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July 6, 2009

Chairman Julius Genachowski
Federal Communications Commission
445 12th St, SW
Washington, DC 20554

Re: Docket No. 03-123
Comments on Video Relay Services Rates

Dear Chairman Genachowski:

Introduction:

As the Executive Director of TDI (Telecommunications for the Deaf and Hard of Hearing) during most of the 1990's, I assisted the Commission in developing effective traditional relay service guidelines, creating the NECA Interstate Telecommunications Relay Services Fund Advisory Council and working on ensuring that consumers make progress towards attaining functional equivalency in telecommunications access through collaborative efforts to create the Disabilities Rights Office (DRO).

Before the Commission proceeds to revise the three-year Video Relay Services (VRS) rates as stated in FCC 07-186, released on November 19, 2009, I propose that the following comments be considered.

Comments:

1. Redefine "consumers"

In general, there are two parties involved in telecommunications services: providers and consumers. Providers compete in terms of quality of services and rates to solicit consumers who pay for their services.

In the VRS setting, there are three parties involved: providers, non-paying consumers and payers who are common carriers whose input is minimal or nonexistent.

Since the court of law is under the impression that all consumers are paying users, they tend to issue opinions based on the rights of consumers.

Should there be a distinction between paying consumers and non-paying consumers with the third party paying for services, the

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court may take the rights of the paying third party into consideration.

Therefore, it is recommended that the Commission develop a distinction between paying and non-paying consumers.

2. Define legitimate VRS calls

Despite the Orders stated in DA 05-140 and DA 05-141 released on January 26, 2005, DA 05-2417 released on September 7, 2005 and FCC 07-186 released on November 19, 2007, quite a few VRS calls remain questionable. It is recommended that clearer definition of legitimate VRS calls be made to show the distinction between legitimate VRS calls, video remote interpreting (VRI) sessions, and abuse as well as fraud calls.

3. Monitor VRS calls

Due to confidentiality issues, internal monitoring of VRS calls are limited to each provider whose proprietary policies vary. It is recommended that since the Commission is responsible for reimbursing VRS minutes, the Commission be empowered to monitor VRS calls of all providers randomly to ensure legitimacy, consistency, and quality of calls.

4. Cost-effectiveness of E9-1-1 VRS calls

In addition to the FCC Orders requiring that all VRS providers be available 24/7/365 with ASA of 2 minutes, each provider has a mandate to meet the E9-1-1 requirements. DO NOT REPEAT WORDS. Does this mean that each provider, regardless of the size, should have several qualified interpreters trained to handle emergency calls available 24/7/365? Will this create unnecessary duplication? Has the cost-effectiveness regarding all VRS providers handling emergency VRS calls been analyzed? Since emergency calls are a public service, shouldn't the handling of emergency calls by providers, like PSAPs (Public Service Access Points), be non-proprietary?

It is recommended that a study of the efficiency and effectiveness of networking and operations related to emergency calls be implemented.

5. Open audits

To date, the audit of VRS expenses is proprietary. As a result, the rates are being proprietarily assessed with minimal input, if any, from the NECA Interstate TRS Fund Advisory Council. It is recommended that the public regulated rates for public services such as TRS be non-proprietary audited.

Conclusion

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The Commission's NPRM on immediate revision of the ordered three-year rates on November 19, 2009 is in violation of the agreement. In addition, before the Commission makes any revisions, it is recommended that the comments stated above be implemented.

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Respectfully submitted by

Alfred Sonnenstrahl