

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

In the Matter of)	
)	CC Docket No. 90-571
Telecommunications Relay Services and)	
Speech-to-Speech Services for)	CC Docket No. 98-67
Individuals with Hearing and Speech)	
Disabilities)	CG Docket No. 03-123
)	

OPPOSITION OF SORENSON MEDIA, INC.

Sorenson Media, Inc. (“Sorenson”) hereby submits this opposition to the petitions for reconsideration in the above-referenced proceeding.¹ While the Notice seeks comment on a variety of issues raised by multiple petitions for reconsideration, this opposition addresses only one issue – speed of answer. For the reasons described below, Sorenson submits that the Commission should not grant the petitions seeking to eliminate the speed of answer waiver for VRS for the simple reason that there is no practical way to meet the suggested speed of answer requirements without greatly compromising the quality of VRS, to the detriment of VRS users.

Sorenson is the largest video relay service (“VRS”) provider in the country in terms of conversation minutes conducted on a monthly basis, and currently provides interpretation for over half of the minutes submitted to the VRS fund. Thus, Sorenson is the provider in the best position to assess the availability of qualified interpreters, which is the central issue when considering speed of answer requirements. Simply put, from a functional equivalency point of view a fast answer from a provider of low-quality service is worse than a slower answer from a

¹ See *Public Notice*, “Communication Service for the Deaf, Inc., Hands On Video Relay Service, Inc., National Video Relay Service Coalition, and Hamilton Relay, Inc. File Petitions for Reconsideration of Telecommunications Relay Service Requirements from the Report and Order, Order on Reconsideration and Further Notice of Proposed Rulemaking, FCC 04-137,” DA 04-3266 (rel. Oct. 15, 2004) (the “Notice”).

provider of high-quality service. Moreover, given the multiplicity of VRS providers, it is best to let the marketplace – that is, the users – decide.

As Sorenson described in its recent comments on the *Further Notice* in this proceeding, there are important reasons why adopting speed of answer requirements at this time would be an error.² First, there is a fundamental difference in labor pools between text relay (both IP and TTY) and VRS. Unlike TRS, which requires relatively little training, VRS depends on a very limited supply of qualified interpreters. In fact, there are only 4,900 certified interpreters (NAD/RID) in the country today, and seven VRS providers compete to hire as many of the certified interpreters as possible even while there are competing demands for these interpreters' time. This has led to a significant shortage of interpreters that only would be exacerbated by adopting mandatory answering times. One indication of the depth of the shortage is that some interpreting organizations (including CSD) have asked Sorenson not to hire all of the skilled interpreters in a city so that there will be at least some community interpreters to serve the Deaf.

There is no short term solution to this shortage of qualified interpreters. While Sorenson is working to create VRS curriculum and internships to train more qualified interpreters, this is a slow process and it almost certainly will take years before the pool of interpreters can meet the demand.

Further, mandating speed of answer requirements would unreasonably elevate one element of functional equivalency over all of the other requirements of the ADA. The ADA was adopted “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.”³ The goal of providing access is not merely

² Sorenson Comments, CC Docket Nos. 90-571 and 98-67, CG Docket No. 03-123, filed Oct. 18, 2004. These comments, which discuss this issue in more detail, are hereby incorporated by reference.

³ See 42 U.S.C. § 12101(b)(1).

complementary to functional equivalence, but is, at a minimum, co-equal.⁴ Indeed, functional equivalence is a real world test of whether the Deaf community can use VRS as a means of carrying out the Commission's mandate to make communications services "available to all individuals in the United States" and "to increase the utility of the telephone system of the Nation[.]"⁵ It is not a mere theoretical construct. As the Commission noted in its *2003 TRS Order*, "the enactment of Title IV was intended to further the universal service mandate of Section 1 of the Communications Act."⁶

For that reason, the Commission should be not focus on just one element of equivalence when it considers the speed of answer requirement. Given the shortage of interpreters, it is inevitable that providers of VRS would reduce actual access (perhaps by cutting hours of service) and that quality of service would decline significantly. This net reduction in access would be contrary to the goals of the ADA, and the decrease in quality (which could, among other things, result in less understandable communications between Deaf and hearing users and longer call times) would both reduce access and make the calls that were completed less functionally equivalent than is the case today. In any event, in the current environment, consumers have several choices, and they can choose the providers that offer the shortest wait times if they think that is more important than other characteristics of VRS. Consumers will choose the option that best meets their needs, and Deaf consumers should be given that opportunity.

⁴ See 47 U.S.C. § 225(b)(1) (requiring the Commission to ensure that TRS is "available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States").

⁵ *Id.*

⁶ Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, *Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking*, 18 FCC Rcd 12379, 12381, n.3 (2003) ("2003 TRS Order"). The *2003 TRS Order* goes on to note that the House, in adopting Section 225, found that "[t]he inability of over 26 million [hearing-impaired and speech-impaired] Americans to access fully the Nation's telephone system poses a serious threat to the full attainment of the goal of universal service." *Id.*, quoting H.R. Rep. No. 485, Pt. 2, 101st Cong., 2d Sess. 129 (1990) (House Report).

Finally, if the Commission did mandate speed of answer requirements, reimbursement rates would have to increase significantly for Sorenson and other providers to hire the staff necessary to meet those requirements. While reimbursements rates should not be the only factor the Commission considers, it is important for the Commission to recognize the additional costs that would result from eliminating the speed of answer waiver.

For all these reasons, the Commission should deny the requests to reconsider the speed of answer waiver for VRS.

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CERTIFICATE OF SERVICE

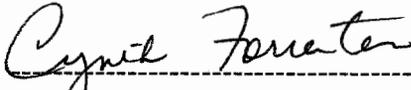
I, Cynthia Forrester, hereby certify that on this 15th day of November 2004 a true and correct copy of the foregoing "**Opposition of Sorenson Media, Inc.**" was sent via first class mail or hand delivered to the following:

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