

**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	§	
	§	

**REPLY 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”) provides these Reply Comments to certain comments filed in the above-referenced proceedings on November 14, 2012. CAAG’s focus on particular statements and positions does not signify CAAG’s agreement with other comments not replied to in this submission.

I. REPLY TO COMMENTS OF SORENSON COMMUNICATIONS, INC.

Sorenson’s proposal that a two-winner competitive reverse auction be conducted to determine the level at which to initialize a rate is transparently anticompetitive.¹ Setting a single reimbursement rate at the lower of the results of the proposed “two-winner” competitive bid or at \$5.14 would further reduce the availability of competing, diversified consumer offers. The proposed duopoly would doom consumers to fewer choices, stifle advancements and innovation, and reduce the overall quality of customer service.

¹ Sorenson Comments at 38-40.

Sorenson's call for the elimination of a tiered VRS rate structure (Declaration of M. Katz at 36-37) mistakenly equates new entry with inefficiency. Of course, providers who have built their infrastructure over years, and with the benefit of substantially higher reimbursement rates, have achieved a greater scale and economic efficiency compared to a new entrant like CAAG. The existence of a new entrant like CAAG, that is able to differentiate itself on the basis of the quality of its interpreters, is precisely what the industry needs to create the right incentives for all providers to push toward excellence in service delivery. Contrary to Mr. Katz' claim that "the principal effect of declining rate tiers is to support inefficient competitors and distort competition" (*Id.* at 36), a tiered VRS rate leaves open the possibility for new entrants to establish a foothold in the service industry.² The tiers support competition, not inefficient competitors, and they incent, rather than distort, competition. Even with its already dominant market position, Sorenson apparently wants even less competition than it faces today.

As discussed in CAAG's initial Comments, 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 service. Yet, Sorenson's opposition to the use of off-the-shelf technology would drive the industry even further in that direction, perpetuating costly issues of incompatibility and limiting innovation. The weakness of Sorenson's position is perhaps best demonstrated by its reliance on the example of the deaf or hard-of-hearing parent being unable to make a VRS call using an iPad because his or her son is using the device to play Angry Birds.³ This "predicament" exists for the hearing parent as well and is hardly a condemnation of the use of today's impressive choices of video-

² CAAG agrees with Purple that some metric that measures competitiveness in the industry should be met before a transition to a unitary rate. *See* Purple Comments at 19. Whether that benchmark is a reduction of the market share of the largest provider to a specified percentage or the achievement of a certain market share by two other providers, as Purple suggests, is an open issue.

³ Sorenson Comments at 60.

capable, multifunction devices for the delivery of VRS. We are fortunate today to have many technologies competing for our attention. No valid reason exists to have the deaf and hard-of-hearing left on the sideline as others enjoy the improved functionality and broad range of features of these multi-use devices. Sorenson's image of a helpless parent unable to wrest the iPad away from the junior video-gamer is nothing a dose of sound parenting (or a second iPad) could not address.

II. REPLY TO COMMENTS OF CSDVRS, LLC ("ZVRS")

CAAG echoes the concerns ZVRS raises regarding the Communication Assistant ("CA") work requirement assumptions built into the RLSA's weighted cost per minute.⁴ An assumption that interpreters could safely and effectively work at a level of 88% occupancy with calls being processed with an 85% utilization rate is unthinkable, yet that appears to be what would be required to achieve RLSA's weighted cost.⁵ Even if such "productivity" could theoretically be achieved, it would be at the expense of the physical and mental health of the CAs. For a provider like CAAG, whose high quality CAs are its most important asset, that is a sacrifice that it cannot be expected to make.

CAAG agrees with the position of ZVRS (and others) that Marketing & Outreach, and Research & Development continue to be allowed as part of the cost basis for rates.⁶ Further definition is needed, however, as to the forms of incentives and giveaways that are permissible to include as a Marketing & Outreach cost. Already today customers are recruited through questionable methods that seek to tie consumers to a single provider, making it more difficult for the consumer to use the service of another provider because of equipment compatibility and

⁴ ZVRS Comments at 7-9.

⁵ The RLSA assumption that smaller providers can achieve the economy of scale of Sorenson in just three years likewise is unrealistic. *See* Convo Comments at 3.

⁶ ZVRS Comments at 18-20.

interoperability issues. Deciding which Research & Development costs are to be allowed does not present as difficult an issue.

As is clear from its initial Comments, CAAG also supports the position that a stipend be made available to assist individuals in purchasing approved off-the-shelf devices.⁷ This is not simply a matter of functional equivalency. Instead, provisioning VRS over available technology will directly address the recurring issue of legacy customer premises equipment that is claimed to be interoperable, but that actually results in degradation of service when the customer uses a different provider or the called party does not share the same device. The very best solution, and the one that can be achieved most expeditiously, is the availability to consumers of compatible VRS applications that can be downloaded onto off-the-shelf multifunction devices. Today, devices that support video applications are readily available, in broad use, and endless variety. iPads, iPhones, Androids, and gaming systems like Wii and Xbox come with built-in cameras and various video applications. Incorporating the delivery of VRS into off-the-shelf devices through downloadable applications is the quickest path forward. It will allow movement away from the current scenario, where the newest technology is only slowly becoming available to the deaf and hard-of-hearing, to one where they may readily access the more advanced menagerie of state-of-the-art gadgets and devices that regularly wow and impress us.

Until the industry transitions to compatible, off-the-shelf technology, providers will continue to struggle with the cost and frustration of, and consumers will continue to struggle with the service quality issues associated with, imperfect interoperability. CAAG supports ZVRS's proposal to add a software application model to the VRS program which would work with a variety of platforms, recognizing that relying on special purpose devices to deliver VRS is not

⁷ ZVRS Comments at 26.

good for consumers because improvements to those devices can never keep pace with the technological advances that will be implemented on wide-use devices.

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

Respectfully submitted,

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