

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

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

COMMENTS OF CSDVRS, LLC

CSDVRS, LLC (d/b/a ZVRS, “CSDVRS”) hereby offers its comments in response to the Further Notice of Proposed Rulemaking (“FNPRM”) issued by the Federal Communications Commission (“FCC” or “Commission”) on April 6, 2011 concerning the certification process for Internet-based providers of telecommunication relay services (“TRS”) providers.¹ CSDVRS for the most part agrees with the Commission’s proposed modifications to its certification process to ensure that potential providers are fully qualified to provide Internet-based relay service in compliance with the Commission's rules and requirements, and to improve the Commission's oversight of these providers, once they have been certified.

I. Discussion

First, we support the Commission’s proposal that all providers must be certified by the Commission in order to be eligible to provide Internet-based relay services. We agree that this requirement will promote compliance and consistency in providing quality relay services in accordance with TRS rules. We support the Commission’s proposal that providers not yet certified be required to apply for certification. Providers currently

¹ *In the Matter of Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51; FCC 11-54, 76 FR 24437, (“Certification NPRM”) (2011), as corrected by Erratum, DA 11-892 (2011).

certified by the Commission such as CSDVRS should be allowed to continue providing relay services until the expiration of their certification term. Any changes to the information required to be submitted to the Commission as part of the certification process should be included in the currently certified providers' required annual compliance reports² instead of needing to re-apply prior to the expiration of their current certification term. In light of the vigorous and sustained engagement of the Commission in TRS matters, we support the annual reports supplanting the current five year certification terms. Such a process ensures that the Commission's requirements are fully documented and produced by a provider and reviewed by the Commission in an administratively efficient manner.

We concur with the Commission's proposal that providers must provide evidence of an infrastructure and capacity to provide TRS compliant relay services as part of the certification process. We especially appeal to the Commission to condition certification on an initial and recurring verification of the full interoperability of video devices and associated equipment (e.g., routers) providers make available to relay consumers. CSDVRS previously suggested that such evidence should include the following documentation:

- a) The entity seeking certification must be a recognizable and duly organized corporate entity with directors/executives accountable for corporate acts;
- b) The entity should have a cognizable management structure that assigns respective responsibilities;
- c) The entity must maintain operational facilities including corporate offices and at least one functioning call center;

² See, 47 C.F.R. § 64.606(g).

- d) The entity must maintain a proper web site and interactive voice/video response system (“IVVR”) on the video leg of its calls that clearly identifies its name or logo; and
- e) The entity must generate and implement a code of ethics that reflects adherence to Commission rules. The code of ethics should be executed by all employees, agents, and subcontractors of the entity.³

CSDVRS believes that this evidence will not only help filter qualified providers, but also better establish provider accountability to consumers for all “acts and omissions” which may occur in the provision of relay services.⁴ CSDVRS recommends that if the Commission requires “proofs of purchase or license agreements” for relay call handling technologies, that the Commission explicitly authorizes such licensing agreements to include a subscribed use of a technology platform of an eligible provider. Such relay call handling platforms cost millions of dollars to build and maintain, likely putting them out of reach for emerging or small providers and/or causing them to resort to less reliable but affordable technology.

With respect proposed required provider notifications to the Commission regarding “substantive changes”⁵ and either planned or unexpected “interruptions of service,” CSDVRS respectfully requests due recognition of the escalating costs of compliance, which has significantly demanded more company time and resources without being adequately accounted for in the compensation rates for VRS calls.

CSDVRS also notes that the Commission often cites mainstream telecommunication

³ See, *In the Matter of Structure and Practices of the Video Relay Service Program*, Comments of CSDVRS LLC., CG Docket 10-51, pgs. 26-27 (“CSDVRS NOI Comments”) (August 18, 2010).

⁴ See, *Id.* at pg. 28.

⁵ See, 47 C.F.R. § 64.606(f)(2).

models in shaping TRS policy and accordingly we comment that there appears to be no comparable requirements for telecommunication or other utility carriers in providing a regulatory agency with notifications similar to what is being proposed by the Commission for providers. CSDVRS further notes that virtually all of the provider information will already be produced to the Commission through annual mandatory TRS reports, annual cost and demand reporting, regular audits, and other Commission oversight and investigatory activity.

It appears that the Commission and providers have generally interpreted the “substantive change” reporting requirement to involve any changes which materially affect the providers’ capacity to comply with minimum mandatory TRS requirements. We support codifying that general interpretation and listing as examples the kind of changes which must be reported, such as change of ownership, financial arrangements,⁶ technology platforms, etc. The key would be to tie any such requirements to those which materially affect mandatory minimum standards, in order to eliminate the need to exhaustively and burdensomely report the incremental changes made to a business each day in the ordinary course of its operations.

We believe that the notifications proposed by the Commission with respect to service interruptions are not standard in the telecommunications industry, overly broad and potentially cumbersome. CSDVRS recognizes the potential public interest in requiring notice about planned significant service interruptions, but believes that it should

⁶ CSDVRS said in its 2011 Rate Comments that “[i]f the Commission decides to include reporting significant financial transactions in the obligation to notify the Commission of substantive changes, CSDVRS is of the view that trigger point should be any financial transaction over a million dollars.” *See, In the Matter of Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Comments of CSDVRS, LLC, CG Docket No. 10-51; CG Docket No. 03-123 (May 16, 2011).

be left to the discretion of providers to communicate such information to its customers. With respect to unforeseen service interruptions, we are uncertain how requiring reporting of such interruptions will advance the TRS program and the Commission offers in its FNPRM no rationale for such a requirement. Again, we have not seen the same type of expectation or requirement placed on telecommunication carriers to report unforeseen service interruptions. Such information should be considered a customer service and remain within the discretion of each provider whether and how to report unexpected temporary service outages to their customers.

II. Conclusion

CSDVRS commends the Commission for its consideration and planned adoption of certification requirements which will do much to improve the stability and trustworthiness of the provision of Internet-based relay services. CSDVRS supports the Commission's proposals described in the FNPRM subject to the few clarifications and exceptions commented above.

Respectfully Submitted,
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