

I am writing in response to the FCC's request for comments on the "Structure and practices of the video relay service (VRS) program and on proposed VRS compensation rates."

First, I take issue with the first paragraph of the FCC's filing where it is stated "the Commission has acted to improve the program so that it can continue to provide a valuable service to deaf and hard-of-hearing consumers as efficiently as possible." - While efficiency is certainly important, the main mission here should be striving to provide functional equivalence as pursuant to the mandate of the Americans with Disabilities Act. If this mandate is not the first considered before making any and all decisions, then it is difficult to stand behind the "solutions" being put forward here.

Now, as a hearing person that works in the VRS industry with a background in operations, management and economics, I'd like to offer my input to some of the 10 questions you've sought comments on.

In regard to **A. VRS Access Technology**

1. The Commission proposed to establish standards for iTRS Access Technology, including VRS Access Technology, in the *2011 VRS Reform FNPRM*.¹⁴ Would the process for establishing and maintaining standards discussed in the *2011 VRS Reform FNPRM* be appropriate for developing an application or establishing standards for an application? Should the application or key components thereof be open source?
 - a. While personally I am a proponent of open-source technology, I also realize that it has its place and isn't a one-size-fits-all solution. Here, we should allow private companies to continue to develop their own proprietary applications, and whether or not they choose to make those open source will be up to them. This model has worked well in the mobile phone industry with competitors like Android (open source) and Apple (proprietary) as well as internet browser capabilities (Mozilla's Firefox being open source and gaining a large share of the browser market while Microsoft's Internet Explorer remains closed and proprietary yet still the most used browser). There doesn't seem to be an advantage to mandating open-source technology to the consumer, and this doesn't seem to work to get the technology closer to true functional equivalence, so there is no need to mandate open-source technology. The standards for the application should be minimal, as in it must be able to provide a functionally equivalent method for delivering services to the deaf and hard of hearing.

2. Should the Commission mandate use of a single application or allow development of multiple, interoperable applications? Who should be responsible for application development? For example, should the Commission develop, by contract, such an application? How should the developer of the application be compensated?

In regard to the first question, I'm shocked that this is even being asked. Is it the committee's intention to socialize the technology? When did an open market become a disadvantage for the consumer? Having the most choice allows consumers to find the technology that best fits their own needs. Is the FCC also proposing this type of change to the hearing world's use of mobile devices? If not, why is this even being discussed? Allowing the different VRS companies to market their technologies forces them to innovate and create better products for their consumers. How does this move deaf and hard of hearing consumers closer toward functional equivalence, to take away their choice? Does the FCC believe that all deaf and hard of hearing consumers have the exact same needs that one application or software would be the best for? This sounds more and more like centralized planning of services, which may work for garbage removal in a small town, but does not meet the needs of deaf and hard of hearing consumers across the entire country.

2. Should providers be able to continue to offer their own internally developed applications? If so, under what conditions? For example, should there be an interoperability testing process? How would such an interoperability testing process be structured?
 - a. As it stands in the mobile phone industry, I'm not able to (for the most part) take my mobile device and use it across different networks and service providers. However, the nature of our industry allows us to have nothing more than an internet connection to make these devices work. As such, it would foster more competition (and therefore better services) if users were allowed to take their devices and use different services with them. However, under no circumstance should a provider be required to do anything more than connect and process a call if a user is operating a competitors' device while using their service. They shouldn't be required to provide call waiting, caller ID, voice/signmail services if those are features they have developed in-house. This again will foster competition between the companies and allow for better service to be provided to consumers.
 - b. There should be some sort of generic interoperability testing. This would be a very small cost to the fund, to simply test devices to make sure they can connect and process a call across all service providers before being rolled out to consumers. This would require a very minimal amount of time

and manpower to accomplish and could be paid for out of the general fund.

3. Should providers be able to continue to offer their own internally developed applications? If so, under what conditions? For example, should there be an interoperability testing process? How would such an interoperability testing process be structured?
 - a. Absolutely each provider should be able to provide whatever applications they want above and beyond the minimally required ability to connect and process a call. There doesn't need to be an interoperability process for any of the applications as they are all ways of fostering competition between providers, empowering consumers and giving them more choice. The way land-line phones work, you pay extra for features like caller ID and call waiting, long distance etc... Those features only work as long as you pay for them with your service provider. To achieve true functional equivalence, users may at the minimum only be able to access those technologies on devices that service providers offer. However, if companies want to voluntarily make things like Caller ID or signmail a feature that is interoperable, then they should be allowed to collaborate to make that happen.
4. I'm not in a position to make an informed comment on this. However, it does sound like the FCC is again asking for some sort of government-provided service, which I would be opposed to. This seems to be asking to fix a problem that doesn't exist.
5. 5. What off-the-shelf hardware and operating system platforms should be supported? Should users be responsible for procuring their own off-the-shelf equipment, or should providers be involved in the acquisition and distribution of end user equipment to VRS users?
 - a. Any device that a service provider offers to consumers should at the minimum be able to connect and process a VRS call regardless of the interpreting service they choose to go through. However, VRS companies should still be able to provide devices as they have been that fit their particular customer's needs. Additionally, these companies have spent a great deal of time and money on R&D and infrastructure based upon the devices they are marketing to consumers. We have some really great products on the market as a result of the current system. Changing that now will only result in less innovation and choice. As it regards 3rd party devices, these devices should be allowed to be sold off the shelf. However, they should be tested under the same conditions for interpretability as any device in order to make sure they can connect and process a quality VRS call.
6. 6. How should consumers be involved in the development, selection, certification and on-going enhancement of either the core or the application?
 - a. They already are. By choosing which provider they use and providing feedback to those companies, they are already involved in the process. Additionally, this type of forum for feedback is a great opportunity for the FCC to hear from the deaf and hard of hearing community. It is rather frightful though, that you aren't also asking for the same from the

interpreting community who has many of their own valid issues. The FCC must should also seek out a way of providing a feedback forum that is much more user (and deaf) friendly than this feedback process you are providing at the fcc.gov website. It is incredibly difficult to use and find information there.

7. How would users obtain support for issues relating to the application or its use on their equipment (e.g., network firewall issues, troubleshooting problems)?
 - a. IF the goal of VRS is to provide functional equivalence, then service issues should remain the responsibility of service providers, just as they are for hearing consumers. If I need help with my Blackberry Mobile Device or I am experiencing service delays, I don't call up Research in Motion (RIM), I call up AT&T as they are my service provider. There may be some instances in which a service provider is unable to assist a consumer with an off-the-shelf device, in which case they may need to be referred to the company that produced that device.
8. 8. What other approaches might be considered to select an application or applications for use in the VRS system? For example, should the Commission host a competition among existing VRS access applications and/or commercial standards-based off-the-shelf video conferencing applications? What would be the benefits and drawbacks of these or other alternate approaches?
 - a. What problem or issue is attempting to be addressed here? As I read these questions and quasi-suggestions, it seems to me like rather than go with an open market-based approach, the FCC would like to socialize, or centrally plan these services. Without going into a great deal of world history and economics, I'd simply like to remind the FCC that open (read: open, not "free") markets have consistently provided the greatest amount of innovation and choice for consumers. I don't for a minute disregard the role of government intervention or funding in this process. However, deaf and hard of hearing consumer's choices are already severely limited. I don't see the FCC proposing a way to expand high-speed internet to consumers in order to provide greater functional equivalence, which is something the FCC should be focused upon given the demographics involved with the deaf and hard of hearing consumers involved. In short, continue allowing these companies to develop their own software, applications and solutions.
9. 9. How would a transition to a VRS system that relies exclusively on a common application be accomplished, and over what period of time?
 - a. It shouldn't be. There is zero reason to adopt one common application. This isn't something that exists in the hearing world so it doesn't provide functional equivalence, and it doesn't seem to fix any real problem that exists as a barrier to functional equivalence.
10. 10. What changes in the Commission's rules would be necessary to adopt this proposal or one of the alternatives described above?
 - a. It should be clear from the answers above that the Commission need not adopt most of these proposals.

B. Enhanced iTRS Database Operations

1. What functions and services should the enhanced iTRS database provide?

None. The idea that we would want to separate out these services is a textbook example of inefficiency and waste. You would be setting up the very likely scenario of a lower quality service being provided, more opportunity for technical/technology issues, more hurdles for service providers to jump through, less accountability and a very ambiguous environment for interpreters. The Commission should scrap this entire idea. There should be nothing more than a database set up to ensure that VRS users are actually in need of the services being provided in order to prevent fraud and waste of the fund.

II. RATE PROPOSALS

2. Should the Commission continue to limit the kinds and amount of capital costs that are allowed to be recovered?

a. It isn't apparent in the filings here that the commission has identified more waste or fraud by the current VRS companies. Nor is it apparent that funds are being needlessly wasted on corporate excess or unreasonable profits. Also, the Commission has failed to state how these lower rates will provide for greater functional equivalence to deaf and hard of hearing consumers. Until the commission can prove that functional equivalence will be improved under the new proposed rates, they should make no changes to the current rates. If the commission can prove that functional equivalence can be increased (as it has yet to be reached) while cutting the rates, then it should provide evidence to back up those claims.

3. Should the Commission retain, modify, or eliminate the current tiered VRS rate structure?

The companies that are still providing VRS services are doing so well at the moment, but true functional equivalence has yet to be met. Until such a time, the rates should be locked in place.

4. Should there be a phase-in of the new VRS compensation rate or rates?⁴¹ How long should such a phase-in period last and how should rates be set during such an initial period? For example, should the Commission establish a three-year phase-in period, as RLSA suggests, with equal yearly adjustments to reach the new rate?

a. The only adjustments to the rates being made going forward are adjustments to account for inflation and to match the price-index. Anything else without also providing evidence that functional equivalence will accelerate as a result of a rate-cut would be in violation of the Americans with Disabilities Act.

5. How long should the new rate remain in effect? In the *2007 TRS Rate Methodology Order* the

Commission determined that VRS and IP Relay compensation rates should be set for a three-year period, subject to certain adjustments.⁴³ In the *2010 TRS Rate Order*, the Commission again adopted a three-year rate for IP Relay, but it adopted a one-year interim rate for VRS.⁴⁴ That interim VRS rate, however, was extended in 2011 and 2012.⁴⁵ Should the new VRS rate likewise be instituted for a three-year period, or a different period?

a. Rates should be locked in for 5 years, and only adjusted for things like inflation, or if significant fraud, waste, or other urgent matters take precedent. Longer stability in the rate will only help companies to provide greater

services and products to their consumers, which will help VRS move towards greater functional equivalence.

In closing, I'd like to add that I'm very alarmed that the Commission is not asking for feedback from the interpreting community specifically. It is as if the Commission is incredibly out of touch with what an ASL Interpreter actually does, has to endure, and has been trained and certified to do. Further, this entire public notice appears to be an attempt to socialize (or at least half-socialize) a system that has been working well with only a few exceptions. While there has been fraud committed in the past, those parties were dealt with appropriately and the FCC has taken the appropriate steps to ensure this doesn't happen again. This notice feels like the industry as a whole is still being punished by the abhorrent behavior of a few. Rather than taking such a centralized approach to the services, software, and applications, the commission should be trying to provide more access for deaf and hard of hearing consumers by expanding free or low cost high speed internet across the country, especially in rural areas where private industries have been unwilling to commit to the costs associated. The suggestions regarding software, devices and applications laid out amount to attempting to fix a system that simply isn't broken. This is still a very new industry, and while there have been some growing pains, service has continued to improve under the open/mixed-market type of system we currently have in place. To centralize and eliminate choice for consumers does absolutely nothing to improve functional equivalence, which should be the absolute goal of any change proposed by the Commission.

Sincerely,
Adam L. Johnson