

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

In the Matter of )  
Telecommunications Relay Services and )  
Speech-to-Speech Services for Individuals ) CG Docket No. 03-123  
with Hearing and Speech Disabilities )  
)  
Petition for Clarification on Spanish VRS )  
by Communications Service for the Deaf )  
\_\_\_\_\_)

**COMMENTS OF VERIZON<sup>1</sup>**

Verizon supports the petition filed by Communications Service for the Deaf (“CSD”) for clarification of the Commission’s rules with respect to the provision of ASL-to-Spanish non-shared language translation video relay services (“VRS”). CSD requests that the Commission clarify that its rules do not require carriers providing ASL-to-Spanish VRS to provide this service on a 24/7 basis – 24 hours-a-day 7 days a week. The Commission rules already establish that there is no such requirement, and imposing such a requirement would only discourage the offering of ASL-to-Spanish VRS service.

1. The Commission has determined that ASL-to-Spanish VRS service is not a mandated service.<sup>2</sup> In its Order concluding that non-shared language Spanish translation VRS “is a form of TRS compensable from the Interstate TRS Fund,”<sup>3</sup> the Commission confirmed that although it was allowing “providers offering ASL-to-Spanish VRS to be compensated from the Interstate

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<sup>1</sup> The Verizon companies participating in this filing (“Verizon”) are the regulated, wholly owned subsidiaries of Verizon Communications Inc.

<sup>2</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order on Reconsideration, 20 FCC Rcd 13140, ¶ 1 (2005) (“*Spanish VRS Order*”).

<sup>3</sup> *Id.*

TRS Fund”<sup>4</sup> for providing this service, the Commission does “not mandate this service.”<sup>5</sup> The Commission’s rules state that “[r]elay services that are not mandated by this Commission need not be provided every day, 24 hours a day ...”<sup>6</sup>

Although the rules include an exception for “VRS,” this exception applies to ASL-to-English VRS service, not to ASL-to-Spanish VRS service. The Commission has issued two separate orders with respect to VRS services relating to the respective provision of ASL-to-English VRS services<sup>7</sup> and ASL-to-Spanish VRS services.<sup>8</sup>

a. In the *English VRS Order*, the Commission concluded that “VRS providers must offer service 24/7 to be eligible for compensation from the Interstate TRS Fund.” Because the Commission’s rules stated that non-mandatory forms of TRS need not be offered 24/7 and the Commission was addressing the issue of whether ASL-to-English VRS should be a mandatory service in a separate order, the Commission stated that it would “amend the rule so that it no longer applies to VRS.”<sup>9</sup>

b. The same day, the Commission issued an order reversing its prior determination with respect to compensation for ASL-to-Spanish VRS service and confirming that ASL-to-Spanish VRS was a form of TRS compensable from the Interstate TRS Fund.<sup>10</sup> The Commission noted that “allowing compensation from the Interstate TRS Fund for ASL-to-Spanish VRS will not

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> 47 C.F.R. § 64.604.

<sup>7</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, 20 FCC Rcd 13165 (2005) (“*English VRS Order*”).

<sup>8</sup> *Spanish VRS Order*.

<sup>9</sup> *English VRS Order* ¶ 30.

<sup>10</sup> *Spanish VRS Order* ¶ 19.

have an appreciable impact on the required size of the Fund ...” because “the record indicates that ASL-to-Spanish VRS calls should constitute no more than one to two percent of all VRS calls.”<sup>11</sup> The Commission also stated that it would not “make ASL-to-Spanish VRS a mandatory service at [that] time.”<sup>12</sup>

When the Commission issued these two orders, it was clearly aware that there were issues relating to whether the English VRS and Spanish VRS services should be mandatory, and therefore, required to be provided on a 24/7 basis. The Commission’s *English VRS Order* made clear that the Commission understood that whether the service was mandatory or not determined whether the service had to be provided on a 24/7 basis. In contrast, in its *Spanish VRS Order*, the Commission squarely addressed the issue of whether ASL-to-Spanish VRS service should be mandatory and decided it should not be. The Commission’s decision in the *English VRS Order* demonstrates that the Commission was aware that, under its existing rules, this meant that ASL-to-Spanish service would not be required on a 24/7 basis. Unlike its decision with respect to ASL-to-English VRS service, however, the Commission did not state that it would nonetheless require ASL-to-Spanish service to be provided on 24/7 basis or that the amendment to its rules discussed in the *English VRS Order*<sup>13</sup> would include ASL-to-Spanish VRS service. The only fair reading of the two orders together then is that the Commission did not intend to require ASL-to-Spanish to be provided on a 24/7 basis and that its exception for “VRS” includes only ASL-to-English VRS service.

2. A requirement to offer ASL-to-Spanish VRS service 24 hours a day, seven days a week, would not further the Commission’s goal of meeting the telecommunications needs of the

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<sup>11</sup> *Id.* at ¶ 31.

<sup>12</sup> *Id.* at ¶ 32.

<sup>13</sup> *English VRS Order* ¶ 30, n.98.

Spanish-speaking community. Indeed, it likely will have the opposite effect of discouraging provision of this service. As the Commission noted in its *Spanish VRS Order*, while VRS service in general is quickly becoming the most popular and widely used TRS service available, the volume of ASL-to-Spanish VRS services still is extremely low – only one-to-two percent of all VRS calls.<sup>14</sup> The staffing costs providers would incur to make ASL-to-Spanish service available on a 24/7 basis would quickly exceed the benefit being conferred given how little the service is currently used.

In addition, even if call volumes were sufficient to warrant staffing around the clock, it is questionable that there are a sufficient number of interpreters that would meet the Commission’s communications assistants (“CA”) qualification requirements for this service. The Commission’s rules require that VRS providers hire “qualified interpreters” – interpreters “able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.”<sup>15</sup> Mano-a-Mano, a national association of interpreters working in Hispanic-influenced communities estimates, however, that there are less than 15 interpreters in the country who possess RID certification and fluency in Spanish. This makes it very unlikely that providers could hire interpreters sufficient to staff its VRS call centers on a 24/7 basis.<sup>16</sup> Instead, to provide this service on a 24/7 basis, providers would have to hire third-party interpreters to translate the ASL interpreter’s English to Spanish and back again. This could result in an increase in the cost for providing ASL-to-Spanish service. Because providers could not meet the Commission’s mandatory minimum requirements and likely would incur

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<sup>14</sup> *Spanish VRS Order* ¶ 31

<sup>15</sup> 47 C.F.R. § 64.604(a)(iv).

<sup>16</sup> See [www.manoamano-unidos.org](http://www.manoamano-unidos.org)

additional costs to provide the service, they are likely to withdraw from providing service altogether.

### CONCLUSION

The Commission should clarify that its rules do not require providers of ASL-to-Spanish VRS service to offer the service 24 hours a day, seven days a week.

Respectfully submitted,

By:  \_\_\_\_\_

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