

October 13, 2011

**VIA ELECTRONIC FILING**

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

RE: Notice of *Ex Parte* Meeting  
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with  
Hearing and Speech Disabilities; Structure and Practices of the Video Relay Services  
Program  
**CG Docket Nos. 03-123 and 10-51**

Dear Ms. Dortch:

On Tuesday, October 11, 2011, Cheryl Heppner, National Advocacy Director, Association of Late Deafened Adults, Inc. (“ALDA”), and Andrew Phillips, Policy Attorney, National Association of the Deaf Law (“NAD”), met with Sherrese Smith, Senior Counsel & Legal Advisor to Chairman Julius Genachowski, Jessica Almond, Special Counsel to Chairman Julius Genachowski, Karen Peltz Strauss, Deputy Chief of the Consumer and Governmental Affairs Bureau (“CGB”), and Gregory Hlibok, Chief of the Disability Rights Office (“DRO”) 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”).

The consumer organization representatives were asked to share their thoughts on possible changes to VRS and what they hoped to see in the future from VRS. They explained that the Consumer Groups had invested a great deal of time developing a TRS Policy Statement filed on April 12, 2011, and encouraged the FCC to use it as a guide in making any changes to VRS.<sup>1</sup> The consumer representatives also noted that there appears to be some confusion about the purpose of TRS. Deaf and hard of hearing people are already paying for their telecommunication providers as others do, and TRS is the service required by civil rights law to provide the missing piece which enables communication while using their telecommunications provider.

The consumer representatives expressed strong concerns about adopting a per user compensation mechanism. They explained going to a new per user mechanism would shift any issues and problems for consumer use from the general population as a whole to affecting only the deaf and hard of hearing community, even though this community is the constituency

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<sup>1</sup> *Consumer Groups’ TRS Policy Statement - Functional Equivalency of Telecommunications Relay Services: Meeting the Mandate of the Americans with Disabilities Act* dated April 12, 2011 (See Ex Parte Notice of the Consumer Groups, CG Docket No. 10-51 (Apr. 12, 2011))

intended to be protected by statute. In short, this possible mechanism will most likely shift the incentives for VRS companies from encouraging deaf and hard of hearing individuals to exercise the freedom to make VRS calls to discouraging them from making VRS calls in order to maximize their profits. While the consumer representatives welcome improvements to VRS, they are not confident that adopting a per user compensation mechanism would not cause more harm than good. Moreover, while the consumer representatives understand and appreciate the FCC's concerns about the current system, the representatives have not seen any evidence that these changes in the compensation system would be more effective in setting rates, as the time-consuming annual process of setting the per minute rate would be replaced with a process of setting the per user rate.

Additionally, the consumer representatives shared some ideas for improving VRS. They stressed the importance of consumers being able to use a wide variety of different products and being able to freely choose between different VRS providers as opposed to being tethered to a limited number of providers. They also explained that the deaf and hard of hearing community wants to see improvements in the quality of VRS. The following ideas for improving the quality of VRS were offered:<sup>2</sup>

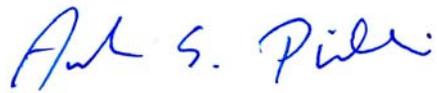
1. Require all VRS CAs to be certified. Certification needs to be the minimum standard for all VRS CAs to be able to work in VRS, just as many professionals are required to pass minimum competency tests or obtain certifications before they can practice in their respective professions. Consumer representatives understand that there are concerns about the number of certified interpreters available and suggested that such a requirement be phased-in.
2. Require VRS providers to allow consumers to select VRS CAs according to skill sets, specialized communication needs such as choice of interpreting, transliteration and signing styles, and areas of knowledge. Communication needs vary among deaf and hard of hearing calls as well as the subject matter of each call, thus better matching of VRS CAs and callers will improve functional equivalency. Consumer representatives envisioned an optional system where consumers can create profiles for their communication needs and be matched accordingly when possible.
3. Require VRS providers to allow consumers to be able to create a list of preferred CAs and be assigned a preferred CA when available. This will give the consumers the power and ability to control the quality of their calls and allow them to select CAs they know will provide the most functionally equivalent call.

These recommendations, while not exhaustive, were based on personal experiences of the consumer representatives and extensive discussions with other consumer representatives. The consumer representatives look forward to more discussions with the FCC on these issues as we work together to improve VRS for the future.

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<sup>2</sup> These recommendations only cover a small part of the goals and principles in the *Consumer Groups' TRS Policy Statement*.

Respectfully submitted,

A handwritten signature in blue ink that reads "Andrew S. Phillips". The signature is written in a cursive, flowing style.

Andrew S. Phillips, Esq.  
Policy Attorney

cc (by e-mail): Sherrese Smith, Chairman Genachowski's Office  
Jessica Almond, Chairman Genachowski's Office  
Karen Peltz Strauss, CGB  
Gregory Hlibok, DRO