

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

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| In the Matter of |) | |
| Telecommunications Relay Services for |) | |
| Individuals with Hearing and Speech |) | CG Docket No. 03-123 |
| Disabilities, and the Americans with |) | CC Docket No. 98-67 |
| Disabilities Act of 1990 |) | |

**MCI COMMENTS
Speed of Answer Public Notice**

MCI hereby responds to the Commission’s Public Notice calling for comment on various questions that would need to be answered were the Commission to require an average speed of answer (ASA) requirement for video relay service (“VRS”) when the current waiver of that requirement expires January 1, 2006.¹ As a general matter, the Commission should not adopt speed of answer requirements for VRS until a point in time after the Commission makes VRS a mandatory service. In the meantime, it ought to maintain the current waiver until January 2006, and then extend it, until it declares VRS to be a mandatory service.

Only within the last 2 years, since VRS has become available by using a personal videophone and a residential broadband Internet connection, has it become a service that has gained vocal support in the user community. Nevertheless, it still remains a small proportion of total TRS calling, accounting for less than 8 percent of total 2005 TRS minutes estimated by

¹ Public Notice, Federal Communications Commission Seeks Additional Comment on the Speed of Answer Requirement for Video Relay Service (VRS), CG Docket No. 03-123, CC Docket No. 98-67, rel. February 8, 2005.

NECA.² In terms of public acceptance, VRS still has not passed a usage threshold that supports making it a mandatory service, with mandatory speed of answer requirements. Moreover, as with IP-Relay, VRS is a service that competes for every call in order to be reimbursed. The Commission should encourage the maximum number of providers to offer VRS, and in fact, MCI has only recently begun to offer VRS. If the Commission were to mandate a speed of answer, with the existing, limited, labor pool of quality interpreters, it would unleash a bidding war for interpreters, an outcome that would unfairly disadvantage new entrants such as MCI, and make interpreting services outside relay more expensive and less available to many organizations.

In the case of traditional relay and IP-Relay, a new entrant is able to provide relay operator training within 3 weeks because a large pool of persons who already type 60 words per minute is readily available in all states. Consequently, a non-incumbent relay operator is able to bid for a state contract with the full expectation it will be able to hire a sufficient quantity of qualified operators capable of providing the service it proposes in response to a state's request for proposal. In contrast, there is a limited pool of qualified interpreters. MCI understands from contacts with the Registry of Interpreters for the Deaf, Inc. (RID), that there are fewer than 6,000 persons who have passed its national certification requirements, and RID has recently expressed concern about the coming shortage of interpreters.³ Based on discussions with its own interpreters and the interpreter community, MCI estimates it takes at least 7 years of education and professional interpreting experience to become a certified interpreter.

² .NECA, Interstate Telecommunications Relay Services Fund, Payment Formula and Fund Size Estimate, filed May 3, 2004, Exhibits 1A and 1E.

³ RID Ex Parte Letter, filed August 4, 2004, CG Docket No. 03-123. RID states that it has a membership of over 11,000, but MCI understands that the remainder of its members have not yet been certified by RID.

In the case of a nearly fixed supply of labor, the increase in demand for interpreters that will result from mandating speed of answer requirements will only increase the price of hiring interpreters and increase the cost of VRS. Even if the Commission reimburses VRS providers for this increased cost, VRS providers will be required to reduce total daily hours of operation in order to meet a mandatory speed of answer requirement. It is unlikely the result will be an improvement in the availability or quality of VRS service. For these reasons, MCI strongly urges the Commission to refrain from adopting any VRS ASA requirement.

If the Commission does adopt an ASA requirement, it should take the following steps to mitigate adverse impact on VRS service. First, the Commission should not adopt a uniform speed of answer requirement. The Commission should establish longer speed of answer requirements for periods of the day, such as the later evening through morning, where demand is known to be less. The Commission should solicit time of day call volume data from VRS providers in order to determine appropriate speeds of answer for identifiably distinct periods of differing demand for VRS service. The Commission should make this data available on an aggregated basis, and call for further comment on appropriate speed of answer for different times of day. The Commission should refrain from simply averaging speed of answer across existing, established providers. Doing so would disadvantage new entrants. Any speed of answer calculation based on submitted data should also account for the need to increase average speed of answer to accommodate and encourage new entrants.

Second, the Commission should allow the current speed of answer waiver to continue, at a minimum, until January 2006, while it collects the above-mentioned data and holds the subsequent proceeding.

Third, the Commission should establish the same starting point for measuring the speed of answer for VRS as it adopted for IP-Relay, namely, the moment the call is delivered to the relay providers' call center from the Internet.

Fourth, if abandoned calls are used to calculate the percent of calls answered in a given period of time, the Commission should exclude calls not answered for hours during which a VRS operator is not providing service. As discussed above, a likely outcome of mandating an ASA would be a reduction in VRS hours of operation in order to be able to meet the ASA requirement during operating hours. Thus, calls abandoned after-hours of operation should not be counted.

Fifth, given the existing shortage of qualified interpreters, VRS providers should be given maximum flexibility in meeting any ASA the Commission might adopt. One method of adding flexibility would be to measure ASA on a quarterly basis.

In conclusion, it is still too early to adopt an ASA requirement. VRS remains a relatively small percentage of total relay minutes. Moreover, the shortage of interpreters, and the slow growth of qualified interpreters due to the lengthy education and training needed to become qualified, strongly suggest that any near-term ASA requirement would only serve to drive up the price of VRS, disadvantage new entrants such as MCI, and force VRS providers to reduce hours of operation. MCI urges the Commission to refrain from adopting an ASA requirement, and instead be prepared to extend the waiver of the VRS ASA requirement.

Respectfully submitted,

/s/Larry Fenster

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Statement of Verification

I have read the foregoing and, to the best of my knowledge, information and belief, there is good ground to support it, and it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct.

Executed on February 25, 2005

/s/ Larry Fenster

Larry Fenster