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March 5, 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 March 1, 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, Gregory Hlibok, Eliot Greenwald, and Robert Aldrich of the Consumer and Governmental Affairs Bureau, Sean Lev, Deputy General Counsel, and Nicholas Alexander of the Wireline Competition 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 continuing the dialogue on the issues in the NPRM and expressed a desire to work cooperatively with the FCC throughout the process. The Consumer Representatives understand and applaud the FCC’s action to reduce fraud in the VRS program. They noted, however, that the Consumer Representative must work with the FCC to ensure that the burdens of reducing fraud do not fall primarily on deaf and hard of hearing consumers, the very population the TRS program is intended to serve. The participants also discussed the lack of good data on VRS users and minutes and the need for better data that could form the basis of further action in the docket.

The Consumer Representatives stressed that it is important for the FCC to make certain changes to the VRS program regardless of the rate methodology. For example, the Consumer Representatives would like to see all VRS communication assistants be certified interpreters, which would vastly improve the quality of VRS service. Consumers also want to be able to select the communications assistant who handles their VRS calls, just as they are able to do with community based organizations that provide interpreters.

The Consumer Representatives share the FCC’s goal of ensuring true interoperability of VRS service and equipment. The long term goal must be to make “off the shelf” technology from mainstream companies available and accessible to VRS users, not just for VRS use, but for peer-to-peer video communication. Deaf and hard of hearing consumers should no longer function in silos. Consumers would also like their hearing

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contacts who use ASL to receive ten-digit numbers. This would permit more peer-to-peer calls, thus reducing the use of VRS-compensated services.

The Consumer Representatives noted that members of the community have expressed concern about being restricted to using only one VRS provider. If consumers have to pick one provider with no option for a dial around and they are not happy with the provider, they are stuck with a service that does not meet their needs until the contract period expires. If the dial around option is not allowed, even if the consumer experiences a long wait for an interpreter to pick up a call, gets a so-so interpreter, or cannot wait to process an emergency call, the consumer would be stuck with one provider and have no recourse. The Consumer Representatives expressed concern that there are no service quality metrics for consumers to review when choosing a VRS provider, no Consumer Report-type testing of equipment, and no independent evaluation of the quality of individual VRS providers. All of this makes it difficult for consumers to make an informed choice of VRS provider. This lack of information makes the prospect of choosing one provider for a set term even more daunting. Consumers are also very nervous about the security of the national database that would include all of their personal information.

The Consumer Representatives explained that they have been considering a different methodology, but stressed that they are not yet ready to endorse this methodology. FCC precedent in other contexts provides that traffic-sensitive or variable costs should be recovered through per minute rates, whereas “non-traffic-sensitive” or fixed costs should be recovered through flat rates. Having heard the FCC’s concerns about the incentives the per minute rate creates for fraud, the Consumer Representatives are evaluating a hybrid system under which consumers would still pick their default providers, and the default providers would get the per user amounts. However, consumers would retain the dial around option to make calls to other providers if the default provider does not meet their expectations such as timing of response, quality of interpreters, making an emergency call, or equipment/software support. Under this option currently being discussed, when a consumer uses another VRS provider to place a call, this back-up provider would get per-minute reimbursement for their interpreting support. The hope is that under such a hybrid rate design, vendors would be less inclined to “pump for more minutes” or avoid serving “power users.” This hybrid system would pay the provider for having the customer “under its care,” as well as incremental reimbursement for the minutes with each call it handles. The participants discussed whether the ability to dial-around would provide the contract provider with less incentive to offer quality interpreting. The Consumer Representatives noted that the opposite effect is just as likely, namely that the contract provider will have more of an incentive to offer quality interpreters to keep the minutes on its service and receive the additional compensation.

The Consumer Representatives acknowledged that the proposal for certified interpreters and skills-based routing will increase the usage-sensitive costs of the interpreters initially. Interpreters will need to be compensated for their certain skills and expertise such as law, finance, medicine, and mental health, etc. The interpreters are a vital resource for the vendors to provide quality VRS.

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The participants discussed ways to educate the deaf and hard of hearing population about the proposals in the NPRM and how to work cooperatively to get input from the community on the record. The Consumer Representatives expressed concern about the inability to submit video comments in ASL, the language of a very significant number of VRS users. Noting that VRS is now a \$700 million industry, the Consumer Representatives reiterated a critical need for the FCC to manage, oversee, and enforce the VRS service component as part of a full-fledged national TRS program with sufficient staffing and resources.

Respectfully submitted,

*/s/ Tamar Finn*

Tamar Finn

Counsel for TDI

cc (by e-mail):

Karen Strauss  
Gregory Hlibok  
Eliot Greenwald  
Robert Aldrich  
Sean Lev  
Nicholas Alexander