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Hon. Michael K. Powell
 Chairman
 Federal Communications Commission
 445 12th Street, SW
 Washington, DC 20554

RE: Video Relay Service

Dear Chairman Powell:

I write you concerning the proceeding pending at the Federal Communications Commission (the Commission) to set the permanent 2003-04 reimbursement rate for Video Relay Service ("VRS"). As I understand it, VRS is currently operating pursuant to an interim reimbursement rate that the Commission adopted June 27, 2003, and which is significantly less than the rate that was previously in effect.

As you know, VRS allows deaf and hard of hearing persons to use the telecommunications system in their primary visual language, American Sign Language ("ASL"). It thus achieves a greater degree of functional equivalence than standard text relay for ASL users. Both the Americans with Disabilities Act and the Communications Act require telecommunications relay services, including VRS, to provide hearing- and speech-impaired individuals with communications services that are "functionally equivalent" to traditional telephone transmission services.

In its interim rate, the Commission substantially reduced the per-minute compensation rate for VRS from \$17.004 to \$7.751. In setting the interim rate, the Commission expressed serious concerns about the cost data submitted by TRS service providers. The Commission also determined that the agency needed more time to review additional cost data in certain areas.

I understand that the Commission may now be approaching a decision regarding the permanent reimbursement rate for VRS. I would like to know whether the additional data reviewed since the Commission set the interim rate has affirmed the Commission's interim decision to drastically reduce the reimbursement rate. I would also like to know whether the Commission believes that a drastically lower reimbursement rate would not undermine VRS and the goals set

forth in Section 225 of the Communications Act that were intended to ensure that hearing- and speech-impaired individuals have access to the United States' robust telecommunications services.

Sincerely,



Joe Barton
Chairman, Committee on Energy and Commerce



Fred Upton
Chairman, Subcommittee on
Telecommunications and the Internet

cc: Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein