

# KPS CONSULTING

“Building an Access Bridge in Technology and Telecommunications”

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May 30, 2004

By electronic filing:

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: **Ex Parte Presentation**  
CG Docket No. 98-67

Dear Ms. Dortch:

On May 28, 2004, the undersigned, on behalf of Communication Service for the Deaf, Inc. (CSD), had a telephone conversation with Bryan Tramont and Christopher Libertelli of the Office of Chairman Powell on various matters concerning telecommunications relay services (TRS) and video relay service (VRS). The following points were made:

- The speed of answer waiver should not be extended until 2008. Functionally equivalent VRS service requires that this waiver terminate, or at most be extended for a brief period of time until providers can adjust to the new rates that will be released in the June Order.
- Non-shared language VRS between Spanish speaking people and VRS users is critical to enable the nation's largest minority to be able to communicate with ASL users who are deaf or hard of hearing. This is particularly true for American Spanish speaking parents of deaf children.
- The Commission has the authority to order national relay outreach.
- The NPRM portion of the Order should ask about VRS interoperability, specifically, the ability of consumers to communicate with one another across VRS providers.

- TRS should have priority status in the event of an emergency. On 9-11, TRS consumers were left without the ability to communicate by telephone when the governors of certain states shut down their state governmental buildings.
- CGB exceeded its authority in its June 2003 Order by deciding novel questions of law and policy (changing the methodology for VRS rates to such an extent that services had to be drastically cut, with only 24 hours notice.)

In a subsequent e-mail to Bryan Tramont and Christopher Libertelli, sent on May 30, 2004, the undersigned added the following:

“When we transferred TRS functions from what was then the Common Carrier Bureau (now WCB) to what was then the Consumer Information Bureau (now CGB), we had discussions about who would have the ratemaking authority. This was around the year 2000. At that time, we decided that it was not wise to transfer that over to CIB because it was the people in CCB who had the expertise to do ratemaking. So we transferred over the authority for TRS policy, but all agreed that CCB would continue overseeing TRS rates.

Jump ahead a few years, CGB takes over the ratemaking and puts it in the hands of a single individual who knows nothing about relay services or how its expenses (labor intensive) and nature may differ from regular ratemaking. What happens is the bureau releases an Interim Order, slashing VRS rates with less than 24 hours notice, that wreaks havoc on an entire industry - as well as consumers using the services of that industry. In large part, this occurred because the information truly needed to support the Order’s decisions was not properly gathered or used in the final decisionmaking.

I do not have a problem with "a" bureau having delegated authority to oversee TRS rates. It is very understandable that the full Commission would not want to be saddled with that function. However, whatever bureau gets this responsibility should be one that has the expertise and background to appropriately make the necessary ratemaking decisions. Past experience shows that if this is given to CGB, personnel need to be given to that bureau to adequately handle this responsibility. It also suggests that for a time going forward, there still needs to be some oversight by the 8th floor to make sure that the bureau is making decisions that do not hurt VRS consumers and do not unduly harm the VRS industry.”

Sincerely,

Karen Peltz Strauss

Karen Peltz Strauss  
Legal Consultant for CSD