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November 9, 2009

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

RE: Notice of Ex Parte – CG Docket 03-123

Dear Ms. Dortch:

On November 5, 2009, Sean Belanger, Chief Executive Officer of CSDVRS, Aaron Wegehaupt, Vice President of Operations of CSDVRS, and the undersigned, General Counsel of CSDVRS met with Mark Stone of the Consumer Governmental Affairs Bureau, Greg Hlibok of the Disability Rights Office, and Jay Keithly and Sharon Diskin of the Enforcement Bureau to discuss current VRS industry liabilities and recent filings before the Commission. The same day, Aaron Wegehaupt and the undersigned met with Christine Kurth of Commissioner McDowell's office to discuss the same matters.

During the meetings, CSDVRS discussed petitions currently pending before the Commission and discussed various options that CSDVRS might propose in a new petition for rulemaking. CSDVRS left behind the attached document as possible proposals to be formulated into a petition. CSDVRS also discussed the need for the Commission to address matters concerning compensable versus non-compensable calls, particularly deaf conference calls and the use of VRS internally by providers. CSDVRS believes that deaf and hard of hearing people must be afforded equal access to conference calls services, but at the same time recognizes that the Commission is in a difficult position regarding calls generated internally by a VRS provider. CSDVRS believes it is essential to stamp out fraud in the industry, ensure compliance with the TRS rules as well as integrity of the Fund, and at the same time protect the interests and rights of deaf and hard of hearing consumers. CSDVRS discussed several options in rulemaking, some of which were presented in the attached documents. CSDVRS advised that it will be submitting a petition for rulemaking based on its discussions with the Commission.

This letter is being filed for inclusion in the public record of the Commission's docket CG 03-123.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "W. Banks", with a long horizontal flourish extending to the right.

William Banks, General Counsel
CSDVRS, LLC

Cc: Tom Chandler
Mark Stone
Greg Hlibok
Jay Keithly
Sharon Diskin
Sherrese Smith
Jennifer Schneider
Christine Kurth
Carol Simpson
Christi Shewman

Attachment

Compensable VRS Calls and Eliminating Industry Fraud
Summary of Proposed Rules to be Submitted by CSDVRS

PROPOSED RULE	RESULT
<p>Option 1: VRS providers should be reimbursed for internal VRS conference calls at a rate equal to the current NECA rate less 25%</p> <p>Or</p> <p>Option 2: VRS providers should be compelled to utilize the services of their competitors to process their internal VRS conference calls</p>	<p><i>Reduced pecuniary incentive will reduce the incident of fraudulent VRS calls or minute pumping by providers. All internal conference calls generated by a provider would be legitimate calls made for valid business purposes.</i></p>

PROPOSED RULE	RESULT
<p>Option 1: Deaf-to-deaf conference calls made through VRS should be allowable and compensable.</p> <p>Or</p> <p>Option 2: Providers should be required to implement multipoint control unit (MCU) functionality to handle deaf-to-deaf conference calls. The costs for implementation should be reimbursed from the Fund, and operational costs should be remunerated at \$2.00 per minute (a minimum "break even" amount).</p>	<p><i>Allowing deaf-to-deaf conference calls in the rules will bring VRS more in line with the functional equivalency mandate inasmuch as the Regulations require providers to process <u>any</u> type of call normally processed by telecom carriers. Either option will permit deaf people to utilize the same services accessible to hearing people. All deaf conference calling as a e form of VRS can be likened to VCO-to-VCO usage where two deaf people are on a valid and compensable call.</i></p> <p><i>MCU implementation would obviate the need to include deaf-to-deaf conference calling as a compensable form of regular VRS, and would instead promote functional equivalence through a mutually accessible video bridge. This option would eventually save the Fund considerable resources.</i></p>

PROPOSED RULE	RESULT
<p>Prohibit Compensation for Customer Support through VRS. Allow a six-month phase out period for all providers to comply.</p>	<p><i>Disallowance of compensation for a provider's usage of its own VRS for its customer service functions, including technical related calls, will eliminate illegitimate service calls and minute pumping. Moreover, providers would be encouraged to hire more deaf and hard of hearing individuals to handle incoming customer service calls. This is entirely within the scope and spirit of the ADA.</i></p>

PROPOSED RULE	RESULT
<p>Define "internal" and "external" VRS calls and impose penalties on evaders.</p> <p>An "internal" call should be defined as any call generated by a provider in its ordinary course of business, or in furtherance thereof, through any of its fiduciaries, including, but not limited to: shareholders, owners, officers, employees, contractors, agents, vendors, suppliers, or other contracted parties (foreign or domestic).</p> <p>An "external" call should be defined as any call generated by a party that chooses to utilize that provider on their own volition. External calls should be presumed valid.</p> <p>Any provider that attempts to evade the rules by utilizing third parties to place or process illegitimate calls should be fined and penalized.</p>	<p><i>Defining the 'internal vs. external' parameters in the context of the regulations will broaden the reach of the FCC rules to extend to affiliate VRS organizations, subcontractors, white labels, or other independent entities. This will have the effect of curtailing the fraudulent use of third party entities to create illegitimate minutes. This will obviate unlawful behavior, provide the FCC with more oversight, enhance integrity of the Fund, and protect the interests of deaf and hard of hearing consumers.</i></p>