



March 10, 2009

Thomas Chandler
Federal Communications Commission
Disability Rights Office
445 12th Street, SW
Washington, DC 20554

RE: Compensation for Conversation Minutes

CG Docket No. 03-123

Dear Mr. Chandler:

This letter is to inform the Commission about a small amount of VRS call data that was lost during computer system upgrades, which prevented CSDVRS from completely billing the National Exchange Carriers Association (“NECA”) for its conversation minutes. CSDVRS requests that the Commission review the instant circumstances, grant a limited exception to its rules requiring the submission of conversational minute data, and advise as to the appropriate recompense in light thereof.

In order to provide the technological support necessary to implement the FCC’s ten-digit numbering order¹, CSDVRS was compelled to upgrade its hardware and software servers in December 2008. Incidental to this update – as often happens when IT systems are overhauled – there were certain software anomalies (“bugs”) which prevented CSDVRS from completely capturing conversation minutes, even though the session minutes were captured in their entirety. This only accounted for a small portion of the percentage of CSDVRS’ reimbursable minutes (5-10%), and CSDVRS has been able to rectify many of these software issues since they first presented themselves when the new server went online in December 2008. However, CSDVRS still has some outstanding conversation minutes that have not been billed or recompensed due to incomplete data over the past few months, and there still remain some minor faults in the system

¹ See, *Report and Order and Further Notice of Proposed Rulemaking*, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123, WC Docket No. 05-196, FCC 08-151 (June 24, 2008).

that are being addressed. CSDVRS is working diligently to resolve these remaining issues, and fortunately, the software anomalies have been on a steady decline since December. CSDVRS nonetheless continues to process VRS calls to ensure that the deaf community has continuous, non-interrupted access to telecommunications services.

Given the foregoing, CSDVRS requests that the Commission grant a limited exception for CSDVRS with respect to its requirement that VRS providers report all of their conversational minutes to NECA, until such time that these software anomalies are entirely resolved, and further allow for a limited means of recompense in the interim period. While actual conversation minutes have been and will be billed as required for the 90-95% of minutes that CSDVRS can capture, CSDVRS would request that for the limited incomplete data, the Commission allow a temporary billing method to recapture conversation minutes that would otherwise be lost. CSDVRS offers the following alternatives as possible fair and equitable means to address this matter:

- 1) Reimburse based on average monthly industry utilization rates;
- 2) Reimburse based on the utilization rates of the remaining 90-95% of the minutes billed to NECA by CSDVRS; or
- 3) Reimburse based on the average utilization of CSDVRS' 2008 minutes.²

CSDVRS does not anticipate the software irregularities to be ongoing and expects a final resolution in the coming months. CSDVRS will, of course, advise the Commission once the software issues are finally resolved.

Thank you very much for your time and consideration, and we look forward to a prompt and equitable decision on this matter.

Sincerely Yours,



William Banks

General Counsel

² CSDVRS would first report the session minutes and then apply one of these utilization rates to the session minutes in order to calculate the conversation minutes.