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VIA ELECTRONIC FILING

February 14, 2012

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

Re: Notice of Ex Parte: CG Docket 03-123 and 10-51

Dear Ms. Dortch:

On February 13, 2012, Robin Horwitz, CEO; Jewel Jauregui, Director of Call Center Operations; and David Bahar, Vice President of Government and Regulatory Affairs, all of Convo Communications, LLC (“Convo”), and Phil Marchesiello, Convo’s outside counsel with Wilkinson Barker Knauer, LLP, participated in a roundtable discussion hosted by the Commission in regards to the *Further Notice of Proposed Rulemaking* (“FNPRM”) released by the Commission on December 15, 2011 (CG Dockets 03-123 and 10-51).

During the roundtable discussion, Convo suggested that as Video Relay Services (“VRS”) becomes more functionally equivalent to the telecommunications experience enjoyed by hearing Americans, it is reasonable to assume that deaf and hard of hearing Americans will use VRS for more minutes per month. In contrast, the per-user reimbursement methodology proposed by the Commission assumes that deaf and hard of hearing Americans will not increase their usage of VRS over time. Without careful design and consideration, a per-user reimbursement methodology carries the risk of discouraging innovation by providers to make VRS more functionally equivalent and that could lead to increased VRS usage.

The Commission’s proposal to institute a broadband plan to cover broadband costs to bring VRS to more potential users is laudable, but Convo cautioned that any broadband plan needs to take into account the fact that VRS users may lack the funds to purchase equipment with which to use VRS. The inability to pay for broadband is only one of several factors that may be limiting the availability of VRS.

Convo also raised the point that VRS service quality—measured by, for instance, the quality of interpreters employed by VRS providers, the quality of products offered, and the speed at which VRS providers answer calls—are all dependent upon decisions made by VRS providers as to the best allocation of the Telecommunications Relay Service Fund (“TRS Fund”) monies they receive. Some providers may, for instance, determine that TRS Fund monies are best spent on gaining new

customers rather than improving service quality. The Commission has instituted mandatory minimum standards as a response to ensure that service quality does not degrade beyond a regulated point, but, in reality, such mandatory minimum standards instead provide a predictable target level of service quality for providers to adhere. Convo suggests that, as a result, mandatory minimum standards have an unfortunate regulatory consequence of incenting mediocre service quality. Therefore, Convo believes that the Commission should require that TRS Fund disbursements be used to promote service quality, rather than to gain new customers.

Finally, Convo strongly supports the motions for reasonable extensions to the filing deadlines in this proceeding recently filed by (i) Telecommunications for the Deaf and Hard of Hearing, Inc., National Association of the Deaf, Association of Late-Deafened Adults, Inc., Deaf and Hard of Hearing Consumer Advocacy Network, and California Coalition of Agencies Serving Deaf and Hard of Hearing, Inc. on February 13, and (ii) CSDVRS, LLC (“CSDVRS”) on February 14. (The need for additional time to prepare comments in this proceeding also was raised during the *ex parte* meeting by Jeff Rosen, General Counsel of CSDVRS.) The Commission’s FNPRM raised numerous complex and interrelated questions about the Commission’s proposal for a holistic reform of the VRS regulatory framework. VRS providers have been meeting to discuss whether they can achieve a consensus position regarding the Commission’s proposals but more time is needed to complete this process. Further, the existing deadline provides commenters with only two weeks following the Commission’s *ex parte* meeting to internally deliberate on the valuable information presented by the various meeting attendees, to adjust the commenters’ policy positions based on this information as warranted, and to incorporate such evolving policy positions in their respective comments.

Please do not hesitate to contact the undersigned with any questions that you may have regarding this matter. Also, please note that Convo has not attempted to provide a courtesy copy of this *ex parte* notice to the Commission staff who attended the meeting due to the large number of Commission staff and the fact that the Commission has not yet released a list of the attending staff.

David J. Bahar

A handwritten signature in black ink, appearing to read "David Bahar", with a stylized, cursive script.

Vice President of Government and Regulatory Affairs
Convo Communications, LLC