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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 September 26, 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; Cheryl Heppner, National Advocacy Director, Association of Late Deafened Adults, Inc. (“ALD”) and the undersigned met with Margaret McCarthy, Wireline Policy Advisor to Commissioner Michael Copps, to discuss a likely Notice of Proposed Rulemaking (“NPRM”) that may include proposed changes to the per-minute rate of compensation mechanism for Video Relay Service (“VRS”). Sheri A. Farinha, Vice Chair, California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc. (“CCASDHH”) also participated by phone.

The Consumer Groups emphasized the importance of having the NPRM meet the original Congressional intent of functional equivalency under the Americans with Disabilities Act. On April 12, the Consumer Groups submitted to the FCC a document titled *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 The Consumer Groups asked the Commission to review this Policy Statement as it formulates its NPRM that could result in policy decisions for the future of the national TRS program. For example, they asked the Commission to ensure that any changes to the VRS compensation methodology not act as an effective cap and that the Commission explore means to expand the program, such as encouraging research and development that leads to service innovation.

The Consumer Groups commended the FCC's goal of increasing adoption by deaf and hard of hearing individuals who are not currently served by TRS. The participants

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

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discussed the current VRS per-minute compensation system and potential alternatives, including how different compensation mechanisms provide different incentives to providers, different results for users, and how they impact the FCC's ability to monitor and audit the program. One of the alternatives discussed was a per-user compensation mechanism under which each user would be limited to choosing one service provider that presumably would have incentives to meet all of the consumer's needs (fixed and mobile), in order to retain the customer. They expressed concerns that a per user system would create incentives for providers to avoid high volume customers, that providers may game the system to reduce the number or length of calls from customers (i.e. longer answer times), and that consumers need the ability to change service providers if service quality deteriorates, just as hearing users have the ability to switch telephone providers (e.g., wireline to cable). The Consumer Groups emphasized that consideration of any per-user method must include additional minimum service standards that would need to be implemented simultaneously. They also raised questions about a per-user compensation approach, including what data would be used to calculate a per-user rate.

The Consumer Groups urged the FCC to explore not only new compensation mechanisms but also improvements to the current mechanism. They asked the Commission to take into consideration feedback from consumer representatives as well as providers and all other pertinent offices and bureaus, particularly the Consumer and Governmental Affairs Bureau and its reporting unit, the Disability Rights Office, as the Commission develops, solicits input for, and makes decisions to develop solutions to improve VRS. They recommended that the Commission solicit input through workshops and forums that bring together these important stakeholders. The November 2009 forum with Commissioner Copps and Marlee Matlin at Gallaudet proved to be highly successful for the FCC's draft of the National Broadband Plan.

Respectfully submitted,

/s/

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Counsel for TDI

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