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May 13, 2013

VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Letter Concerning The Establishment of VRS Rates
CG Docket Nos. 10-51 and 03-123

Dear Ms. Dortch:

Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), through its undersigned counsel, Association of Late-Deafened Adults, Inc. (“ALDA”), National Association of the Deaf (“NAD”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”), National Black Deaf Advocates, Inc. (“NBDA”), Cerebral Palsy and Deaf Organization (“CPADO”), American Society for Deaf Children (“ASDC”) and American Association of the Deaf-Blind (“AADB”) (collectively, the “Consumer Groups”), file this ex parte letter to reiterate the Consumer Groups’ position concerning the rates the FCC intends to establish for video relay services (“VRS”) and the VRS equipment choices that should be available to consumers.

As noted in the Consumer Groups’ Reply Comments filed in the above-referenced proceedings, the rates should encourage competition, adequately compensate providers, and be structured to promote quality and innovation. The rates should reimburse VRS providers adequately for providing high quality levels of service. VRS providers must have incentives to engage in brand name marketing efforts, and to conduct individual research and development projects. Otherwise, consumers will not see VRS evolve as a better, empowering communication service over time like other services or technologies in the general market. VRS enables deaf and hard of hearing people the opportunity to participate fully in the general community such as employment, education, politics, civics, leisure and recreation, and government services. The rates established for VRS, therefore, must be sufficient to support quality service and to promote innovation. The Consumer Groups do not believe that the FCC should rely only on historical data to arrive at appropriate reimbursement rates. Rather, the Commission should consider information from VRS providers on their future plans for VRS services. In sum, the rates should encourage competition, adequately compensate providers, and be structured in a way to promote quality and innovation.

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The Consumer Groups also wish to reiterate their position that while using off-the-shelf technology is an important long-term goal, users of VRS want to have the choice of using proprietary VRS equipment or off the shelf technology for their VRS or peer to peer video chats. (Of course, proprietary equipment must be interoperable with the service.) It is critical for consumers to have access to both off-the-shelf and proprietary equipment at their choosing in order to maintain robust options for VRS services. While the natural progression of the market is towards consumer products that are available off the shelf, legacy equipment is still used by many individuals and a mandate to transition would result in significant costs to consumers as well as sacrifice the goal of functional equivalency. The Consumer Groups agree with the Rehabilitation Engineering Research Center on Telecommunications Access' observation that the FCC must account for "the broader differences between the mainstream and sign language users that will for the foreseeable future require custom applications or equipment in order to allow for the best possible VRS experience."¹

Respectfully submitted,

/s/ Tamar E. Finn

Tamar E. Finn
Jeffrey R. Strenkowski

Counsel for TDI

cc: (via E-Mail)
Chairman Julius Genachowski
Commissioner Mignon Clyburn
Commissioner Robert McDowell
Commissioner Ajit Pai
Commissioner Jessica Rosenworcel
Jonathan Chambers
Rebekah Goodheart
Christine Kurth
Priscilla Argeris
Nicholas Degani
Kris Monteith
Karen Strauss

¹ Comments of the Rehabilitation Engineering Research Center on Telecommunications Access, at 8, Structure and Practices of the Video Relay Service Program, CG Docket Nos. 10-51 and 03-123, at 4 (filed Nov. 14, 2012).