home office. These monitoring mechanisms, each of which is a constant presence in the home office (as opposed to the intermittent presence of a supervisor walking the floor of a call center), and which are utilized for at-home workforces in other industries, will be effective in deterring potentially fraudulent activities. Moreover, to the extent that "monitoring interpreters over video cannot capture everything that is going on in an at-home environment,"[13] unless there is a supervisor physically present at an interpreter's workstation at all times, the same can be said of call centers. The relevant question here is whether the mechanisms available for monitoring at-home interpreters are equivalent to that provided in call center environments and will therefore deter fraud wherever it may occur. The answer is a resounding yes.

B. The Safeguards to Ensure Confidentiality of Calls Handled by At-Home Interpreters Are Robust and in Line with the Practices of Other Industries Subject to Confidentiality Obligations.

ZVRS agrees that "VRS users are entitled to the strict confidentiality of their calls."[14] Despite protestations that, in a call center setting, "VRS providers can take measures, such as preventing non-employees from entering a call center, to ensure that only an interpreter learns the

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[12] *Structure and Practices of the Video Relay Services Program,* CG Docket No. 10-51, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-54, at para. 16 (2011) (emphasis added).

[13] Sorenson Comments at 17.

[14] *Id.* at 18.

contents of a call,"[15] the safeguards proposed by ZVRS and supported by other commenters comprehensively address these concerns. First, the at-home interpreter's workspace must be "secure," which is defined as mirroring the facility access restrictions employed at a VRS call center and restricting access to the workspace solely to the CA.[16] Second, to address the possibility that third parties may be present in the interpreter's home, but outside the secure workspace, the workspace must use reasonable means to prevent eavesdropping by other parties, such as white noise emitters or soundproofing insulation.[17] Taken together, these safeguards will ensure that the confidentiality of VRS calls is preserved in accordance with the Commission's rules, regardless of whether the interpreter's workstation is located in a call center or in a home office.

Moreover, authorizing at-home interpreting subject to these safeguards would be in keeping with the practices throughout industry and government sectors working with highly confidential information. The federal government has promoted telework throughout its ranks, including at: the Internal Revenue Service, where employees routinely have access to the most sensitive personally identifiable information ("PII") and tax records; the U.S. Patent and Trademark Office, where examiners review highly competitively sensitive patent applications from remote locations across the country; and even the Commission itself, as staff participate in the confidential pre-publication drafting process and review sensitive information submitted by regulatees and commenters at home, pursuant to telework arrangements. In the private sector, at-home customer service representatives routinely have access to customer PII, credit card, and bank information, and attorneys and doctors have long been able to access client information and conduct confidential calls from home offices. In the aftermath of the blizzard that recently blanketed the East Coast with snow, it is likely that thousands of such professionals conducted confidential business and accessed sensitive information

[15] *Id.*
[16] ZVRS Comments at 6.
[17] *Id.*

from their homes, to the benefit of their customers and subject to statutory and ethical confidentiality obligations. VRS interpreters are likewise subject to statutory confidentiality obligations, under section 64.604 of the Commission's rules,[18] and ethical requirements under the RID-NAD Code of Professional Conduct, which holds as its first tenet the duty to maintain the confidentiality of interpreted conversations.[19] Given the numerous parallels between VRS interpreting and the other industries in which at-home work arrangements involving access to confidential information are widespread, and the protections afforded by the proposed safeguards, the Commission's rules, and the ethical obligations under which certified interpreters operate, there is no reason why the Commission should preclude VRS providers from exploiting the advantages of at-home interpreting.

C. Modern Broadband Offerings and Call Center Architectures Ensure That At-Home Interpreting Will Meet Mandatory Minimum Standards for Reliability.

Sorenson further opposes the authorization of at-home interpreting by offering the conclusory statement that "Internet access service to an interpreter's home is likely to be less reliable than the premium business-level service purchased by Sorenson for its interpreting centers."[20] This contention is wholly unsupported and, in fact, the Commission found recently that the average residential broadband service, regardless of whether it is delivered via cable, DSL, or fiber, exceeds the benchmarks one would expect in standard service level agreements for business-grade service.[21] For example, the average latency of consumer broadband service in 2015 ranged from 14 to 52 milliseconds and the average packet loss rate ranged from 0.1% to 0.8%.[22] Each of these measures

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[18] 47 C.F.R. § 64.604.

[19] *See* RID, RID-NAD Code of Professional Conduct, at 2-3 (published 2005), *available at* https://drive.google.com/file/d/0B-_HBAap35D1R1MwYk9hTUpuc3M/view (last accessed Jan. 27, 2016).

[20] Sorenson Comments at 17.

[21] *See* FCC, 2015 Measuring Broadband America Fixed Broadband Report, at 17-19.

[22] *Id.*

falls well below the levels at which the perceived quality of video-based services such as VRS is likely to be affected.[23]

In addition, modern, IP-enabled, geographically dispersed call center architectures ensure that all VRS interpreter workstations, regardless of whether they are located in a call center or a home office, comply with the Commission's redundancy and emergency call handling requirements. Current flexible network architectures treat all VRS interpreter workstations as part of a single, virtual call center, rather than seats in discrete facilities. Thus, in the event of a network outage or other service interruption, the same seamless transfer capabilities and failover procedures apply to all seats in the virtual call center—whether in a call center or a home office. As a result, the same redundancy capabilities found in a call center apply equally to at-home work environments, in accordance with the Commission's rules.

With regard to the concerns raised by some commenters that at-home interpreting would preclude their practice of teaming interpreters for emergency calls,[24] the solution is requiring that at-home interpreters possess a certification and a high degree of experience, as ZVRS has proposed. This will "ensure that these urgent calls are interpreted with the utmost accuracy"[25] and obviate the need for teaming as a standard practice.

At-home interpreting will provide a broad array of benefits to VRS customers, providers, interpreters, and the TRS Fund, all while complying with the Commission's mandatory minimum standards. Similar to the at-home workforces that are utilized by private industry and government, across sectors, it is time for the Commission to lift its prohibition on at-home interpreting for VRS and authorize its use, subject to reasonable safeguards, without delay.

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[23] *Id.*

[24] *See* Sorenson Comments at 18; Convo Comments at 19.

[25] Sorenson Comments at 18.

II. THERE IS BROAD SUPPORT IN THE RECORD FOR THE COMMISSION TO ADOPT THE MODIFIED SPEED-OF-ANSWER RULE, ALONG WITH PROPORTIONAL PENALTIES FOR FAILING TO MEET THE STANDARD, SELF-EXECUTING EXEMPTIONS AND STREAMLINED WAIVER PROCESSES FOR FAILURES TO MEET THE STANDARD DUE TO CIRCUMSTANCES BEYOND A PROVIDER'S CONTROL.

A. The Commission Should Adopt Its Proposed Formulation of the Speed-of-Answer Requirement.

The vast majority of commenters joined ZVRS in supporting the Commission's proposal to revise the speed-of-answer rule to require VRS providers to answer 80% of monthly calls within 45 seconds.[26] Commenters agree that this approach appropriately balances factors "including the availability of sign language interpreters, the need to ensure adequate working conditions for CAs who handle VRS calls, and the need to ensure a high quality of interpreting."[27] The commenters also overwhelmingly support a monthly, rather than a daily, measurement of the standard because, as Consumer Groups point out, "providers may be subject to random variation in demand and potential fluctuations from extended electrical power outages, weather problems, spikes in demand or other circumstances beyond their control which make a monthly measure more appropriate."[28] ASL/Global notes that a monthly measurement creates better incentives than would a daily measurement, as "daily measurement would create further disincentives for providers to maintain ongoing risk of compensation withholding outside of their control."[29]

B. The Commission Should Adopt Proportional Penalties for Failure to Meet the Standard.

ASL/Global, Purple, Convo, and Sorenson each agreed with ZVRS that the Commission should adopt a compensation withholding scheme that is proportionate to the VRS provider's

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[26] *See* ASL/Global Comments at 2; Convo Comments at 15; RID Comments at 7; CAAG/Star VRS Comments at 2; Sorenson Comments at 2; Consumer Groups Comments at 4; Comments of Purple Communications, Inc, CG Docket Nos. 10-51, 03-123, at 3 (filed Jan. 4, 2016) ("Purple Comments").

[27] FNPRM at para. 34.

[28] Consumer Groups Comments at 5.

[29] ASL/Global Comments at 3.

failure to meet the speed-of-answer standard.[30] Sorenson notes that "If a provider is aware that it will fall short of its speed-of-answer target for the month and therefore will not be paid for any additional work done for the remainder of the month, the provider has a strong incentive to decrease service and move calls to other service providers."[31] In view of the robust support in the record, and to create the proper incentives, the Commission should adopt the proposed proportional withholding scheme for failures to meet the speed-of-answer requirement.

C. The Commission Should Adopt Self-Executing Exemptions from the Speed-of-Answer Requirement in Certain Circumstances and a Streamlined Waiver Process for Failures that Are Due to Force Majeure Events.

In the case of failures to meet the standard as a result of specific extraordinary events that are beyond a provider's control, ZVRS concurs with ASL/Global, Convo, and Sorenson that the Commission should adopt a self-executing exemption for such failures.[32] Any provider affected by such an event should be permitted to report to the TRS Fund Administrator the affected calls for exemption from the speed-of-answer calculation and avoid any possible withholding. Otherwise, "including calls during these periods in a speed-of-answer calculation would serve little purpose other than to punish providers for circumstances entirely out of their control."[33]

Commenters also support the notion that the Commission should streamline the waiver process to ensure that providers' compensation is not withheld for excessive periods of time due to unavoidable circumstances beyond their control.[34] Lengthy delays in the waiver request and review process impose significant economic burdens on providers and administrative burdens on the

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[30] *See id.*; Convo Comments at 16; Sorenson Comments at 5; Purple Comments at 5.

[31] Sorenson Comments at 5.

[32] *See* Convo Comments at 16; Sorenson Comments at 4-5. As noted in the Joint Provider Proposal, such extraordinary events should include denial-of-service attacks, Internet outages not under the VRS provider's control, periods of declared national or state emergencies covering more than 10% of a provider's interpreting capacity, or delays caused by the TRS-User Registration Database of more than one second. *See* Joint Proposal of All Six VRS Providers for Improving Functional Equivalence and Stabilizing Rates, CG Docket Nos. 10-51, 03-123, at 3-4 (filed Mar. 30, 2015) ("Joint Provider Proposal").

[33] Sorenson Comments at 4-5.

[34] *See* ASL/Global Comments at 3; Convo Comments at 16; Sorenson Comments at 4-5.

Commission and TRS Fund Administrator, all of which would be alleviated by streamlining the timelines governing the process. Thus, the Commission should adopt the timeline proposed by all six providers, under which the TRS Fund Administrator would have 30 days to review a waiver petition and make a recommendation to the Commission, and the Commission would have no more than 30 days thereafter to review the recommendation and issue a decision.[35]

III. THE COMMISSION SHOULD REVIEW ALL PROPOSALS AND STRUCTURE THE SKILLS-BASED ROUTING TRIAL TO INCENT PROVIDERS TO PARTICIPATE AND BEST GAUGE THE IMPACT ON FUNCTIONAL EQUIVALENCE.

There is broad support among commenters for the concept of an eight-month skills-based routing trial.[36] In particular, ASL/Global, Convo, the Mid-America Regional Interpreter Education ("MARIE") and Collaborative for the Advancement of Teaching Interpretive Excellence ("CATIE") Centers, RID, Purple, CAAG/Star VRS, Consumer Groups, and Sorenson all joined ZVRS in supporting the notion of the trial.[37] Indeed, "all VRS providers agree that skills-based routing can enhance VRS service."[38] ZVRS agrees with Consumer Groups that skills-based routing will "enable deaf and hard of hearing users to communicate in a more functionally equivalent manner."[39] The Commission should therefore move forward with its proposal to conduct a trial of skills-based routing to derive the data necessary to determine how this valuable improvement can be permanently incorporated into the VRS program.

The majority of commenters also agree that the Commission should allow providers to recover the costs of participation in the trial, including the higher labor costs associated with

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[35] *See* Joint Provider Proposal at 4.

[36] FNPRM at para. 44.

[37] *See* ASL/Global Comments at 7; Convo Comments at 8, 10; Comments of the MARIE and CATIE Centers, CG Docket Nos. 10-51, 03-123, at 1 (filed Jan. 4, 2016); RID Comments at 8; Purple Comments at 5; CAAG/Star VRS Comments at 4; Consumer Groups Comments at 7; Sorenson Comments at 8.

[38] Sorenson Comments at 8.

[39] Consumer Groups Comments at 7.

interpreters carrying specialized skill sets.[40] CAAG/Star VRS accurately states that "[i]t 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."[41] Sorenson further points out that the Commission's proposal to have providers participate at their own substantial cost "threatens the efficacy of the trial and ignores the unanimous response from VRS providers, users, and interpreters that declining compensation rates have already affected the quality of VRS service."[42] Compensating providers for their participation in the trial will thus accurately reflect the realities of the labor market for highly skilled interpreters and allow providers to participate in a way that produces the most useful data for the Commission.

Although there is near-unanimous support for the concept of the skills-based routing trial, there is little agreement as to how the trial should take place. Commenters propose a broad array of suggestions as to what skills should be included, what data should be collected,[43] and the structure and rules for the trial itself.[44] Each of these proposals has merit and would potentially improve the quality of the data derived from the trial. ZVRS encourages the Commission to take into consideration each of the proposals for the trial in order to ensure that the results provide sufficient information to answer the questions that have thus far prevented the adoption of skills-based routing on a permanent basis.

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[40] *See* Consumer Groups Comments at 9; CAAG/Star VRS Comments at 4; ASL/Global Comments at 13; Sorenson Comments at 10-11.

[41] CAAG/Star VRS Comments at 4.

[42] Sorenson Comments at 10.

[43] *See, e.g.*, RID Comments at 8-9; Sorenson Comments at 9.

[44] *See, e.g.*, Convo Comments at 12-15.

IV. THE COMMISSION SHOULD AUTHORIZE THE PROVISION OF ITRS NUMBERS TO HEARING INDIVIDUALS WITH SIGN LANGUAGE PROFICIENCY PROMPTLY UPON RESOLUTION OF IMPORTANT IMPLEMENTATION ISSUES.

Commenters agreed unanimously with ZVRS in supporting the provision of ten-digit iTRS numbers to hearing individuals who are able to sign to allow them to make point-to-point video calls to eligible deaf or hard of hearing VRS users without the use of a VRS CA.[45] Convo notes that doing so will "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."[46] ZVRS agrees, and urges the Commission to implement its proposal promptly after resolving the operational issues that will attend this practice.

ASL/Global raises a number of questions that ZVRS agrees must be answered before the Commission's proposal can be fully implemented: "If a Hearing individual maintains an assigned number, but allows a Deaf person to borrow their phone, should the video interpreter process the call from a ten digit number assigned to a Hearing individual? Should Hearing individual ten digit numbers be automatically restricted only to point-to-point calls and be rejected by Interpreters to process the call?"[47] ZVRS agrees that these issues, and others,[48] must be resolved to ensure the successful implementation of the proposal to provide iTRS numbers to sign-language-proficient hearing individuals. ZVRS urges the Commission to thoroughly examine and expeditiously resolve each of these issues in order to bring the clear benefits of this proposal to VRS users and their hearing family, friends, and colleagues as soon as possible.

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[45] *See* Purple Comments at 12; Consumer Groups Comments at 13; Sorenson Comments at 11; RID Comments at 11; Convo Comments at 17; ASL/Global Comments at 19.

[46] Convo Comments at 17.

[47] ASL/Global Comments at 19-20.

[48] *See* ZVRS Comments at 14-15.

V. THE COMMISSION SHOULD PROMPTLY AUTHORIZE THE USE OF DEAF INTERPRETERS IN THE PROVISION OF VRS TO IMPROVE FUNCTIONAL EQUIVALENCE FOLLOWING A TRIAL (IF NECESSARY) IN ORDER TO COLLECT ADDITIONAL DATA.

All other commenters concur with ZVRS that Commission approval of the use of deaf interpreters will enhance the availability of functionally equivalent VRS for all users of the service. As Consumer Groups aptly point out:

> [U]se of Certified Deaf Interpreters is an integral component to achieving functional equivalency and the compensation rate should be set in a manner that compensates for their work. CDIs have a shared cultural experience that enables them to more easily match any style of communication that a deaf person presents. They thus bring an extremely valuable skill set to the table that the Commission should support.[49]

Given the very low number of VRS calls that would require the use of a deaf interpreter, and the attendant minimal impact on the TRS Fund, ZVRS encourages the Commission to authorize their use without delay.[50] However, should the Commission decide it needs more data on how this practice would be implemented and its potential impact on the Fund, ZVRS agrees with Convo, Sorenson, Purple, and Consumer Groups that conducting a trial to collect the necessary information would be a reasonable approach.[51] In either case, the Commission should proceed promptly with this improvement in order to make available a functionally equivalent VRS for all users, regardless of their level of sign-language proficiency.

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[49] Consumer Groups Comments at 10.

[50] *See* CAAG/Star VRS Comments at 5-6 ("A trial of this service is unnecessary and it would behoove the Commission to 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.").

[51] *See, e.g.*, Convo Comments at 9 ("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.").

VI. CONCLUSION

ZVRS supports a number of the improvements proposed in the FNPRM, and recognizes their potential benefit to the functional equivalence of VRS, but joins other commenters in noting that the improvements were proposed to the Commission, by all six VRS providers, with the understanding that the improvements would be made possible by stabilizing VRS provider compensation rates.[52]

Regardless, ZVRS urges the Commission to promptly authorize the use of at-home VRS interpreters. The concerns that led the Commission to ban the practice in 2011 have been mooted by technological advancements that have emboldened use of at-home work forces across industry and government. The VRS industry should be afforded this same right. Authorizing at-home interpreters, subject to the rigorous safeguards proposed by ZVRS, holds clear benefits for the VRS industry and the TRS fund.

In addition, the record clearly demonstrates that the Commission should:

1) Adopt the rule requiring 80% of monthly VRS calls to be answered within 45 seconds, adopt proportional penalties for failure to meet the standard, and streamline the waiver process for failures due to unavoidable events beyond a provider's control;

2) Conduct a trial of skills-based routing after thorough review of the various proposals put forth by commenters and compensate providers at the level needed to allow them to fully participate trial;

3) Assign iTRS numbers to hearing individuals with sign language proficiency for calls with deaf and hard of hearing individuals after thoroughly reviewing and resolving the associated implementation issues; and

4) Authorize the use of deaf interpreters in the provision of VRS, potentially after conduct of a trial to collect data on the number of calls requiring this service and the impact on the TRS Fund, which will enhance the functional equivalence of the service for all VRS users.

[52] *See* Purple Comments at 3; Sorenson Comments at 1.

ZVRS looks forward to continued partnership with the Commission in improving the VRS program, both through the development and implementation of needed structural reforms and through service enhancements of the type proposed in the FNPRM.

Respectfully submitted,

/s/

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