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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 13, 2012, Claude Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”) and Jim House, Acting Outreach Manager, (Community Emergency Preparedness Information Network (CEPIN)) (together, the “TDI Representatives”) and the undersigned participated in a roundtable discussion with representatives from consumer groups, VRS providers and Commission staff, to discuss the Video Relay Service (“VRS”) Notice of Proposed Rulemaking (“NPRM”) released on December 15, 2011. This letter summarizes the TDI Representatives’ positions communicated during that discussion. Karen Strauss, Gregory Hlibok, Eliot Greenwald, Robert Aldrich, and Richard Hovey of the Consumer and Governmental Affairs Bureau, Paul de Sa and Nicholas Alexander of the Office of Strategic Planning, and Henning Schulzrinne, Chief Technology Officer participated on behalf of the FCC.

While the TDI 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 recommended that a low income consumer, whether deaf and hard of hearing or hearing, receive support for broadband service and equipment through the Universal Service Fund. The TDI Representatives noted, however, that access alone may not be enough if the broadband connection does not meet certain standards necessary to deliver quality video service. The TDI Representatives cautioned the FCC that there may not be a vast number of deaf and hard of hearing users fluent in American Sign Language who do not already use VRS. However, TDI commended the FCC on this proposed initiative as it needs to gather more data about this untapped sector of the deaf and hard of hearing population.

The TDI Representatives expressed concerns with the proposed per user methodology. First, they expressed concern that certain details of the one provider per user concept were unclear. For example, could a deaf and hard of hearing consumer choose one provider for home wireline, another for wireless, and a third for business? It is hard to define what per user means. It is not just home user or work user or mobile user. What is hard to define is whether per user means per person or per device (which is the case with

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ten-digit number), or per location. What if you have one person in the house who prefers ZVRS and another person in the same house sharing the same IP address and prefers Purple? Would the methodology include calls initiated by hearing users when calculating the per-user reimbursement rate? How can the FCC design protections to ensure that the per-user methodology does not create incentives for VRS providers to avoid serving (or provide poor quality service to) not only power users who make a lot of calls but also deaf and hard of hearing consumers with secondary disabilities, such as cerebral palsy or mobility disabilities, that slow their rate of signing thus resulting in longer VRS call times? Secondly, they urged the FCC to protect consumers' privacy when designing any VRS-related databases and suggested that they apply Customer Proprietary Network Information requirements to the VRS providers as currently done with common carriers. Third, to switch to another methodology may be rather drastic, considering other measures have been adopted to address waste, fraud, and abuse of the VRS program, such as change of Fund administrators, and modifying the certification requirements for VRS providers, which has resulted in reduction of the previous count of 59 (both certified and white-labeled) to 12 (certified, and conditional certified). Fourth, quality of service issues will need to be fully addressed before we arrive on a most suitable methodology to reimburse the VRS providers.

The TDI Representatives expressed their support for proposals to achieve interoperability and asked the FCC to set deadlines for implementing interoperability and apply any such standards not only to VRS calls, but also to peer-to-peer calls. This would require meaningful participation and involvement from mainstream companies in the information services industry.

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 TDI Representatives asked that the FCC seriously consider expanding staffing and resources to effectively manage its national TRS program, otherwise to proceed with another new methodology would be self-defeating, and that unfortunate incidents will come to pass as a result, like in recent years. In a response to a comment made in the meeting that TRS users do not pay for the relay service, the TDI Representatives respectfully disagreed with the assessment. They argued that everyone has indirectly paid for the service via contributions to the TRS Fund assessed on subscriptions to either landline, wireless, or VoIP service. The companies that provide these monthly services pay a contribution factor against their revenues toward the Interstate TRS Fund. The TDI Representatives additionally pointed out that deaf and hard of hearing consumers have assumed opportunity costs via loss of potential employment and other options to interact in the general community. The national TRS program was set up to provide a more level playing field in communications between the deaf and hard of hearing consumers, and their hearing contacts. The TDI Representatives noted that in the last ten years, VRS has improved the communications experience for deaf and hard of hearing consumers, but the technology and service quality has not kept pace with advancements in the non-TRS industry. For example, the ideal VRS experience would include a choice of interpreters based on expertise for certain calls. If

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you are calling an attorney, you want an interpreter with legal experience, and if you are calling a doctor, you want someone with medical experience. Also, the technology should evolve to having a split screen conversation where possible. Such split screen technology, which enables the deaf or hard of hearing consumer to interact directly with her hearing counterpart through visual clues as well as through the interpreter, would provide a total conversation experience that is functionally equivalent to the one experienced in hearing-to-hearing consumer calls.

TDI thanks the FCC for inviting TDI Representatives to participate in this roundtable discussion and looks forward to working cooperatively with the FCC to update and reform the VRS program.

Respectfully submitted,

/s/ Tamar Finn

Tamar Finn

Counsel for TDI

cc (by e-mail):

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Gregory Hlibok
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