

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

IN THE MATTER OF	§	
	§	
	§	CG Docket No. 10-51
STRUCTURE AND	§	
PRACTICES OF THE VIDEO RELAY	§	CG Docket No. 03-123
SERVICE PROGRAM	§	

**COMMENTS OF
HANCOCK, JAHN, LEE & PUCKETT, LLC d/b/a
COMMUNICATION AXESS ABILITY GROUP'S (CAAG)**

Hancock, Jahn, Lee & Puckett, LLC d/b/a Communication Axess Ability Group (“CAAG”) is a Video Relay Service (“VRS”) provider whose application for certification was conditionally granted on November 15, 2011. CAAG appreciates the opportunity to provide comments in connection with the Commission’s review of the rates, structure, and practices of the VRS program.¹

I. ADDITIONAL COMMENT ON STRUCTURAL REFORM OPTIONS

Overview: Competition, Compatibility, and Costs

As various proposals for structural reform are debated, the interests that should be paramount are those of the consumer. A consumer’s ability to obtain VRS from more than one provider creates an incentive in the industry for providers to compete for the highest quality interpreters, to deliver excellence in customer service, and to invest in innovations. As in other

¹ *In the Matter of Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Additional Comment Sought on Structure and Practices of the Video Relay Service (VRS) Program and on Proposed VRS Compensation Rates, CG Docket Nos. 03-123 and 10-5 (October 15, 2012).*

industries, the promotion of consumer choice and the facilitation of competition are key to advancements in technology and improvements in customer service as providers strive to differentiate themselves from their competitors.

Creating and sustaining a healthy infusion of competition, however, is difficult to achieve in today's environment. The reality is that the number of TRS users dependent on legacy, proprietary devices to access the service threatens to hold us back from achieving the level of interoperability necessary to improve the delivery and experience of high quality video relay service. If we start with the premise that improved interoperability is in the best interest of deaf and hard of hearing consumers, and the hearing individuals with whom they communicate, at least some of the initial choices needed to be made become clearer.

Acceptance of the principle that legacy equipment should be phased out because those devices are incompatible with interoperability is an essential first step. Less clear is how best to transition consumers from legacy equipment to today's "off the shelf" devices without requiring that consumers absorb the cost. Would a voucher system work and, if so, where would funding be obtained? How might manufacturers or the service providers who charge subscribers using those devices be involved? The challenge to facilitate this transition should not dissuade us from maintaining a focus on the long run advantages of the movement away from proprietary devices.

Commitment to the development of access and delivery software applications to operate in conjunction with "off the shelf" devices likewise is essential. Support for a common platform with a single operator, eliminating the need for each provider to develop and maintain its own platform, has definite advantages and may be the single most promising proposal to drive down the cost of providing VRS.

Any reform will be slow if we focus on protecting the vested interests of those who benefit economically from the absence of change and from retaining captive users. CAAG also suggests that we all should be wary of efforts to foster the unfounded fear that any change is necessarily detrimental to consumers. Creating concerns that all VRS providers will go out of business or that video equipment will be reclaimed with nothing to replace it is counterproductive and threatens to stymie open discussion of the important issues before us.

A. VRS Access Technology

CAAG supports the Commission's sponsorship of the development of a suite of compatible applications permitting consumers to access VRS. A common developer of access applications, which might be available as a download from the FCC website and the websites of VRS providers and should be accessible using popular mobile devices, obviously would promote interoperability. Interoperability is in the best interest of the deaf and hard of hearing consumers because it will improve delivery of quality service, expand consumer choice of service providers, and lead the way to further technological advancements. Proceeding in this direction will take VRS to the next level of quality and availability and may allow us to arrive there more quickly than other alternatives.

The development of a common suite of applications should focus on the use of those applications on the latest equipment, from the most basic video-capable devices to the most advanced, including smart phones, tablets, android devices, Xbox and Wii, and using the most popular operating systems. Anticipating that a program may be developed that provides a periodic stipend, working something like the upgrading of a cell phone, the ability of the application to work on a broad range of available, video-capable devices is critical. Importantly, consumer input should be sought and encouraged from the beginning stages, when the

specifications for the applications are developed all the way through to the testing of beta versions. The request for proposal should include a requirement that the developer provide 24/7 technical support. A phase-in period with milestones at six months, one year, and 18 months, with complete integration in two years may be achievable. This process would include an equipment swap program to replace antiquated technology with equipment compatible with the new applications.

While a common developer has distinct advantages, care should be taken to preserve room for providers and others to develop enhancements to the common applications. Also, it is not necessary that a single, uniform application be developed. Offering different interoperable applications would allow consumer choice and open up additional opportunities for providers to develop additional innovations and introduce new features. It is critical that the advantages of a common suite of applications not be gained at the cost of discouraging continuing developments and improvement. The applications cannot be static.

To the extent internally-developed applications continue, those should only be permitted if they pass interoperability standards and testing. Enforcement mechanisms should be available to respond to situations where connecting to another provider's incompatible software or equipment degrades video quality.

B. Enhanced iTRS Database Operations

CAAG supports the introduction of an industry structure in which an enhanced iTRS database is used by all providers to enable user registration and validation, call routing, and usage accounting. The call routing supported by the enhanced iTRS database should include all calls, including point-to-point calls and 911 calls, as well as other equivalent features standard in phone service, such as video mail and address books. Call routing should be determined by

provider-specified internal call routing rules to be communicated to the operator of the enhanced iTRS database. Changes to the Commission rules would be necessary to establish protocols for communicating with the iTRS database provider and to institutionalize the procedures by which VRS providers, for example, might change their specified call routing rules.

An obvious advantage of one platform is the cost savings that would be achieved by eliminating the need for each provider to develop and maintain its own platform. But that is not the only benefit. Introduction of the enhanced iTRS database would enable VRS providers to focus on, and compete on the basis of, interpreter quality, customer service, and the introduction of features and enhancements.

II. RATE PROPOSALS

A. RLSA's Rate Proposals

CAAG commends the Commission on its efforts to eliminate fraud, abuse and waste. CAAG also appreciates the Commission's imperative to ensure that VRS rates reflect actual expenses of VRS providers. CAAG's customer acquisition activities, however, are not yet a year old. Therefore, CAAG does not have the experience to know whether existing rates result in an over-or under-recovery for a provider that already has achieved scale. We have no reason, however, to doubt the accuracy of predictions by CSDVRS, LLC ("ZVRS") that the VRS compensation rates Rolka Loubé Saltzer Associates proposes "would be disastrous across the industry and do not reflect the true cost of doing business."²

CAAG believes rates should be maintained at the current levels until structural changes are decided upon and a timeline for their implementation is developed. The Commission's identification of changes to be made and its review of the reasonableness of rates are processes

² ZVRS Ex Parte Notice: CG Docket Nos. 10-51 and 03-123 (October 25, 2012).

that cannot be separated. For example, the Commission's commitment to the development of a common video application and a common platform would reduce costs individual providers currently incur to acquire, develop and license software. Likewise, a movement in the direction of a uniform application or a compatible suite of applications would reduce costs CAAG and others incur today to achieve and enhance interoperability.

Reducing compensation before cost-saving initiatives like these have been implemented, and before their potential to reduce expense has been fairly evaluated, could have a deleterious effect on the quality of service available to consumers. A reduction of rates in anticipation of cost savings not yet realized ultimately would harm consumers. Thus, the timing of any rate reduction is critical.

CAAG also supports maintaining the existing tiers. The current tiers do not discourage the desire of providers to achieve scale, but do recognize the reality that efficiencies are gained at higher volumes.

B. Open Ratemaking Issues

CAAG agrees that the cost categories RLSA included should be included, but has not studied whether the per minute allowance for each has been set at an appropriate level. CAAG suggests that other cost categories also be considered allowable as part of the cost basis for rates, depending on decisions made as to the provision of customer equipment. While past Commission precedent has not supported including the customer's cost of receiving the service as a compensable expense,³ a shift toward allowing equipment and distribution costs may be

³ Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Memorandum Opinion and Order ¶ 17, CG Docket No. 03-123, [FCC 06-88](#), adopted June 20, 2006, released July 12, 2006 (compensable expenses do not include equipment, equipment distribution, equipment installation or any necessary software).

necessary to facilitate consumer choice of providers and to move away from proprietary provider-provided equipment in order to achieve true interoperability.

CAAG looks forward to studying ratemaking proposals from others filing comments and will, if appropriate, address their merits in reply comments. For the present, however, CAAG registers its strong disagreement with any proposal to shift away from the current compensation methodology before the impact of such a change has been fully evaluated and vetted and before the cost reductions that might support a change are actually realized.

CAAG appreciates the opportunity to provide these comments and looks forward to reviewing the submissions of other commenters in this proceeding.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: 
Kathleen M. LaValle
Texas Bar No. 11998600

901 Main Street, Suite 6000
Dallas, Texas 75202
(214) 953-6000 – Phone
(214) 661-6664 – Fax
klavalle@jw.com

**ATTORNEYS FOR HANCOCK, JAHN,
LEE & PUCKETT, LLC d/b/a
COMMUNICATION AXESS ABILITY
GROUP**

Date: November 14, 2012