

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Structure and Practices of the) CG Docket No. 10-51
Video Relay Service Program)
)
_____)

COMMENTS OF CSDVRS, LLC

CSDVRS, LLC (d/b/a ZVRS, “ZVRS”) hereby offers its comments in response to the Further Notice of Proposed Rulemaking (“FNPRM”) issued by the Federal Communications Commission (“FCC” or “Commission”) on October 17, 2011 regarding eligible VRS providers engaging a third party eligible provider to handle certain core VRS functions on their behalf during exigent circumstances.¹

I. Discussion

ZVRS appreciates the Commission providing the opportunity for public comment regarding a proposed change in the structure and provision of relay services. Like many if not most eligible full service providers, ZVRS does not roll over VRS traffic to another provider for any reason. ZVRS is committed to handling all of its VRS customer calls in any circumstance, in order to maintain absolute fidelity to the rigorous service requirements that its customers expect, which includes 100% certified video interpreters and reliably clear connections between the video interpreters and customers through their respective equipment. Further, ZVRS declines to engage the risk that a third party may

¹ *In the Matter of Structure and Practices of the Video Relay Service Program*, Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking, CG Docket No. 10-51; FCC 11-155, 76 FR 67118, (“MO&O”) (2011).

judge that the circumstances did not warrant rolling over calls to another provider and therefore these rolled over calls were not compensable.

Rather, ZVRS will continue to seek Commission approval of innovative ways to rely on its internal resources to meet all of its service needs such as employing video interpreters at TRS compliant virtual call centers during thinly staffed overnight/weekend shifts (which helps ensure the safety of video interpreters) and in extraordinary circumstances such as severe weather conditions.

ZVRS agrees with the Commission that providers seeking compensation from the Fund for minutes transferred to another eligible VRS provider as a result of exigent circumstances must specifically identify those minutes in its submission to the TRS Fund Administrator and identify the other provider. ZVRS further agrees that such roll over to another provider should only be permitted when necessitated by an unexpected and temporary surge in call traffic due to exigent circumstances, such as in the event of a natural disaster or other comparable emergency which is outside the provider's control.

We recognize the cause of the Commission's aversion to revenue sharing arrangements and join in the condemnation of the fraud and abuse which has occurred. However, we are concerned that the Commission might have unnecessarily conflated service time based compensation with revenue sharing in its tentative conclusion to prohibit "per-minute revenue sharing" arrangements between providers. Legitimate agreements between entities to compensate another on the basis of the length of time of service reflect the overwhelmingly standard methodology in how contractors are compensated for their service. Providers should be able to compensate another provider for handling VRS calls in permitted circumstances based on the time of interpreting

services involved if such compensation arrangement is a separate and independent business transaction from any compensation received by one provider from the TRS Fund.

Moreover, ZVRS is mystified how a provider may consistently be adequately and fairly compensated by another provider for handling VRS calls other than based on the actual time spent handling these calls. Service time based compensation approaches should not be absolutely prohibited without first identifying and discussing feasible alternative compensation methodologies. ZVRS has extensively researched state TRS compensation methodologies and has yet to identify a state which compensates TRS providers other than by the volume of calls handled, as measured by the actual time spent relaying the calls, never by a flat fee or by quantifying the total number of customers or their calls. In addition, the uniform model of compensation for in-person or video remote interpreting (VRI) services is based on the time agencies or interpreters provide those services, often with a certain minimum length of time charged. The universal fee structure based on the time interpreting services are provided is wholly driven by what is legitimately necessary to make the business of providing interpreting services feasible and sustainable. Moreover, any reliance on telecommunication provider models which utilize flat fees for contractual services is misplaced given that unlike telecommunication providers' primary costs which are typically fixed once the equipment is installed, VRS providers' costs are directly tied to and greatly fluctuate based on the customer's usage of interpreter services after the video connecting devices or programs are installed. ZVRS does not support prohibiting per-minute compensation for those arrangements which are legitimate and fairly compensates for the professional services rendered. ZVRS supports

instead strict enforcement against any revenue sharing arrangements which are fraudulent.

II. Conclusion

ZVRS commends the Commission for its consideration of the means providers may handle VRS traffic during emergencies. ZVRS generally supports the Commission's proposals described in the FNPRM subject to the exceptions commented above. ZVRS respectfully disagrees with any prohibition of compensation based on the actual time spent handling VRS calls such as on a per-minute basis.

Respectfully Submitted,

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