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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 28, 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. ("ALDA") and the undersigned met with Sherrese Smith, Senior Counsel & Legal Advisor, and Jessica Almond, Special Counsel to Chairman Julius Genachowski, Paul de Sa, Chief of the Office of Strategic Planning & Policy Analysis, Karen Peltz Strauss, Deputy Chief of the Consumer and Governmental Affairs Bureau and Gregory Hlibok, Chief of the Disability Rights Office, 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.

In the meeting, the Consumer Groups commended the FCC's goal of increasing adoption by deaf and hard of hearing individuals who are not currently served by VRS. Lack of broadband availability and/or adoption were discussed as the primary reasons certain deaf and hard of hearing consumers may not be using VRS today.

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 and address the principles and recommendations therein. For example, the Commission's NPRM should include questions about how to provide incentives for VRS providers to engage further in technological innovation, research and development, outreach and

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

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education, etc. Whatever compensation methodology the Commission adopts for VRS should support these incentives in a substantial way.

The participants 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. The Consumer Groups urged the FCC to explore not only new compensation mechanisms but also improvements to the current mechanism. The Consumer Groups 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 participants discussed their expectation of cooperative work between the consumer representatives and all 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.

Last but not least, the Consumer Groups asked the Commission to be mindful that whatever action it takes to reform the VRS program may create some significant impact on other forms of TRS. The Consumer Groups suggested that Commission review the Policy Statement for recommendations on managing the national TRS program. While acknowledging the importance of stopping fraud and abuse in the VRS program, the participants discussed the need to move beyond such issues to focus on improvements in the TRS programs generally. Other forms of TRS deserve equal attention and support.

Respectfully submitted,

/s/

Tamar E. Finn

Counsel for TDI

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Paul de Sa
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Gregory Hlibok
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