

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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

**COMMENTS OF CONSUMER GROUPS
IN RESPONSE TO FURTHER NOTICE OF PROPOSED RULEMAKING**

Telecommunications for the Deaf and Hard of Hearing, Inc., National Association of the Deaf, Association of Late-Deafened Adults, Inc., and American Association of the Deaf-Blind (collectively, the “Consumer Groups”) respectfully submit these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Further Notice of Proposed Rulemaking in the above-referenced proceeding.¹

I. All VRS Providers Must be Certified by the Commission and a Clear Transition Process is Needed

The Consumer Groups strongly support mandatory certification by the Commission for all Video Relay Services (“VRS”) providers prior to receipt of any reimbursement for services from the Interstate TRS Fund. As described in earlier comments, the Commission will create a disincentive for fraud and abuse by requiring certification and will assist consumers by making it possible for them to more readily identify their provider should they need to complain about service to the provider or the Commission in the event that the provider does not adequately address a consumer’s service complaint.² Moreover, the Commission should use the certification

¹ *In the Matter of Structure and Practices of the Video Relay Service Program* (CG Dkt. No. 10-51), Further Notice of Proposed Rulemaking, FCC 11-54 (rel. Apr. 6, 2011) (“*FNPRM*”).

² *See* Comments of the Consumer Groups, CG Docket No. 10-51 (Aug. 18, 2010).

process to make certain that deaf, hard of hearing, deaf-blind, and speech-disabled consumers and their hearing contacts can enjoy functional equivalency. A definition of functional equivalency in the context of providing relay services has been previously provided by the Consumer Groups.³

The Consumer Groups recommend that the Commission develop a certification process that ensures new competitors are able to enter the market. For example, to permit and encourage start-up companies that have brought new innovations to the marketplace, the Commission might adopt a provisional certification and allow it to be converted to regular certification once a VRS provider provides a minimum amount of service for some period of time, such as six consecutive months. Provisional certification would allow start-ups to provide service, but would make them known and accountable to the Commission and consumers. Competition and innovation should not be stifled by an overly-burdensome certification process.

In addition, a clear transition process is needed to afford those operational providers who are not currently certified by the Commission, including white label providers, an opportunity to become certified by the Commission. Current providers should be allowed to continue to provide service to existing customers while their certification application is pending to avoid service disruption to customers. However, the Consumer Groups strongly support establishing a definitive timeline for compliance and certification. Any extensive period of time when an unregulated services market is allowed to exist presents substantial risks regarding the quality of service, including emergency services which are provided to the deaf, hard of hearing, deaf-blind and speech-disabled communities. Thus, VRS providers must show compliance with the minimum operations and technical standards as part of the certification process, and such

³ See Ex Parte Notice of the Consumer Groups, CG Docket No. 10-51 (Apr. 12, 2011).

compliance and certification needs to be completed in a timely fashion to ensure sufficient oversight and accountability for the services being provided.

II. Certification Criteria Must Be Clear and Process Must Be Timely and Transparent

The Consumer Groups support the development of clear certification criteria to demonstrate compliance with all Commission rules. Such certification criteria should be geared toward the ultimate goal of functional equivalency. To the extent that the Commission adopts a minimum amount of service to receive certification, the Commission should consider developing different metrics for providers focused on providing service to particular customer bases that may be smaller but nevertheless important. A provider focused on serving the deaf-blind community, for instance, may have more difficulty demonstrating a certain amount of minutes a month as compared to a provider that services a more diverse customer base.

With respect to the criteria proposed in the *FNPRM*, the Consumer Groups suggest that the Commission ascertain the type of information that will be collected by on-site evaluators and establish a process to train evaluators. Evaluators need to be fully trained to better understand the unique nature of providing relay services and to better assess certification statements by applicants to determine their readiness to provide service in accordance to the FCC's standards. Evaluators should, for example, be able to assess whether an interpreting center complies with all FCC standards for maintaining confidential information.

In order to realize fully all of the benefits of the certification process, the Commission must make an effort to consider and grant or deny certification applications in a timely fashion. Specifically, certification applications for VRS providers should be processed and acted upon within a few months of filing, instead of remaining pending for years as is currently the situation with many such applications. Swift action on certification applications will speed competition

and new services to consumers. The Commission should also explain why a VRS certification application is denied so that applicants might have an opportunity to correct any deficiencies and reapply.

The Commission should also ensure that the certification process is transparent by making the certification application and supporting documentation readily available to the public. Although there may be a need to keep confidential certain business records that were provided with an application, the Commission should favor greater transparency.

III. VRS Providers Should Provide Notice to Customers about Service Interruptions

The Commission proposes in the *FNRPM* to require providers to submit written notification to the Consumer and Governmental Affairs Bureau within two business days of regarding unforeseen service interruptions and describe how service has been or will be restored. The Consumer Groups support the Commission's proposal and suggest that VRS providers also provide notice to customers about service outages on an accessible website. Such website might provide the current status of the VRS system similar to how Google provides information about the status of several applications at <http://www.google.com/appsstatus#hl=en>.

IV. Conclusion

The Consumer Groups request that the Commission consider the points discussed herein when developing the VRS certification process and compliance rules.

Respectfully submitted,

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