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VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Notice of Ex Parte Meeting, CG Docket Nos. 03-123 and 10-51

Dear Ms. Dortch:

On August 9, 2011, Claude Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”); Shane Feldman, Chief Operating Officer, National Association of the Deaf (“NAD”); Andrew S. Phillips, Policy Attorney, NAD; Sheri A. Farinha, Vice Chair, California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc. (“CCASDHH”); and the undersigned met with Karen Peltz Strauss, Deputy Bureau Chief, Consumer & Governmental Affairs Bureau; Gregory Hlibok, Chief, Disability Rights Office; and Diane Mason, Disability Rights Office to discuss a likely Notice of Proposed Rulemaking (“NPRM”) about the per-minute rate of compensation mechanism for Video Relay Service (“VRS”) and potential alternative compensation mechanisms.

TDI, NAD, and CCASDHH urged the Commission to undertake a Notice of Inquiry (“NOI”), rather than a NPRM, if the Commission wishes to consider possible alternatives to the per-minute compensation mechanism, including a per-user compensation mechanism. They also discussed the Commission’s intent to reform VRS services.

TDI, NAD, and CCASDHH emphasized the importance of a compensation mechanism that fulfills 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”).¹ They expressed concerns that any reform should first take into consideration feedback from consumer representatives as well as providers to develop solutions to improve VRS. They also expressed strong concerns regarding the idea of changing compensation from a per-minute rate to a per-user rate. A per-user system would create incentives for providers to cut costs and avoid high volume customers and diminish the quality of VRS services and

¹ See Ex Parte Notice of the Consumer Groups, CG Docket No. 10-51 (Apr. 12, 2011).

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training, thus decreasing consumers' functionally equivalent use of the telephone system. Further, providers may tweak the system to reduce number/length of calls from customers (*i.e.*, longer answer times). The consumer representatives explained that the business model for the provision of services does not need to be identical to hearing consumers. In VRS, interpreter costs are generally paid by the hour and not a flat fee, whereas hearing consumers generally pay a flat fee for telephone services. The consumer representatives also raised questions about the per-user compensation approach, including what data would be used to calculate a per-user rate. They recommend that new ideas not be introduced in a NPRM, but rather urge the Commission to explore ideas with consumers and providers through a NOI and workshops.

Respectfully submitted,


Danielle Burt

Counsel for TDI

cc (by e-mail): Karen Peltz Strauss, CGB Deputy Bureau Chief
Gregory Hlibok, DRO
Diane Mason, DRO
Claude Stout, TDI
Shane Feldman, NAD
Andrew S. Phillips, NAD
Sheri A. Farinha, CCASDHH