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Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte* Notice – CG Docket 03-123

Dear Ms. Dortch:

On June 3, 2009, Pat Nola, President/CEO, and Mike Maddix, Regulatory Affairs Manager, of Sorenson Communications, Inc. (“Sorenson”), and the undersigned, counsel for Sorenson, met with Commissioner Jonathan S. Adelstein and two of his legal advisors, Rudy Brioché and Renée Crittendon, and separately with Nicholas Alexander, legal advisor to Commissioner Robert M. McDowell. We discussed the detrimental effect of the Commission’s May 14 Notice of Proposed Rulemaking¹ on employment, investments, innovation and functional equivalence for deaf individuals who use American Sign Language to communicate.

Mr. Nola described how Sorenson relied on the Commission’s unanimous November 2007 commitment to a stable and predictable three-year Video Relay Service (“VRS”) rate plan² by increasing investments in several key programs:

- **Increased outreach**, consistent with the mission of achieving 100% access to communication services for all Americans, including individuals who are deaf.³
- **Increased spending on research and development** for better call-routing software; enhanced safeguards to protect against waste, fraud and abuse; next-

¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Public Notice and Notice of Proposed Rulemaking, FCC 09-39, ¶ 11 (rel. May 14, 2009).

² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Declaratory Ruling, 22 FCC Rcd 20140, ¶¶ 2, 47, 56 (2007), as corrected by Erratum, 22 FCC Rcd 21842 (2007).

³ See 47 U.S.C. § 225(b)(1).

generation videophones; and a mobile VRS platform. Sorenson views these investments as part of the statutory mandate to offer functional equivalency.⁴

- **Increased efforts to locate, recruit and train American Sign Language interpreters** – who are in short supply. Currently, 40% of Sorenson’s new interpreters come from its interpreter training programs.
- **Provided economic opportunity to deaf individuals** to install videophones and train and support consumers on VRS.

Mr. Nola explained that, with the Commission’s threatened breach of its commitment to a fair and predictable three-year rate plan, he has directed a Sorenson team to evaluate what steps Sorenson may need to take in response. He described that the following are at stake:

- **American Sign Language Interpreters** – Sorenson may have to reduce or end efforts to locate, recruit, and train interpreters, despite the severe shortage of interpreters, and may have to eliminate some existing jobs. The consequences of such actions, if they became necessary, would include increased wait times for VRS callers and lower quality of service.
- **Economic Opportunity for Deaf Installers and Access to VRS** – Since VRS rates do not reimburse providers for installations of videophones and in-home customer education, these activities are near the top of the “cut” list. Eliminating these important outreach activities will reduce access to VRS. VRS videophones are typically installed by deaf individuals who rely on this employment as their only source of private income.
- **Research and Development** – Innovation and technological advancements are perhaps most at risk if the Commission were to breach its commitment to a long-term rate plan. Mobility for VRS is the biggest request by the deaf community, requiring substantial investment over a long-term budget and planning cycle. If Sorenson is forced to roll back its investments, the harmful consequences include a retreat from functional equivalence, stalled development of next-generation technologies, and delays in providing mobility.

Mr. Nola noted that the Commission is at a crossroads, and can choose either of two distinctly different paths. On the one hand, the Commission can follow through on its threat to renege on its commitment to a stable, predictable three-year rate plan. Choosing that path would harm the Commission’s credibility and cause potential reductions in interpreter training and jobs, increased wait times for callers, a stalled rollout of new videophones, delay in providing mobility, stagnation of innovation, loss of income by deaf individuals in a severe economic downturn, and a sharp retreat from functional equivalence. Alternatively, the Commission can

⁴ See *id.* § 225(a)(3).

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keep its commitment to a fair, predictable rate plan, encourage investment and innovation, and further the Commission's mandate of achieving 100% access to communications for deaf individuals at functionally-equivalent quality.

This letter is being filed for inclusion in the public record of the above-referenced proceeding.

Sincerely,

/s/ Regina M. Keeney
Regina M. Keeney

cc: Commissioner Jonathan S. Adelstein
Nicholas G. Alexander
Rudy Brioché
Renée Crittendon