

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
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
)	
_____)	

REPLY COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint"), on behalf of the Telecommunications Relay Services ("TRS") operations of its subsidiary, Sprint Communications Company L.P., hereby respectfully submits its reply to the comments filed in response the Commission's *Public Notice*, DA No. 05-339, released February 8, 2005 in the above-referenced proceeding. In the *Public Notice*, the Commission has asked the parties to provide additional information on the issue of whether the current waiver of the speed of answer standard for Video Relay Service ("VRS") is still in the public interest and, if not, what speed of answer standard should be implemented.

In a *Further Notice of Proposed Rulemaking* issued June 30, 2004 in this proceeding (19 FCC Rcd 12475 (2004)), the Commission first raised the possibility of ending the speed of answer waiver because "consumers have expressed some frustration over long wait times in placing VRS calls, a result at least in part due to the rapidly growing use of VRS by consumers," and because such "long wait times undermine the notion of functional equivalency." *FNPRM* at ¶246. In its comments filed October 18, 2004, in response to the *FNPRM*, Sprint stated that the Commission should subject VRS to a speed of answer standard because of the functional

equivalency mandate set forth in Section 225 of the Act, 47 USC §225, and went on to recommend that the initial standard require that “VRS providers answer 85 percent of the calls within 30 seconds....” Comments at 11. Nothing in this round of comments persuades Sprint of the need to alter its previous position that a speed of answer standard needs to be adopted for VRS. Indeed, most of the commenting parties agree with Sprint that the current speed of answer waiver is no longer justified and that VRS providers should be required to meet a speed of answer standard, although they differ as the standard to be employed and the time frame for implementation. *See* AT&T at 2 (“AT&T supports Commission adoption of a speed of answer requirement for providers of VRS offerings to assure satisfactory service to customers”); Hands On Video Services, Inc (“Hands On”) at 1 (“Hands On considers the elimination of the existing waiver of the speed of answer requirement essential to ensuring that deaf and hard of hearing persons are afforded the functionally equivalent VRS service”); Communications Service for the Deaf (“CSD”) at 1 (“...a timely response to VRS calls that approximates the speed with which hearing individuals can access dial tone service should be the Commission’s goal in this proceeding”); National Video Relay Service Coalition at 1 (“The Commission should adopt a speed of answer requirement for VRS”); Register of Interpreters for the Deaf Comments at 1 (under certain conditions, supports “a standard for speed of answer that would be similar in time and percentage to that of TRS...”)

Sprint endorses the specific recommendations of CSD that the initial speed of answer standard should require that VRS providers answer 75 percent of all calls within 60 seconds, measured on a monthly basis; and that the 85/30 speed of answer standard measured on a monthly basis that Sprint recommended in its October 18 Comments should be implemented within six months after the order’s effective date. Sprint also agrees with CSD that the starting

point for a VRS call should “begin when the VRS facility’s equipment accepts the call from the PSTN, ISDN or IP network and an address is recognized by the VRS facility (*i.e.*, it is presented to the ACD switching System, router or other gateway),” CSD at 3; that the end point for measuring speed of answer is when the call is “presented, accepted and processing begins at the workstation and the interpreter agent is dedicated to the call,” *id.*; that a call should be considered abandoned only if the caller disconnects the call after the time by which the call should have been delivered to an interpreter; that consistent with the clarifications as to what constitutes improper call handling practices by TRS providers set forth in the Commission’s *Public Notice*, DA 05-141 released January 26, 2005 in these dockets, “call backs” should not be allowed; and that compliance reports should be submitted to NECA on a monthly basis. In Sprint’s view, CSD’s recommendations represent a significant step toward the goal of VRS functional equivalency.

The only commenting parties to question the necessity of starting to make VRS a more functionally equivalent service are MCI and Sorenson. MCI’s opposition appears to be based on the fact that VRS is not a mandatory service, MCI at 1, while Sorenson’s opposition is premised on a view that it is impossible to implement speed of answer requirements for VRS “without compromising the quality of VRS...” Sorenson at 1. Both positions are without merit. Acceptance of MCI’s position here would mean that the Commission could not adopt standards for the any new, technologically advanced TRS service unless it first made such service mandatory. However, given the fact that VRS providers are being compensated by the Interstate TRS fund, the Commission has an obligation to ensure that such providers meet certain minimum quality of service standards.

Sorenson's "impossibility" argument is contrary to all available evidence. Based on their comments, CSD, AT&T and Hands On, like Sprint, all believe that they can meet a speed of answer standard that approaches the standard for conventional TRS. And, the notion that requiring VRS providers to improve their answer speeds will lead to a degraded VRS service is simply absurd. It is the lack of a speed of answer standard and the long wait times experienced by the captived users of Sorenson's VRS service¹ (*see* Hands On at 2 fn. 1) that have led to consumer frustration and the Commission's decision to consider lifting the current speed of answer waiver. *FNPRM* at ¶246.

Sorenson's other arguments cannot withstand scrutiny and should be given short shrift by the Commission. For example, its claim (at 4) that lifting speed of answer waiver "would unreasonably elevate one element of functional equivalency over all of the other requirements of the ADA" ignores the fact that a waiver is granted upon a good cause showing. Once the reason for granting the waiver is no longer valid, as is the case with the speed of answer waiver, such waiver must be lifted. Sorenson's claim that compensation rates would increase significantly if a speed of answer standard was adopted is not only totally unsupported but it suggests that Commission should be more interested in allowing a degraded VRS service to be offered than in meeting its statutory mandate of functional equivalence. And, Sorenson's claim that there is a shortage of qualified interpreters appears to be inconsistent with available data. *See* CSD's November 30 comments at 2-5.

¹ *See* Hands On at 2 fn. 1; *see also* CSD Comments filed November 30, 2004 in CC Docket No. 98-67 at 2; Hands On Reply filed November 30, 2004 in CC Docket No. 98-67 at 2-4.

In sum, the Commission should reject the positions of Sorenson and MCI and instead adopt a speed of answer standard as suggested by CSD.

Respectfully submitted,

SPRINT CORPORATION

A handwritten signature in black ink, appearing to read "Michael B. Fingerhut", is written over a horizontal line. The signature is stylized and somewhat cursive.

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March 4, 2005

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **REPLY COMMENTS OF SPRINT CORP.** was sent by electronic mail or by U. S. first-class mail, postage prepaid on this the 3rd day of March, 2005 to the parties on the attached page.


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