SUMMARY OF ROUNDTABLE MEETING BETWEEN REPRESENTATIVES OF CONSUMER GROUPS, VRS PROVIDERS, AND FCC STAFF, FEBRUARY 13, 2012
CG Docket No. 10-51
(Prepared by the Consumer and Governmental Affairs Bureau staff)

On February 13, 2012, the Consumer and Government Affairs Bureau held an ex parte meeting in which consumer organizations, video relay service (VRS) providers, and other stakeholders expressed views on issues raised in the Commission's December 15, 2011 Further Notice of Proposed Rulemaking (FNPRM) regarding structural reform of VRS.

Participating in the meeting on behalf of various stakeholders were Janet Bailey (RID), Sean Belanger and Jeff Rosen (ZVRS), Robin Horwitz, David Bahar, and Phil Marchesiello (Convo), Nancy Bloch and Tom Kietty (Snap VRS), Kelby Brick (Purple Communications), Christian Vogler and Norman Williams (Gallaudet University), Shane Feldman and Andrew Phillips (National Association of the Deaf), Sharon Hayes (Video Relay Services Consumer Association), Claude Stout, Jim House, and Tamar Finn (Telecommunications for the Deaf and Hard of Hearing, Inc.), Angela Roth (ASL Holdings / Gracias VRS), Everett Puckett (CAAG), and Paul Kershisnik, Mike Maddix, and John Nakahata (Sorenson). The following FCC staff participated: Karen Peltz Strauss, Gregory Hlibok, Robert Aldrich, Eliot Greenwald, and Susan McLean of the Consumer and Government Affairs Bureau; Paul de Sa and Henning Schulzrinne of the Office of Strategic Planning and Policy Analysis; Nicholas Alexander, Richard Hovey, Andrew Mulitz, and Heather Hendrickson of the Wireline Competition Bureau; Sean Lev and Diane Griffin Holland of the Office of General Counsel; Sharon Diskin of the Office of the Inspector General; Diane Mason of the Office of the Managing Director; and Sharon Lee and Richard Hindman of the Enforcement Bureau.

The discussion addressed four general issue categories: (1) the proposed TRS Broadband Pilot Program; (2) the proposed change from a per-minute rate to a per-user rate for reimbursements from the TRS Fund for VRS; (3) proposals regarding standards and interoperability for VRS equipment; and (4) quality-of-service issues.

Broadband Pilot Program

Regarding the proposed Broadband Pilot Program, some consumer organizations expressed support for the concept, and at least one VRS provider suggested it would help enable smaller VRS providers to reach scale. Other participants stated a preference for the program to be funded from the Universal

Service Fund as part of the Lifeline program, rather than from the TRS Fund. Views were also expressed that a broadband program should address equipment distribution, that more data is needed regarding the number of potential new VRS users, and that there are limits on the ability of VRS to reach new users due to the unavailability of broadband in rural areas, language and education barriers, and insufficient bandwidth.

Per-User Rate

Regarding the proposed change to a per-user rate, consumer organizations generally expressed concerns about the impact of this approach on functional equivalence, quality of service, competition, and the customer-provider relationship. Consumers indicated that it is now easy to make calls and they are concerned that moving to a per-user rate will erode the quality and functional equivalence of VRS. Some also suggested that a per-user rate could encourage providers to discriminate in some manner in favor of new users and against long-time users, or to favor low-volume users at the expense of high-volume "power users" or users whose calls take longer because they have additional disabilities, such as cerebral palsy. Also raised were the possible impact on consumer privacy and the applicability of a per-user methodology to voice-telephone users of VRS. In addition, consumers asked how the Commission will define "user" – for example, what would happen if there are two users in the same household using two different providers. Some suggested that there would be less motivation to compete if the Commission moves to a per-user model. Concerns were expressed that the proposed change would reduce incentives to offer technological improvements that have come about under the existing compensation model and would cause consumers with disabilities to fall behind advancements in technology. Even now, some said that VRS is not truly functionally equivalent – for example, conference calls are very difficult.

Some parties also raised questions as to the possible impacts of eliminating the dial-around option and/or "locking in" users to some type of term contract. Among other concerns, it was suggested that, given the current imperfect state of VRS technologies, the opportunity for dial-around helps ensure quality of service. For example, it was asserted that network blockages that are not within the control of providers could prevent users from making calls through their regular provider, necessitating the need for dial-around. In the event of an emergency, some participants commented, consumers need the ability to access an alternative provider. As to imposing a requirement for deaf/hard of hearing users to have to contract with a provider, it was suggested that this would be inconsistent with functional equivalence because hearing users would have no equivalent obligation.

A number of parties stated the general view that fraud, abuse, and waste could be adequately addressed under a per-minute scheme. It was also suggested that increasing FCC oversight of VRS would be a more effective fraud prevention measure than restructuring the reimbursement rate. Some participants raised concerns that the Commission's proposal for a new rate model has been developed without sufficient data or public dialogue. They recommended gathering more information on the number of users per provider and the average minutes per user, putting into place standards that prevent loss of features and functions, and having a broadband plan in place before implementing the new rate. Finally, at least one consumer suggested treating VRS providers as common carriers who are subject to common carrier obligations, such as the CPNI rules.

Standards and Interoperability

Regarding standards and interoperability, consumer organizations generally expressed support for the proposals in the FNPRM. Among providers, there seemed to be general agreement that parties should be able to call each other regardless of what equipment each has. Henning pointed out that there are three crucial needs for interoperability: (1) defining interoperability criteria with the highest feasible degree of precision; (2) choosing standards that are already widely available; and (3) having an ongoing commitment to interoperability testing and certification. Varying points of view were expressed regarding the "portability" of features and functions when a consumer switches to a new provider. Regarding emergency calls, it was suggested that additional standards should be adopted for location and voice number pass-through, and that better requirements are needed for native routing capability to public safety answering points.

Regarding the concept of specialized call centers for 911, some parties stated that providers were best equipped to determine how to configure their 911 call handling to improve their treatment of 911 calls. Some stated that it was better to have multiple centers available to answer calls in a catastrophe, lest one center be overwhelmed by an influx of calls. Others suggested that there could be preferential call routing to a centralized center, with overflow calls being secondarily routed around the country if the primary center became too busy. Concerns were also raised that interpreters working only in emergency centers would experience burnout. However emergencies are handled, several participants agreed on the need to train both CAs and users on how these calls should be handled.

Quality of Service

Regarding quality of service generally, a number of consumer representatives expressed the view that consumers should have more ability to select a communications assistant (CA) of their preference or a CA with specific expertise in certain kinds of calls. In addition, the view was expressed that standards should apply to CAs, as well as to equipment, *e.g.*, that CAs employed by providers should have a certain level of training and ability to handle 911 and other calls.