

**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)
)

**REPLY 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 reply comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Further Notice of Proposed Rulemaking in the above-referenced proceeding.¹

The Consumer Groups urge the Commission to adopt certification rules and requirements for Internet-based Telecommunications Relay Services (“TRS”), including Video Relay Service (“VRS”), that fulfill the original Congressional intent of functional equivalency as more fully described in the *Consumer Groups’ TRS Policy Statement - Functional Equivalency of Telecommunications Relay Services: Meeting the Mandate of the Americans with Disabilities Act* dated April 12, 2011 (the “Policy Statement”).² Specifically, such rules and requirements should require adequate, meaningful support in training, certification, and scheduling for all communication assistants to ensure compliance with relay service quality and safety standards.³

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

³ See Objective 1.8 of Policy Statement, *Consumer Groups Ex Parte* (emphasis added).

For example, if the Commission should adopt a registration process for independent call centers as proposed by one commenter,⁴ the Commission should establish identical requirements for registrants and certification applicants with respect to the qualifications and training of communication assistants. The Consumer Groups do not endorse a specific method to ensure that an adequate supply of communication assistants are readily available. However, the Consumer Groups plan to file comments on methods for ensuring that communications assistants are qualified as well as methods to maintain those qualifications on an ongoing basis. At this time, they encourage the Commission to consider the ten core principles of functional equivalency listed in the Policy Statement when making determinations about the rules to be adopted.

The Consumer Groups also support an ongoing review process to ensure that providers are in compliance with the rules and requirements for providing TRS. As set forth in the Policy Statement, a national certification process for new and existing TRS providers should help the Commission ensure competition among a number of *qualified* TRS providers⁵ and fulfill the promise and potential for full, equal communication access as mandated by Title IV of the Americans with Disabilities Act (“ADA”).⁶ Most commenters agree that an ongoing review process is necessary and reasonable, although they differ on whether annual updates⁷ or

⁴ See Comments of SignOn: A Sign Language Interpreting Resource, Inc., CG Docket No. 10-51, at pp. 4-9 (dated June 1, 2011) (“*SignOn Comments*”).

⁵ See Objective 4.2 of Policy Statement, *Consumer Groups Ex Parte* (emphasis added).

⁶ See Objective 5.3 of Policy Statement, *Consumer Groups Ex Parte*.

⁷ See e.g., *SignOn Comments* at pp. 9-11; Comments of American Network, Inc., CG Docket No. 10-51, at pp. 7-8 (dated June 1, 2011); Comments of ASL Holdings, Inc., CG Docket No. 10-51, at pp. 11-12 (dated June 1, 2011); Comments of CSDVRS, LLC, CG Docket No. 10-51, at p. 2 (dated June 1, 2011); Comments of Purple Communications, Inc., CG Docket No. 10-51, at pp. 6-7 (dated June 1, 2011) (“*Purple Comments*”).

certification renewal every five years⁸ is appropriate. The Consumer Groups believe that a five-year renewal process would be the most suitable option for the Commission to adopt. The Commission might also use audits, annual/quarterly compliance reports, and other monitoring activities to ensure that certified providers are complying with current regulations and rules for the provision of VRS on an ongoing basis.

The Consumer Groups note that one commenter made legal arguments as to why TRS and VRS providers should not be required to demonstrate their status as common carriers to receive certification,⁹ and others suggested that such a requirement is not necessary.¹⁰ So long as the Commission implements an ongoing review process to ensure that TRS and VRS providers remain in compliance with Commission rules and requirements, the Consumer Groups are not opposed to eliminating the proposed common carrier demonstration as a condition of receiving certification.

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

⁸ See e.g., Comments of Hamilton Relay, Inc. CG Docket No. 10-51, at p. 10 (dated June 1, 2011) (“*Hamilton Relay Comments*”); Comments of Snap Telecommunications, Inc., CG Docket No. 10-51, at p. 5 (dated June 1, 2011).

⁹ See Comments of Sorenson Communications, Inc., CG Docket No. 10-51, at p. 6 (dated June 1, 2011).

¹⁰ See Purple Comments at 5; Hamilton Relay Comments at 10.

Respectfully submitted,

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