BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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

REPLY COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION AND THE PEOPLE OF THE STATE OF CALIFORNIA

The California Public Utilities Commission (California or CPUC) and the People of the State of California respectfully submit these Reply Comments in response to the request for comment issued February 8, 2005 by the Federal Communications Commission (FCC or Commission). The request was issued by the FCC's Consumer and Governmental Affairs Bureau, seeking further comment on the possibility of establishing an average speed of answer (ASA) requirement for Video Relay Service (VRS) [1].

[1] Federal Communications Commission Seeks Additional Comment on the Speed of Answer Requirement for Video Relay Service (VRS), DA 05-339 (rel. Feb. 8, 2005) (Public Notice).

I. BACKGROUND

California has reviewed the comments filed by six respondents in reply to the Public Notice. In addition, the CPUC has reviewed its own comments filed in one of the above-captioned dockets on October 18, 2004 in reply to the FCC's Further Notice of Proposed Rulemaking on IP Relay and Video Relay Service.[2] In that proceeding, California made the following points:

1. The CPUC believes it would be appropriate to establish some standards for VRS 'to improve the quality of these services, without making these services mandatory'.

2. Some new requirements for VRS could be part of a set of minimum standards the FCC establishes, even if IP Relay and VRS are not mandatory.

3. California believes that presently, not enough interpreters are available to impose the same speed of answer requirement on VRS as exists for traditional Telecommunications Relay Services (TRS). Members of the CPUC's California Relay Service Advisory Committee (CRSAC) also have expressed fear that such a requirement will have a detrimental impact on availability of interpreters for general assignment in the community.

4. VRS is a highly competitive service. Providers who do not offer prompt and efficient service will run the risk that customers will go elsewhere. The CPUC also notes that because VRS is an optional but reimbursable service, it is appropriate to provide flexibility that might not be warranted for a mandatory service. In addition, because the interpreter pool is so limited, a VRS provider would

[2] *See* Comments of the People of the State of California and the California Public Utilities Commission, CC Docket No. 90-571, CC Docket No. 98-67, and CG Docket No. 03-123 (filed October 18, 2004).

> need extra interpreters waiting and ready to accept calls if a 10-second ASA were required. As a result, this will increase VRS costs.

While the CPUC believes that the comments submitted last fall are still valid, we will offer responses to some of the questions posed in the Public Notice. We cannot respond to the remaining questions at this time.

II. RESPONSES TO QUESTIONS

The FCC asks what should be the speed of answer for VRS calls, and what percentage of VRS calls should be required to be answered in that time period. The CPUC has negotiated contracts for the provision of Telecommunications Relay Service (TRS), known in California as the California Relay Service (CRS), which require providers to meet an ASA standard of 3.3 seconds for all calls except Speech-to-Speech and VRS. At present, however, although California's three CRS vendors are required to provide VRS, it is fully reimbursed by the Interstate TRS Fund. California's ASA standard will not apply unless or until reimbursement must be assumed by the states, a result which the CPUC does not support. Consequently, the CPUC is unwilling at this time to endorse any specific ASA for VRS calls, especially in light of California's position that VRS should not be made mandatory at this time.

The FCC asks when a particular speed of answer rule should be effective, and how should such a standard be phased in. The CPUC suggests that one alternative for the FCC to consider would be a six-month ramp-up period for providers. In other words, should the Commission adopt an ASA, it should allow providers no less than six months to begin to meet that standard. Again, since the

CPUC has advocated against making VRS mandatory at this time, the CPUC is mindful that meeting the standard may require providers to establish new call centers at considerable expense. The CPUC maintains that if the FCC wishes to make VRS mandatory, the costs of providing mandatory VRS should not be placed on the states. Consequently, the cost of establishing new call centers to meet an ASA standard would have to be covered by the Interstate TRS Fund.

The FCC asks how "call backs" should be treated in the speed of answer calculation. The CPUC recommends that callbacks not be allowed when providing VRS. Call backs are not included in the definition of "functional equivalency", and therefore need not be included in the speed of answer.

The FCC asks how frequently a speed of answer rule should be measured. Again, the CPUC recognizes that the frequency of measuring speed of answer has an associated cost. California requires CRS vendors to submit speed of answer reports daily, and measuring VRS on the same basis mean the two services would be treated consistently. However, because California opposes making VRS mandatory at this time, the CPUC is aware that imposing the same measurement standard as exists for CRS would be unreasonably costly.

Without cost data to evaluate, the CPUC cannot recommend a specific measuring period for speed of answer.

Finally, the FCC asks whether carriers should be required to submit reports to the Commission detailing call data and demonstrating carrier compliance with the speed of answer rule. If the FCC adopts a speed of answer requirement for VRS providers, the CPUC recommends that the FCC mandate that VRS providers report their compliance to the Commission through the Interstate TRS Fund administrator. CRS providers report to the CPUC monthly on their performance, and monthly reports to the FCC regarding VRS speed of answer compliance seem reasonable in light of California's experience.

III. CONCLUSION

Previous comments the CPUC filed pertaining to VRS remain appropriate today. While California recognizes the desirability of establishing minimum standards for VRS, the FCC must balance that goal against the current availability of interpreters. In addition, the CPUC suggests that the FCC may better serve the affected communities by determining first whether VRS should be mandatory, and

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if so, under what conditions. That determination may affect the Commission's evaluation of the feasibility of a minimum ASA for VRS.

Respectfully submitted,

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