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February 8, 2012

**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 February 6, 2012, Claude Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), Andrew S. Phillips, Policy Attorney, National Association of the Deaf (“NAD”), Cheryl Heppner, National Advocacy Director, Association of Late Deafened Adults, Inc. (“ALDA”) (together, the “Consumer Representatives”) and the undersigned met with Karen Strauss, Eliot Greenwald, Gregory Hlibok and Robert Aldridge of the Consumer and Governmental Affairs Bureau, to discuss the Video Relay Service (“VRS”) Notice of Proposed Rulemaking (“NPRM”) released on December 15, 2011.

The Consumer Representatives thanked the FCC for including references to the TRS Policy Statement in the NPRM and proposing definitions and standards for iTRS access technology. While the Consumer Representatives expressed support for a pilot program to assist deaf and hard of hearing users obtain access to broadband services necessary to use VRS, they noted that a low income consumer may not want a videophone to access VRS, rather he or she would want a captioned telephone to make CTS calls. Any broadband adoption pilot therefore should be quickly expanded to other forms of TRS. The Consumer Representatives also expressed their support for proposals to achieve interoperability, the transition from H.323 to SIP, and the availability of off-the-shelf equipment for VRS users. They questioned, however, whether interoperability is achievable without cooperation from the broader computing and electronics industry, not just VRS providers.

The Consumer Representatives noted that the proposals in the NRPM are focused primarily on deaf and hard of hearing consumers, to the detriment of their hearing contacts. Each VRS call includes two parties, a hearing consumer and a deaf or hard of hearing consumer. In order to achieve functional equivalency, the FCC should promote and measure use of VRS by both populations and ensure that deaf and hard of hearing consumers have the equivalent ability to access VRS via different technologies (e.g., wireline and wireless) as do their hearing contacts. The Consumer Representatives urged the FCC to consider ways to measure the hearing population’s use of and experience with VRS.

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Ms. Marlene H. Dortch, Secretary  
February 8, 2012  
Page 2

The Consumer Representatives also urged the FCC to ensure that all forms of TRS get equal attention and support. While the FCC has done a laudable job overseeing TRS with the limited resources allocated to the program, the Consumer Representatives noted that many states have greater resources dedicated to policy, oversight, and enforcement for smaller TRS programs. In order to meet the full promise and potential that TRS can achieve for users as mandated by the Americans with Disabilities Act, the TRS Policy Statement recommends that the FCC ensure adequate, experienced staffing levels necessary to administer and enforce the TRS program.

The Consumer Representatives thanked the FCC for recognizing that VRS needs more quality of service metrics, and informed the FCC that they intend to submit proposals concerning Communications Assistant standards and training. They noted that higher quality VRS calls could reduce the time spent on a single call and also reduce the need for additional calls that are sometimes required due to poor interpreter/service quality.

The Consumer Representatives expressed concerns with the proposed per user methodology. First, because there is no record of or recorded information supporting this and they have heard otherwise from providers, the Consumer Representatives expressed concern that the NPRM operates under the assumption that a significant amount of deaf and hard of hearing users fluent in American Sign Language do not already use VRS. Second, they expressed concern with the Commission's belief that a per user compensation methodology will increase competition among VRS providers. Based on conversations with members in the community, the Consumer Representatives believe that if VRS users must choose one VRS provider, the majority of users would choose the dominant provider. Finally, they urged the FCC to protect consumers' privacy when designing any VRS-related databases.

The Consumer Representatives asked the FCC to consider the dilemma that consumers who are deaf or hard of hearing may experience if the FCC adopts the one provider, one customer model. For example, if there is congestion between the consumer's ISP and VRS provider A, the packet loss can become so bad that the video is unintelligible and the call cannot continue. Today, a consumer could dial-around to another provider whose Internet connection may not experience the same problems. Under a one-provider model, however, consumers would not have this option unless they paid for the ability to dial-around. The participants discussed whether this problem could be addressed through quality of service guarantees among the carriers, the ISPs, the Internet backbone operators, and the VRS providers.

Finally, the Consumer representatives expressed concern about the sheer volume of information, proposals, and questions included in the NPRM, the lack of a public education campaign to inform VRS users about the proposals, and the lack of a thorough ASL version of the NPRM as well as the inability to accept video comments in ASL – the very language of the people who use VRS. They questioned whether VRS users would have adequate time to digest and respond to the NRPM by the comment deadlines.

Ms. Marlene H. Dortch, Secretary  
February 8, 2012  
Page 3

Respectfully submitted,

*/s/ Tamar Finn*

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Counsel for TDI

cc (by e-mail):

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