

May 26, 2016

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123; *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51

Dear Ms. Dortch:

On May 24, 2016, the following representatives of all six providers of Video Relay Service (“VRS”) met with Bob Aldrich, Eliot Greenwald, Darryl Cooper (by telephone), and Jenny Ledig of the Consumer and Governmental Affairs Bureau:

- Michael Maddix of Sorenson Communications, Inc., and Christopher J. Wright and Mark D. Davis as outside counsel to Sorenson;
- Jeff Rosen and Amanda Montgomery of Convo Communications;
- Andrew Isar of Miller Isar and Gabrielle Joseph of ASL/Global VRS;
- Michael Strecker of Purple Communications;
- Lydia Runnels of CSDVRS LLC.

In addition, on May 25, 2016, Michael Maddix and Mark D. Davis spoke by telephone with Darryl Cooper and re-emphasized some of the points below.

In the meeting, providers responded to a letter from the Administrator of the TRS Fund, which sought clarification regarding the compensability of calls from devices that are registered to entities, rather than to individuals. These devices fall into two broad categories: company phones (which are the equivalent of a business line in the hearing world) and public phones. But some devices, which might be called “semi-public phones,” straddle both categories—for example, devices installed at deaf schools which are used by multiple groups but which are not in fully public places.

It is imperative for the Commission to ensure that calls from these devices remain compensable. The Americans with Disabilities Act (“ADA”) guarantees deaf Americans the right to functionally equivalent telecommunications service. *See* 47 U.S.C. § 225(a)(3), (b)(1). Hearing workers routinely use telephones provided by their employer to place and receive phone calls. Imposing barriers to deaf Americans’ civil rights to access to business lines contradicts the ADA’s mandate of a functionally equivalent telecommunications service.

Moreover, it is generally not practical to register a business phone in the name of an individual employee because the business (rather than an individual employee) controls porting decisions and because the phone is often shared among multiple employees, who may turn over. Registering a business phone to an individual also raises privacy issues. For example, some governmental agencies cannot disclose the names of their employees for security reasons, and

registering an employer's phone in the name of an individual employee prevents the employer from gaining access, through a request to the VRS provider, to call-detail records, which may be necessary to monitor the employee's performance.

Similarly, hearing Americans routinely have access to telephones in public spaces. For example, children frequently rely on public phones in a recreational centers to place calls, and payphones still serve an important purpose in disasters and for individuals who do not have a cell phone. In Hispanic communities, where limited outreach is often prevalent, Deaf Spanish-language families must rely on single family phones, or in the absence of Internet access, on neighbors' or on public phones. Although pay phones are no longer as prevalent as they once were, the Telecommunications Act requires the Commission to "the widespread deployment of payphone services," 47 U.S.C. § 276(b)(1), and the ADA requires the functional equivalent for TRS service. 47 U.S.C. § 225(a)(3), (b)(1).

Like hearing consumers, deaf Americans rely on public phones in a wide variety of circumstances—for example, when cell phone reception is not sufficient to support video calls on a mobile device. This is particularly true of deaf individuals who are confined in a hospital or a prison. But it is also true of true of consumers who make VRS calls from public phones in advocacy organizations or independent living centers, which serve consumers who are indigent and cannot afford Internet connections, are homeless or in temporary housing, or have limited English proficiency or multiple disabilities that require in-person support in making VRS calls.

The Commission has long been aware of the existence of company phones and public phones and has recognized the importance of these devices—including, for example, by having a public videophone installed at the Commission. Moreover, the Administrator of the TRS Fund has provided instructions allowing providers to register phones to entities in the TRS User Registration Database. Nevertheless, because the Administrator has raised questions about compensability of calls from these phones, the providers respectfully request that the Commission clarify that calls placed from public or company phones are compensable if those phones are registered in the URD per the instructions provided by Rolka Loube.

Providers also asked the Commission to clarify an issue about what documents are acceptable to verify a user. In certain cases, the Commission requires providers to obtain a copy of certain documents (for example, an unexpired driver's license) to verify a user's identity. Questions have arisen, however, about what should happen if a provider collects a document that is unexpired when collected but that document subsequently expires before the TRS-URD begins accepting registrations. Rolka Loube has asked the Commission to clarify that these documents will be acceptable if they expired between May 15, 2015, and the first day that the TRS-URD begins accepting registrations. The providers support Rolka Loube's proposal.¹

¹ At the meeting, providers requested that the Commission accept documents that expired before May 15, 2015. However, after further investigation, the providers have determined that May 15, 2015, is the appropriate date because that is the date on which the Commission issued its order requiring collection of identity documents in certain circumstances.
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Additionally, Rolka Loube has proposed that documents collected after the TRS-URD begins operating must be unexpired when they are uploaded to the TRS-URD. Under this proposed methodology, if a provider collects a document that is unexpired on Friday and that document subsequently expires before it can be uploaded into the TRS-URD, that document will be rejected, forcing the provider to contact the customer again to obtain an updated document. This makes no sense. Providers therefore requested that the Commission accept a document if it was unexpired when collected by the provider—regardless of when it is uploaded into the TRS-URD

Finally, providers reiterated the points that were made in our letter of May 19, 2016. A copy of that letter is attached.

Respectfully submitted,

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