

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Structure and Practices) CG Docket No. 10-51
of the Video Relay Service)
Program)
)
)
_____)

PETITION FOR TEMPORARY WAIVER

I. Introduction

CSDVRS, LLC (d/b/a ZVRS, “CSDVRS”) hereby respectfully requests a temporary waiver of the requirement contained in the Federal Communications Commission’s (“FCC” or “Commission”) new rule prohibiting CSDVRS from continuing to utilize in its provision of VRS interpreting services contractually provided by the Communication Service for the Deaf, Inc. (“CSD”).¹ The objective of this prohibition is to “ensure that an eligible provider is responsible for providing the core components of VRS, rather than subcontracting out these responsibilities to third party entities, whose operations are not under the direct supervision of the Commission.”² However, the Commission rules may be waived for good cause “where the particular

¹ See, *In the Matter of Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket 10-51, ¶ 58 (“2011 Order”) (Adopted April 5, 2011). CSD has also filed an analogous waiver request, see, *In the Matter of Structure and Practices of the Video Relay Service Program*, CSD Petition for Temporary Waiver, CG Docket 10-51 (April 15, 2011). As an aside, we note that CSD expressed in its Petition its intent to apply for certification as an internet-based relay provider. CSDVRS’ immediate Petition is exclusively limited to a waiver request to continue receiving interpreting services from CSD as a contractor; CSDVRS takes no position with respect to CSD’s possible application for certification and nothing in its Petition should be construed as CSDVRS’ support for such an application.

² See, *2011 Order*, ¶ 58.

facts make strict compliance inconsistent with the public interest.”³ It is in the public interest for the Commission to grant a temporary waiver of the rule in the instance of CSDVRS’ continued use of CSD’s interpreting services so that relay customers do not potentially experience any issue with the quality and average speed of answer of their relayed calls handled by CSDVRS with the contracted support of CSD Communications Assistants (“CAs” or “interpreters”).

II. Discussion

In providing video relay services, CSDVRS relies on the CAs provided by its essential partner CSD to sustain high quality interpreting with low average speed of answer of VRS calls. The prohibition presented in paragraph 58 of the 2011 Order and codified at 47 C.F.R. 64.604(c)(5)(iii)(N)(1)(iii) which would prevent CSD’s ongoing provision of its CAs’ to CSDVRS would, at least temporarily, adversely impact CSDVRS’ ability to continue to provide quality video relay services within expected service levels. CSDVRS would be hard pressed to maintain sufficient staff capacity to adequately serve customers without the subcontracted support of CSD. It would likely be challenging to immediately hire quality CAs on a volume basis to replace CSD’s interpreters. It would also be very difficult to attempt to immediately assimilate the new CAs into the CSDVRS framework without sacrificing quality and significantly increasing cost in the process.

It is in the public interest for the FCC to allow CSDVRS to continue contracting with CSD to ensure no drop off of quality interpretation for relay users 24 hours a day, each day of the year. CSD provides a substantial percentage of CAs to CSDVRS in

³ 47 C.F.R. § 1.3. See, 2011 Order, ¶ 62 (citing *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990)).

several geographically different call centers. CSD's interpreters are among the most experienced in the industry as it pertains to providing video relay service. CSD has a number of interpreters that have been working in a CA capacity since relay even before it was a service sanctioned by the FCC and eligible for NECA reimbursement. CSD has interpreters on staff that supported the first VRS trials in Texas and Washington State. CSDVRS finds CSD's interpreters to be among the most competent and most committed in the industry.

CSD employs rigorous standards for all interpreters used to support CSDVRS. CSD is meticulous in requiring RID certification and/or state certification (BEI) for ALL of its CAs. For years CSD served as an RID testing supersite and has been a mentoring resource for hundreds of new interpreters that seek to develop their skills. CSD has a well-articulated internship program for students that are looking to graduate from training programs in multiple locations around the country. Over the years, CSD has helped create standards for interpreting and has been the organizational leader in advocating for national and state-based standards.

CSD has developed practices which contribute significantly to the reduction of video interpreter "churn" by rotating interpreters between video and community assignments. This reduces some of the monotony and environmental strain that can be created through long periods of dedicated time in a video interpreter role. This routine work rotation supports the mental and emotional well-being of the interpreters on staff which in turn benefits the overall quality of services provided to CSDVRS.

It is also important to note that CSD is distinctive in that it provides TRS services in conjunction with Sprint and has state contracts for the provision of TRS in South

Dakota, Alaska, and Minnesota. In servicing those states, along with CSDVRS' relay customers, CSD has amply demonstrated its ability to fully comply with TRS regulations.

The FCC, relay providers and relay stakeholders have taken significant steps to mitigate the risk of misuse of the Telecommunications Relay Services (“TRS”) fund. CSDVRS has experienced CSD as conducting its business in an exemplary manner. CSD's non-profit mission compels it to act with responsibility, accountability, care and consideration for stakeholders—particularly the consumers we serve.

CSDVRS currently contracts a revenue sharing arrangement with CSD in that CSDVRS pays CSD based on the actual minutes that their CAs service VRS calls for which CSDVRS is compensated. This existing business arrangement would be very difficult to alter given the very fluid and erratic nature of the volume of calls received, yet it is absolutely necessary to have sufficient interpreters on duty so that CSDVRS can adequately serve deaf and hard-of-hearing customers at any time within the mandated average speed-of-answer minimum requirement. CSDVRS thereby also requests a temporary waiver of the 2011 Order regarding revenue sharing to allow this arrangement to continue in the public interest of continuing a stable and predictable compensation mechanism.⁴

III. Conclusion

Currently, CSD provides essential interpretation services to CSDVRS customers through its contractual relationship with CSDVRS. CSDVRS respectfully requests a temporary waiver of the prohibition contained in the FCC's April Order to allow

⁴ See, 2011 Order, ¶ 57.

CSDVRS to continue using CSD as a subcontractor so customers do not experience any degradation to the access or quality of their relay services.

Respectfully Submitted,
CSDVRS, LLC

By:

/s/

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