

**I. INTRODUCTION**

We appreciate that the Federal Communications Commission has taken the opportunity to provide clear information on the various topics mentioned in this Declaratory Ruling, Order and Notice of Proposed Rulemaking. Gracias VRS has taken the opportunity to provide our feedback below on the various points while respecting the perspective of the FCC on these topics.

**II. BACKGROUND- No Comment**

**III. DECLARATORY RULING- Gracias VRS respects the FCC's position on this topic and AGREES that officers of the company must certify submission to NECA. Those officers not in agreement should be subject to suspect. Gracias VRS has no problem certifying, through an officer, any of the information provided.**

**IV. ORDER- No Comment**

**V. NOTICE OF PROPOSED RULEMAKING**

**A. Location of VRS Call Centers-** GRACIASVRS has already submitted our comments per the June 10<sup>th</sup> deadline and would like to summarize our points in that response:

1. The focus of the FCC's document on this topic is within the U.S./North America. There is no mention of U.S. Territories (i.e. Puerto Rico)
2. When defining a "qualified interpreter", it is important to consider TWO main factors:
  - a. If a company agrees to employ interpreters that DO have credentials or certificate, but produce subpar performance, they are in effect NOT qualified and that is a poor business practice of the provider. Deaf callers have THEIR choice to pick a different provider where they are better serviced (i.e. the foundation of capitalism)
  - b. The reference to "ASL Interpreters" focuses solely towards English only speaking Deaf callers. There is a large Hispanic population within the Deaf community and the qualifications of an English speaking interpreter, for which there IS testing and credentialing available, differs greatly than for a Spanish speaking interpreter (for which NO current Certification process exists and very little Professional Development programs exist). For the Hispanic Deaf population, they are best served by Hispanic interpreters for whom Spanish is their NATIVE tongue.
  - c. For any company to provide QUALITY services, a stringent in-house diagnostic and evaluation process must be in place to ensure that the highest level of services for Spanish VRS are provided to Deaf callers.

**B. VRS CAs Working from Home and Compensation-** GRACIASVRS understands the concern the FCC has in this regard and has already submitted our comments per the June 10<sup>th</sup> deadline and would like to summarize our points in that response:

1. A Call Center is an IDEAL method in which to facilitate VRS calls, but NOT to the EXCLUSION of ANY CAs working from home. Reasons:
  - a. Geographic location may limit a CA from being able to transport themselves to a specific call center
  - b. There may be a physical condition or personal criteria that limits a CA from being with in a call center around so many other CAs
  - c. Professional sign language interpreters are in high demand across the country both for VRS and Community interpreting. Limited the use of qualified & experienced interpreters in the VRS industry solely because they cannot reach a call center would further deplete the group of available interpreters. This would HINDER, not support, the Deaf and Hearing communities through application of ADA Laws and standards and PL504.
  - d. There should be very stringent standards for a CA to work from home, including but not limited to:
    - a. Inventory of Equipment on file
    - b. An audit form verifying all scripts and procedures are within the home, posted and available at all times for reference
    - c. An outline of network configuration set up out of their home
    - d. A monthly audit confirming successful calls including: acceptance, dispatch, transfers and Emergency calls
    - e. Appropriate breaks & rotation similar to as if they were in a Call Center
    - f. Requirement of CA to uphold all FCC/NECA standards while working from home. CA would not refer to the home as a Call Center, but possibly a "Call Center Extension"
    - g. Should a company determine to use a bonus system, incentives should solely be based off of performance of work, not call volume.

Because our CAs are trained, monitored and supervised we are already complying with the FCC and will support any oversight deemed necessary by FCC.

- C. **Procedures for the Suspension of Payment-** GRACIASVRS respect the efforts by the FCC to take necessary steps when items are in question. GRACIASVRS provides the following feedback:
1. it is damaging to a VRS company to be deemed “guilty” FIRST and THEN have to prove within an investigation innocence
  2. deaf callers may assume wrongdoing is going on, even if it is not, and that can hurt the reputation of the VRS provider
  3. agrees that there should be timely notice and an opportunity to respond
  4. upholds that clarifications made by FCC should come with a time period to cure the situation, particularly in situations where not intentional wrongdoing has occurred and sufficient clarification has not been provided up to that point by the FCC. The sufficient clarification piece is the precise reason we appreciate the ongoing efforts by the FCC to accept comments and take DEFINITIVE steps in establish CLEAR RULES And EXPECTATIONS.
- D. **Specific Call Practices-** GRACIASVRS understands the points brought out by the FCC and offers the following input-
1. **International VRS Calls-**
    - a. GRACIASVRS agrees that all records should be accessible to the FCC
    - b. GRACIASVRS notes that automated systems to collect and analyze the needed data should be in place (i.e. GeoTracker). GRACIASVRS has no issue that a tracking system be in place to monitor and track activity.
    - c. Please note that in addition to automated systems that review, identify and terminate International to International calls, GRACIASVRS requires CAs to additionally document questionable calls by Video Phone and IP address and has voluntarily submitted these to the FCC for review even PRIOR to any rule or request from FCC to do so. GRACIASVRS believes strongly in the matter of integrity and protection of VRS Services to prevent international fraud.
    - d. GRACIASVRS has provided to the FCC documents to investigate possible fraudulent callers as it deems fit.
  2. **VRS Calls in Which the Caller’s Face Does not Appear on the Screen; Use of Privacy Screens; Idle calls-** GRACIASVRS supports the following
    - a. CAs should NOT have a privacy screen up
    - b. Deaf users must start onscreen with any video call, but should be allowed to have a privacy screen up *for a limited amount of time*. The CA should inform the Deaf caller of the allotted time if able to do so and should disconnect if the allotted time has elapsed
    - c. If a call goes idle, there should be a reasonable amount of time allotted by the FCC for the CA to stay connected before disconnecting. [Example: A deaf user says “I have to get a paper from the other room” and is gone for approximately 45 seconds vs. a deaf user says “My child is crying, hold on I have to help them” and is away for 4-5 minutes]
  3. **Calls Involving Remote Training-** GRACIASVRS:
    - a. Currently has Deaf employees who are not able to access remote training such as healthcare benefit webinars that have critical information on it because they cannot use VRS to call.
    - b. Asserts that it is unfair to deny access to Deaf employees that hearing coworkers have. While GRACIASVRS appreciates the concerns at hand and recognizes that fraudulent activity from companies/users accessing these methods of information solely to gain minutes occurred; does not support that the unscrupulous actions of a few should effect the majority.
    - c. GRACIASVRS agrees to any documentation, monitoring and/or servicing of such calls that would allow equal access of the rights of all of our employees
    - d. GRACIASVRS provides one remedy to the concern of fraudulent activity in association with webinars by recommending that a function be built into the VRS platform for the CA to type in the name of the seminar presented and a brief summary of the presentation that could automatically be verified and documented with the standard call data.
- E. **Detecting and Stopping the Billing of Illegitimate Calls**
1. **Automated Call Data Collection-** GRACIASVRS is in favor of fully automated Call Data Collection in order for the FCC to capture call information data.

2. **Data Filed with the Fund Administrator to Support Payment Claims-** GRACIASVRS is in full support of the FCC requiring call detail records, as well as updated geo location tracking. We recommend that CAs be instructed to document any questionable calls (in the event a geolocator goes down, there would be manual documentation as a further level of protection).
3. **Requiring Providers to Submit Information about New and Existing Call Centers-** GRACIASVRS commends the FCC on its suggestions in this area and is IN FAVOR of the FCC's current requirements. Should any additional information be needed, GRACIASVRS is happy to oblige. Should there be questions in regards to management or other specific inquiries by FCC, they should be directed to a specific point of contact provided by the VRS Company in order to follow through on any inquiries in a timely manner.
4. **Requiring Service to be Offered in the Name of the Provider Seeking Compensation from the Fund; Revenue Sharing Schemes-** GRACIASVRS wholly acknowledges the importance of the FCC's standing on the matter.
  - a. We absolutely agree with the Commission any services being provided must be willing to be monitored and audited to substantiate they are in full compliance with FCC standards and requirements.
  - b. In addition, the certified VRS Company the provider is working through would be responsible to ensure this oversight is done.
  - c. GRACIASVRS is integral to the Spanish VRS call volume; we currently service a very high percentage of call volume of Spanish VRS users specifically to allow Certified VRS companies to be in compliance with the FCC regulations regarding 24/7 access to Spanish/ASL VRS calls. Therefore the Spanish market depends on GRACIASVRS to support it, but it is not big enough for us to run all operations entirely on our own. GRACIASVRS does all Administration internally, but the Technical Operations need the support of a larger Certified Provider. White label providers such as GRACIASVRS still have an integral and valuable role in providing services with the VRS Industry and Deaf community.
5. **Whistleblower Protections for VRS CAs and Other Provider Employees-** GRACIASVRS wholly understands the FCC's concern in this regard. GRACIASVRS has already submitted our comments per the June 10<sup>th</sup> deadline and would like to summarize our points in that response:

There should always be an opportunity for suspected wrongdoing/whistle blowing in any company. **NOTE:** it would be imperative for the FCC to fully investigate and take no action until any implied wrongdoing can be proven or disproven.

  - a. Individuals have at times misapplied/mis-interpreted information through their own narrow reasoning.
  - b. Companies should be given the opportunity to prove no intentional harm was done by a company due to the unauthorized actions of an individual. For example, if a CA secretly does something they should not be doing, it is not a representation of the company as a whole.
  - c. The FCC is already aware of previous wrongdoing by certain VRS providers. It is critical that any future allegations from one VRS company to another is substantiated and without malice. A VRS company should not use whistleblower opportunities to infiltrate, make false allegations and/or attempt to cause frustration to another VRS provider – this would be a waste of time, energy and resources on both the part of the FCC and the innocent VRS provider. It could also unfairly damage the reputation of the VRS provider. There should be repercussions if this were to occur.

GraciasVRS is in favor of a whistleblower mechanism with 3 stipulations listed above to protect innocent companies from damage/false allegations.

6. **Transparency and the Disclosure of Provider Financial and Call Data-** GRACIASVRS comprehend the FCC's input on this matter. There is a delicate balance on the matter; therefore there needs to be transparency to where the public can provide meaningful comment while at the same time proprietary information of the VRS provider should be protected. On this point we support/defer to the Plan Outlined by CSDVRS (Page 25 and 26 on CSDVRS Comments submission)

7. **Provider Audits-** GRACIASVRS understands the perspective of the FCC on this subject and wholly supports the needs of audits to be performed and submitted within a reasonable amount of time *upon notice*.
8. **Record Retention-** GRACIASVRS supports that records should be maintained for no less than five (5) years.
9. **Provider Certification Under Penalty of Perjury-** GRACIASVRS completely agrees with the FCC's comments on this topic.

**CONCLUSION: GRACIASVRS fully applauds the efforts to eliminate fraud related to Video Relay Services. GRACIASVRS is greatly saddened that fraudulent activity had such reverberations within the industry. We will continue to be transparent before the FCC and earnestly hope the comments provided above are of some benefit to the Federal Communications Commission. We appreciate the opening process and giving sufficient time for responses.**

**GRACIASVRS requests that the FCC takes special note of the specialized services being provided to English and Spanish VRS Services at the level that GRACIASVRS is. Although margins are minimal, we still provide major sponsorship and professional development to interpreters with special attention to the Hispanic Community and their unique needs. WE sincerely hope that when determining their regulations, the FCC takes into consideration how it will affect the provision of services to the Spanish communities within our countries.**