

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

In the Matter of

Telecommunications Relay
Services and Speech-to-Speech
Services for Individuals with
Hearing and Speech Disabilities

CC Docket No. 03-123

Petition for Reconsideration of the Speed of Answer Requirement for the
Provision of Video Relay Service

Samuel H. Hawk, President
Hawk Relay, LLC
335 N. Duluth Avenue
Sioux Falls, South Dakota

(605) 376-9975
sam@hawkrelay.com

With this filing, Hawk Relay (Hawk) is petitioning the Federal Communications Commission (FCC) to reconsider the speed of answer requirement for Video Relay Service (VRS). Given the Commission's promise to revisit the minimum requirement and the fact that the once nascent VRS industry has matured into a viable one, Hawk believes that the time is right for a reconsideration of the minimum requirement.

To 'encourage more entrants into the VRS market and help provide more time for technology to develop,'¹ the speed of answer requirement was waived for the provision of VRS in December of 2001. Uncertainty in terms of demand and a shortage of qualified interpreters were also cited as justifications for the waiver.

The Commission gave a second look at the speed of answer waiver when it sought comment on the question of its appropriateness in its 2004 TRS Report and Order FNPRM. The Commission noted that functional equivalency was not being achieved with the long wait times in making such calls². In February of 2005, the Commission issued another Public Notice seeking additional comment on the question of the speed of answer requirement specifically addressing several issues including the rule itself,

¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CC Docket No. 98-67, DA 01-3029, 17 FCC Red 157, at 163, para. 16 (2001).

² *2004 TRS Report & Order*, 19 FCC Red at 12522-12524, para. 246.

whether it should be phased in, and how it would be measured³.

In July of 2005⁴, the Commission declined to extend the speed of answer waiver and implemented a phase-in period when over time, the requirement would become more stringent to allow providers to meet the requirements. This period ended on January 1, 2007 when the requirement became 80 percent of all VRS calls must be answered within 120 seconds and it is to be measured on a monthly basis. To justify this phasing-in plan for the speed of answer requirement as well as the 80 percent of all calls within 120 seconds rule, the Commission cited that it did not want to compromise the quality of interpreters and the availability thereof in addition to 'the viability of open competition where inflexible requirements serve as an obstacle to new entrants.'⁵ The Commission promised to 'carefully monitor compliance with these requirements' and to 're-examine the [requirement] after January 1, 2007 to determine if, and when, it might be appropriate to further tighten the speed of answer requirement.'⁶

At this time, Hawk believes that it is appropriate for the Commission to revisit the speed of answer requirement for the provision of VRS for several reasons. First, the business climate that existed at the launch of the VRS industry in 2000, and as late as 2004, no longer exists today. There is a

³ *Federal Communications Commission Seeks Additional Comment on the Speed of Answer Requirement for Video Relay Service (VRS)*, CC Docket No. 98-67, CG Docket No. 03-123, Public Notice, 20 FCC Rcd 2376 (2005).

⁴ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123 and CC Docket No. 98-67, Report and Order, 20 FCC Rcd 13165 (2005).

⁵ *Id.* at para. 20.

⁶ *Id.*

multitude of VRS providers competing for a larger share of the market.

Furthermore, the fact that a significant majority of the providers are backed by equity fund management strongly underscores the viability and profitability of the VRS industry. Also, documents⁷ show that the monthly minutes of VRS calls is on par with those of IP-based relay services which has the 85 percent of calls answered in 10 seconds or less requirement. Also, projections show that monthly minutes of VRS calls are expected to exceed those of IP-based service in the near future⁸. As the VRS industry has reached a level of maturity never seen before in its existence, Hawk believes the Commission's fears about the 'viability of open competition' are now unwarranted.

For the reasons outlined above, Hawk is filing this Petition of Reconsideration to ask the Commission to revisit the speed of answer including what the revised speed of answer rule should be and how it should be measured.

⁷ <http://www.neca.org/media/012508IPtrsvrsgrowthactvsproj.pdf>

⁸ *Id.*