

**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)	
_____)	

PETITION FOR TEMPORARY WAIVER

I. Introduction

CSDVRS, LLC (d/b/a ZVRS, “CSDVRS”) hereby respectfully requests a temporary waiver of the Federal Communications Commission’s (“Commission”) new rule prohibiting Video Relay Service ("VRS") interpreting from home, which goes into effect on August 30, 2011.¹ There remains a significant concern about the safety of VRS interpreters who work the “odd” hours on a schedule, specifically the overnight schedule. We respectfully request the Commission temporarily waive the rule as applied to CSDVRS given the clear and convincing showing in favor of the public interest in granting the waiver in that its remote interpreting program ensures the safety of VRS interpreters, strictly adheres to mandatory minimum TRS standards, utilizes failsafe monitoring to prevent fraud, and ensures that CSDVRS’ service to consumers is not interrupted or otherwise degraded by an inability to provide adequate support. CSDVRS’ waiver request is for a maximum of 10% of active interpreters on duty and VRS call volume serviced.

II. Discussion

The Commission prohibited VRS interpreting from home because of concerns

¹ See *In the Matter of Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket 10-51, ¶ 13 (“2011 Order”) (Adopted April 5, 2011).

with “confidentiality, emergency access, and redundancy in call center operations.”² The Commission focused on the need to ensure sufficient oversight of VRS interpreting at home.³

CSDVRS has successfully operated a program called Secure Virtual Call Center ("SVCC"), in which VRS interpreters work from home under exacting conditions.⁴ All of the SVCC interpreters are certified members of the Registry of Interpreters for the Deaf ("RID") and have worked in call centers for three years or more.⁵ Interpreters are accepted into SVCC only after meeting strict qualification requirements that determine their eligibility for this program. For example, they must meet strict standards for an at home office, understand the mandate of providing confidential and uninterrupted services from their remote location, and obtain the recommendation of their current center manager regarding their ability to work independently and to be a good fit for the program. Only a select group of interpreters qualify for this program. Interpreters are remotely monitored by a dedicated operational manager to ensure adherence to all rules.⁶ SVCC provides a model for the industry and unfailingly complies with the minimum mandatory standard of service.

A constant concern of CSDVRS is the safety of the Video Interpreters (“VIs”) who are employed by CSDVRS. Once in the call center, safety issues are addressed as much as possible, however, since Video Relay Services is offered without interruption, safety issues remain a real concern. Many VIs have to commute from their homes to the

² *Id.*

³ *Id.*

⁴ *In the Matter of Structure and Practices of the Video Relay Service Program*, Comments of CSDVRS, CG Docket 10-51, pp. 5-6, June 10, 2010 ("Comments of CSDVRS").

⁵ Comments of CSDVRS at 5.

⁶ *Id.*

call center during late hours and inclement weather. CSDVRS takes as many precautions as it can as it relates to the safety of the VIs in center parking lots and on the roadways. Nevertheless, VIs who work the overnight hours for CSDVRS have expressed significant safety concerns, such as the following comments from CSDVRS VIs:

“As the center is open at all hours, arrival and departing a center can be a frightening proposition at 4:00 AM. Walking to and from your vehicle, you must be very aware of your surroundings. As an older, female, it makes me feel uncomfortable. Darkness impeded the ability to see. Early mornings are a time that predators find their prey incredibly vulnerable. I have experienced firsthand strangers in the area of a center.”

VI Tamara H., Blaine, MN

“No longer does my family have to worry about me being caught away from home in a snow storm, or driving in the wee hours of the night to process calls. As a woman, being in a secure remote call center has eliminated the need to leave the center accompanied by another VI to reach the parking facilities in the dark. Its common sense for solitary individuals not to be out alone in a business area well after dark.”

VI Carol G., Pleasant Hill, OH

As a result of the SVCC set up, VIs who are scheduled into the late nights and overnight shifts from their location feel safer and perform at a much higher level knowing that they are safe from the hazards of working and commuting during these late hours.

The following comments of SVCC VIs represent their heightened sense of security:

“In my home office, I feel so at ease. I don’t feel on edge or nervous. I feel safe, calm and protected. Nothing feels safer than that I can relax and focus on the job at hand. This is where and how I truly do my best work!

VI Suzanne R., St. Paul, MN

“I have been working late nights and overnights from my home office. I have yet to experience any issues; whether emergency (911) or difficult calls. I have been interpreting for 21 years and feel that I can handle any situation that arises. Prior to my working at the secure virtual call center; I worked in a call center late nights and overnights, again not needing assistance in handling difficult calls.”

VI Suzanne G., St. Joseph, MN

SVCC creates a working environment for interpreters which maintain absolute confidentiality. SVCC interpreters work in separate locked rooms with identical security parameters to those of a traditional call center, supplemented with remote monitoring, which creates an equivalent level of confidentiality to that of a traditional call center. Monitoring software allows remote observation of employees by management. Every minute a CSDVRS Virtual Video Interpreter is logged in they are being monitored. Each and every button clicked by the VI is recorded and viewable by supervisors and upper management. Access to an external camera is available to the same supervisor and upper management team. Random checks are done via the external camera by upper management, while the supervisor checks in regularly. Management may observe employees as often as necessary to facilitate proper confidentiality. If access to these monitoring systems is altered in any way, the interpreter is subject to immediate termination from the program.

CSDVRS technology at the SVCC allow VRS interpreters from any location to process any call, including emergency calls, and gives the ability to transfer a fully connected call to or from a call center if additional support is needed. The call routing

and skill set technology gives no preference to an interpreter in a standard call center versus an interpreter working from a secure remote home office.⁷ Per FCC regulations, CSDVRS calls are routed to the next available interpreter, and including a SVCC interpreter.⁸ Management may also provide immediate remote guidance to an employee as needed.

VRS interpreters working from home creates greater redundancy in the provision of VRS by the additional coverage and flexibility created by the virtual network. The ability to staff up and down quickly during by putting out work requests for available at remote interpreters allows for providing consistent coverage during hours of peak volume, due to the increased number of employees available. When a large call center is closed due to weather, network, power or facility issues, this has a big impact to the staffing needed to handle call volume and meet the needs of customers. By utilizing stand alone locations, the impact of weather and other disruptive circumstances are minimized by the ability to provide services from a greater geographical area.

Employee recruitment is a challenge for all companies providing VRS services. Allowing employees to work from home increases interpreter availability as well as the ability to cope with unexpected staffing levels incurred by natural disasters and inclement weather. SVCC allows employees to provide VRS interpreting services in rural areas where it is not feasible to open a call center, fostering a sense of community and increasing the available pool of employees.⁹ Ninety percent of SVCC interpreters do not reside near a call center, making it difficult for them to work in one, without relocating to

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 6.

a larger metropolitan area¹⁰ A survey of community interpreter customers found 44% of customers wanted but could not obtain an interpreter from 1-3 times monthly.¹¹ The RID notes that "[c]omments from interpreters, VRS providers and deaf and hard of hearing consumers also show that use of well regulated and supported home offices have been an effective way to staff VRS."¹²

Home interpreting creates greater resilience against disasters through decentralized interpreters and the ability to continue work if the call center fails, such as in snowstorms. Each SVCC location is outfitted with the appropriate back up power that allows for a full transfer of a call should any event cause a need to do so. During the past winter, a severe weather system impacted a majority of the United States. The SVCC program allowed for 46.4% of all schedule losses due to weather to be made up by working in remote offices, allowing CSDVRS to continue to meet service level objectives as set forth by the FCC.¹³

Fraud prevention is a serious matter which has been thoroughly addressed in the SVCC program. By employing a rigorous screening process which qualifies the interpreter to be a part of this program after three years of call center performance ensures a minimum level of proven integrity and ethical decision making ability of the selected interpreter. The SVCC system features automatic recording of VI clicks and

¹⁰ *In the Matter of Structure and Practices of the Video Relay Service Program*, Letter from CSDVRS to F.C.C., CG Docket No. 10-51, p.2 (March 14, 2011).

¹¹ National Consortium of Interpreter Education Centers, Phase I Deaf Consumer Needs Assessment Final Report, at page 12 (September 2008).

¹² *In the Matter of Structure and Practices of the Video Relay Service Program*, Letter from Registry of Interpreters for the Deaf to the F.C.C., CG Docket No. 03-123, p. 1 (May 25, 2011).

¹³ *In the Matter of Structure and Practices of the Video Relay Service Program*, Letter from CSDVRS to F.C.C., CG Docket No. 10-51, p.8 (February 18, 2011).

other technology platform operations for all calls, from their beginning to the end.

Through the automated recording of VI operations on the platform (we do not record the content of the relayed conversation), CSDVRS monitors for fraud arising from spurious calls.

CSDVRS requests a temporary waiver to provide a fixed period for the Commission to monitor the effects of the waiver. CSDVRS will report to the Commission at regular intervals a description of the ongoing SVCC program and relevant data associated with the program.

Further, CSDVRS' waiver request is for a set maximum percentage of VIs and calls that are served through the SVCC program, consistent with its long standing position that virtual call centers should only be a supplement to a provider's existing traditional call centers and not used in their stead.¹⁴ CSDVRS recommends that the waiver limits the number of active SVCC interpreters to no more than 10% of the total active interpreter staff and that the SVCC interpreters cannot process more than 10% of the company's total VRS call minutes. The number of interpreters is based on total number of interpreters that processed 240 or more minutes of VRS calls, during the month, in all of the companies call centers as reported to the FCC in the monthly reports. The VRS call minutes are the total VRS minutes reported for reimbursement to the FCC in the monthly reports. CSDVRS will provide a report monthly to the TRS Fund Administrator the actual percentage of total staff that functioned as an SVCC interpreters and the actual percentage of VRS call minutes that were processed by the SVCC interpreters. A VI should be considered to be an

¹⁴ Comments of CSDVRS, pg. 4-8.

active interpreter if they processed 240 minutes or more of VRS calls during the month. A VI should be considered an SVCC interpreter if they processed one minute or more of VRS calls while functioning as an SVCC interpreter.

III. Conclusion

CSDVRS respectfully requests a temporary waiver of the prohibition of VRS working from home. The SVCC provides a model for the industry, serves the public interest and ensures adherence to mandatory minimum TRS standards while incorporating methods which minimize or eliminate the possibility of fraud. With this waiver, CSDVRS SVCC video interpreters who are scheduled in these off peak hours will remain able to work from their home office while continuing to meet the requirements of the FCC and being in a safe environment at all times.

Respectfully Submitted,

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August 12, 2011