

**Before the  
Federal Communications Commission  
Washington, DC 20554**

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

**REPLY COMMENTS OF AT&T**

AT&T Services, Inc. (“AT&T”) files these Reply Comments in response to the Further Notice of Proposed Rulemaking (“*Further Notice*”) released by the Federal Communications Commission (the “Commission”) pertaining to qualifications to provide Internet-based Telecommunication Relay Service (“TRS”).<sup>1</sup>

**I. INTRODUCTION**

Numerous commenters agree with AT&T that if the Commission adopts a certification mandate for all Internet-based TRS providers, that process should focus exclusively on the qualifications of the applicant to provide Internet-based TRS within the confines of the Commission’s TRS rules. Those commenters understand that Internet-based TRS providers can be qualified to provide service to deaf and hard of hearing users via subcontracting relationships with other certified providers and can provide Internet-based TRS within the confines of Commission rules, while maintaining the integrity of the TRS program. Other commenters agree this focus on the qualifications of an applicant to provide Internet-based TRS obviates the need

---

<sup>1</sup> Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51, *Notice of Proposed Rulemaking* (rel. April 6, 2011); Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51, *Erratum* (rel. May 17, 2011) (collectively, the “*Further Notice*”).

for the Commission to have or review the substantial data that it proposes to gather from applicants applying for certification as an Internet-based TRS provider.

AT&T also agrees that an annual certification should only require providers to certify that they continue to qualify as an Internet-based TRS provider and that there have been no substantive changes in its operations or to update the Commission on any substantive changes. An annual recertification that requires the submission of all of the evidence and data required to initially qualify would be overly burdensome and wasteful of Commission and provider resources. Lastly, AT&T agrees with commenters that Commission approval of a planned service interruption is unnecessary and that advance notification to the Commission would suffice to protect Internet-based TRS users.

## **II. DISCUSSION**

### **A. Commenters Agree that the Proposed Certification Requirements are Overly Burdensome and Unnecessary.**

In its initial comments, AT&T argued that any certification process should focus exclusively on the qualifications of an applicant to provide Internet-based TRS and that as proposed in the *Further Notice*, applicants would have to submit to the Commission information far beyond what would be needed to assess those qualifications. AT&T explained that much of the information which an applicant would need to submit when applying for certification has no bearing on its qualifications to provide Internet-based TRS or can be provided in a more efficient format.<sup>2</sup> A number of commenters agree.

Sprint states that the evidence needed to demonstrate qualifications to provide TRS within the confines of Commission rules “must be reasonable and specifically tied to the

---

<sup>2</sup> AT&T Comments, CG Docket No. 10-51, at 9-12 (filed June 1, 2011).

provider's Internet-based relay operations,” but the “evidence and other documents that the FCC has proposed applicants for certification must submit fail to meet this criteria.”<sup>3</sup> Hamilton agrees. Hamilton states that it would be burdensome and/or unnecessary to require applicants to submit proof of purchase or license agreements for use of all equipment and/or technologies, copies of employment agreements for all executive and communications assistants (“CAs”), copies of all other agreements pertaining to the provision of Internet-based relay service, and a list of sponsorship agreements.<sup>4</sup>

Purple states that seeking employee lists, compensation details, copies of license agreements, non-essential sub-contracting agreements, financing agreements, and all other agreements is “overly broad, burdensome to produce, likely not to be effective in the evaluation or reviewed in a timely manner, and unnecessary with other compliance plans and checks and balances in place.”<sup>5</sup> Purple observes that Commission likely has insufficient staffing resources to review the volume of data that the proposed rule would require applicants to submit.<sup>6</sup> The burdensome and unnecessary nature of these data gathering requirements, as Purple adds, may be inconsistent with the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.<sup>7</sup>

Snap!VRS argues that the Commission should focus on “defining the parameters of its regulatory oversight and enforcement processes in order to achieve VRS reform, effectiveness,

---

<sup>3</sup> Sprint Comments, CG Docket No. 10-51, at 3 (filed June 1, 2011) (“*Sprint Comments*”).

<sup>4</sup> Hamilton Comments, CG Docket No. 10-51, at 6-8 (filed June 1, 2011) (“*Hamilton Comments*”).

<sup>5</sup> Purple Comments, CG Docket No. 10-51, at 5 (filed June 1, 2011).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* See also Sorenson Communications, Inc. Comments, CG 10-51, at 2 (filed June 1, 2011) (“*Sorenson Comments*”).

consistency, and transparency – instead of delving into the details of decision making matters routinely handled by VRS providers.”<sup>8</sup> Snap!VRS opines that it is invasive, unnecessary and potentially damaging to providers to require existing certified TRS providers to supply information about the number, location, size or type of call center it will use, the brand identity it may choose, the technologies or customer premises equipment it will deploy, how it will service, market or conduct outreach to customers, or other operating, financial, technical and functional decisions.<sup>9</sup>

AT&T reiterates the comments of Hamilton, Purple and Snap!VRS that the Commission should collect only the information that would be reviewed by the Commission in evaluating the qualifications of an applicant. The Commission should limit the information collection requirement to information that is needed to demonstrate the qualifications of the applicant. This change will create a more reasonable process for applicants to follow and will yield better results for consumers more quickly, as the Commission will be able to focus on the information that is most relevant to those consumers and the Interstate TRS Fund.

**B. Internet-based TRS Providers Should be Able to Subcontract Core Components.**

Among the proposed requirements which AT&T believes is unnecessary is that Internet-based TRS providers must own call centers and employ interpreters. AT&T emphasized in its comments that such a requirement would drive existing, legitimate Internet-based TRS providers from the business, discourage the entry of new providers, reduce competition in Internet-based TRS, and diminish innovation. Instead, AT&T argued, Internet-based TRS providers should be allowed to subcontract with other certified providers for core components of Internet-based TRS.

---

<sup>8</sup> Snap Telecommunications, Inc. Comments, CG Docket No. 10-51, at 3 (filed June 1, 2011).

<sup>9</sup> *Id.*

Other commenters echo AT&T's position that Internet-based TRS providers should retain the ability to subcontract for services, including for core components of TRS.

Sprint accurately points out that there is no relationship between the qualifications to provide Internet-based TRS on the one hand and the ownership of a call center or employment of CAs on the other hand and that the owning call centers and CAs has not deterred some providers from intentionally defrauding the Fund.<sup>10</sup> Sprint also reiterates AT&T's stated concern that the economic cost of such a requirement might negate the incentive to qualify as a provider.<sup>11</sup>

Hamilton submits that as long as the Internet-based TRS provider is responsible for all aspects of its operations, it should not matter "whether those operations are performed in-house or contracted to third parties."<sup>12</sup> SignOn likewise promotes the retention of subcontracting relationships and maintains that subcontractors can effectively provide Internet-based TRS within the bounds of Commission rules.<sup>13</sup>

Lastly, two other commenters, ASL Holdings and CSDVRS strenuously argue that the Commission should allow certified Internet-based TRS providers to license call handling platforms from third parties. Allowing providers to also subcontract for the services that are used with those calling platforms will not compromise the TRS program and should be likewise be allowed.

---

<sup>10</sup> *Sprint Comments at 4.*

<sup>11</sup> *Id. at 6.*

<sup>12</sup> *Hamilton Comments at 9.*

<sup>13</sup> SignOn: A Sign Language Interpreting Resource, Inc. Comments, CG 10-51, at 6-8 (filed June 1, 2011). While SignOn does not oppose a requirement that Internet-based TRS providers own call center facilities or employ CAs, subcontractors that can provide core components of Internet-based TRS to providers that own a cell center can just as effectively provide those compliant components to providers that do not own a call center.

AT&T and other Internet-based TRS providers, such as Sprint, have successfully subcontracted with other eligible providers to offer a choice of service to deaf and hard of hearing users. There is no evidence that a provider that offers Internet-based TRS using subcontractor services is more prone to fraud or abuse of the Fund than a provider that owns center facilities. We should not be forced into a decision about whether to invest substantial resources in call centers and hiring CAs to staff those centers or end our Internet-based TRS business.

**C. Annual Certifications and Updates are Sufficient for Ongoing Monitoring of Internet-based TRS Providers.**

In the *Further Notice*, the Commission observed that its rules require Video Relay Service and IP Relay providers to file annual reports containing evidence of continued compliance with the mandatory minimum standards for TRS and proposed that “providers be required to submit updates” to the information required for certification with these annual reports.<sup>14</sup> AT&T agrees with the Commission that the annual report should include updates to the information that a certified Internet-based TRS provider submitted to the Commission to be certified. However, as drafted, the proposed rule could be interpreted to require much more than a mere update, but instead require a restatement of all of the information and resubmission of all of the documents required to qualify for certification, even if there has been no change in the information and documents:

(g) Internet-based TRS providers certified under this section shall file with the Commission, on an annual basis, a report demonstrating that they are in compliance with §64.604. **Such reports must include the information required in subsection (a)(2) supported by current documentation.**

---

<sup>14</sup> *Further Notice* at ¶99.

AT&T proposes that the Commission clarify that an annual restatement of all of the information and resubmission of all of the documents required to qualify for certification is not required. Instead, a certified Internet-based TRS provider's annual report need only certify (1) that the provider continues to meet the Commission's mandatory minimum standards for TRS in the manner that was previously approved when the provider was certified, as revised by any substantive changes about which the Commission has been notified under Rule 64.606(f)(2), and (2) as to any updates to the provider's TRS operations that have occurred within the previous 60 days and provide the same documentary evidence of those changes that would be required with a certification application.

AT&T agrees with Sorenson that an interpretation requiring an annual submission of all evidence that would be needed to qualify for certification would be superfluous and "in light of the many changes providers can experience in facilities, employees, equipment, software, financing, etc., . . . . would represent an enormous recurring burden for TRS providers, as well as for Commission staff."<sup>15</sup> American Network, Inc. opines that this repeated annual evidentiary submission is an unnecessary "administrative burden" that is particularly unwarranted for existing certified TRS providers.<sup>16</sup> Likewise, Hamilton maintains that "the amount of documents that are proposed to be required for obtaining certification would be overwhelming if they were required to be updated annually." These burdens can be avoided by requiring a basic certification and update referenced by AT&T above and maintaining the five-year recertification requirement.

---

<sup>15</sup> Sorenson Comments at 4.

<sup>16</sup> American Network, Inc. Comments, CG 10-51, at 7 (filed June 1, 2011).

**D. Commission Approval Should Not be Required for Planned Service Interruptions.**

AT&T agrees with American Network, Inc. that it is unnecessary and burdensome to require providers to obtain Commission authorization for all planned service interruptions.<sup>17</sup> As ASL Holdings has explained, “service interruptions are disruptive to company operations and are implemented only if there is a compelling need to completely cease operations for a period of time.”<sup>18</sup> Providers, not the Commission, are in the best position to determine if a service interruption is necessary. In fact, it is possible that an interruption may be required on less than 60 days notice. AT&T supports the comments of American Network, Inc. that a process requiring 14-day advance notice to the Commission of a planned service interruption is superior to a process requiring the Commission to authorize every planned interruption, regardless of the length of the interruption.

June 16, 2011

Respectfully submitted,



Robert Vitanza  
Gary L. Phillips  
Paul K. Mancini  
*Attorneys for AT&T Inc.*

AT&T Services, Inc.  
1120 20th Street, N.W.  
Suite 1000  
Washington, D.C. 20036  
(202) 457-3076 (Phone)  
(202) 457-3073 (Fax)  
[robert.vitanza@att.com](mailto:robert.vitanza@att.com)

---

<sup>17</sup> *Id.* at 8.

<sup>18</sup> ASL Holdings, Inc. Comments, CG Docket No. 10-51, at 8 (filed June 1, 2011).