

October 26, 2011

Federal Communications Commission
Consumer and Governmental Affairs Bureau (CGB)
445 12th St., SW
Washington, DC 20554

Re: MO&O, O, & FNPRM – FCC 11-155

Filed electronically via ECFS on Docket 10-51

Please allow me to introduce myself briefly. I am Todd Elliott and a VRS consumer. I speak to the Commission about FCC 11-155, filed 10/17/11. Thank you for this opportunity.

Memorandum Opinion and Order (MO&O)

I thank the Commission in crafting this MO&O, addressing and consolidating three petitions filed by AT&T, Sprint Nextel, and Sorenson Communications. I thank the petitioners for their participation, and as well as Purple Communications.

The impact of this MO&O is far reaching in the VRS industry. I am of the belief that subcontractor relationships are rampant in the industry, and it may take some time for it all to unwind. A lot of providers and subcontractors may not be able to meet this standard adopted by the FCC in this Order. The VRS industry will shrink, and with it, some loss of consumer choice.

Tentatively, I support the Order.¹ The loss of consumer choice is more than offset by the savings to the TRS Fund and a smaller, more responsive industry. The industry will be more competitive and consumer oriented, instead of being distracted by their subcontractor relationships. The industry will retool their business models to be more consumer-oriented, rather than attending to the TRS Fund via waste, misuse and/or outright fraud. More importantly, this Order frees up sign language interpreting resources for community interpreting.

¹ This Order has the chance of cratering the VRS industry. There may be a remote possibility that the vast majority of VRS providers cannot ‘detangle’ themselves from each other. Even if they comply with the Order, they are then set adrift w/o a safety net of a subcontractor, and may succumb to the competitive pressures of the VRS market. If the VRS market implosion occurs, then the FCC will need to revisit this Order.

Pending TRS Certifications

In paragraph 12 of the MO&O, the FCC adopted, “We therefore clarify that this rule does not apply to non-certified applicants for certification; as such, non-certified applicants for certification may not rely on the ability to subcontract for or otherwise authorize the provision of CA services or call center functions on their behalf after they are certified, to demonstrate their eligibility for certification.”

I have been perusing pending TRS certifications in Docket 10-51 for some time. Most of these certifications show a standing of a subcontractor relationship with a certified VRS provider. I expect these providers rework their applications to reflect this new interpretation, and apply for a TRS certification as a bonafide VRS provider. Future waivers on subcontractor arrangements under this new TRS certification regime must carry a high burden of proof.²

Quoted For Truth

In paragraph 25 of the MO&O, the FCC said, “We therefore believe that VRS providers with legitimate business models should find greater opportunities to serve consumers once we have eliminated opportunities for arbitrage by providers who prioritize making money over providing quality service.”

FNPRM Section

In paragraph 29, the FCC proposed, “...to modify our rules to provide that a certified provider may subcontract with another certified provider for, or otherwise authorize the provision by another certified provider of, CA services or call center functions only in the event of an unexpected and temporary surge in call traffic due to exigent circumstances, and seek comment on this proposal.”

² The FCC has granted some waivers to white label providers engaged in subcontractor relationships with certified VRS providers. It is to my understanding that the TRS Certification regime has not yet started, and that these arrangements are temporary.

I don't know if this is even feasible. To promote redundancy in the VRS industry, providers need to be incentivized to do so. The best way of accomplishing this is to automatically reroute the stricken VRS Provider's VP/VRS call traffic on a round-robin basis³ to all eligible VRS providers in the event of exigent circumstances.

This way, VRS providers can't even enter into subcontractor relationships to cover exigent circumstances, as the round-robin call derby would take place. VRS providers do not want to lose their consumers to competing VRS providers, even if it was due to exigent circumstances, so they will build redundancy in their systems, i.e., strategically placing their call centers in discrete geographic regions.

However, I am not well versed in the technology that is used in behind call routing and identifying callers for a round-robin approach to work seamlessly. This is too important, as if there are exigent circumstances, then chances are quite high that the affected region would see a surge in 911 VRS call traffic. The VRS industry can't drop these callers due to a kink (or two!) in the round-robin approach.

A Trial Run – Federal Relay Services

I offer a suggestion for this round-robin call traffic approach. When the contract expires for the video component of Federal Relay Services, perhaps it would be an opportune time for the FCC or the Federal Government to issue a RFP for technology to implement a round robin approach for the VRS component in Federal Relay Services.

If the round-robin approach in the VRS component of Federal Relay Services could work seamlessly, then this technology could be transferred to the normal VRS industry in handling a surge of VRS call traffic due to exigent circumstances. That would be an ideal solution.

³ Ideally, this round-robin would be on a sliding scale; the smallest unaffected VRS provider would get the initial call traffic until they reach capacity. Then, call traffic is routed to the next larger provider until exhausted, and the round-robin continues until it reaches the largest unaffected VRS provider.

Having the round-robin VRS approach in Federal Relay Services benefits the VRS industry as a whole. They will have a stream of organic VRS traffic coming their way from employees and subcontractors of the Federal Government. They may be incentivized to serve this population and face lessened competitive pressures to game the TRS Fund via waste, misuse, and/or fraud.

Moreover, the round-robin approach in Federal Relay Services potentially allows employees of VRS providers to utilize VRS services. Thanks to the February 25th, 2010 Declaratory Ruling⁴, VRS providers cannot bill the TRS Fund for VRS minutes generated by their employees. While this move was necessary, it is still a loss in functional equivalency for employees of VRS providers. Obviously, intelligent call routing logic needs to be utilized, so that the round-robin approach will not allow these employees to utilize VRS services provided by their employer in the normal course of business.

Conclusion

Thank you for your time in reading this Comment. Thank you for promoting a smaller, competitive, and viable VRS industry that will be truly responsive to the needs of the VRS consumer. Indirectly, this Order also benefits ordinary Deaf/HH consumers all over the U.S., as sign language interpreting resources are freed up for community interpreting. Thank you for that.

Sincerely,

Todd Elliott
9705 Hammocks Blvd., #203
Miami, FL 33196

⁴ FCC DA 10-314