

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

In the Matter of)	
)	
Structure and Practices of the Video Relay Service)	CG Docket No. 10-51
)	
Telecommunications Relay Services and Speech- to-Speech Services for Individuals with Hearing and Speech Disabilities)	CG Docket No. 03-123
)	
)	

REPLY COMMENTS TO FURTHER NOTICE OF PROPOSED RULEMAKING

**Telecommunications for the Deaf and Hard of Hearing
National Association of the Deaf
Association of Late-Deafened Adults, Inc.
Deaf and Hard of Hearing Consumer Advocacy Network
Cerebral Palsy and Deaf Organization
American Association of the Deaf-Blind
California Coalition of Agencies Serving Deaf and Hard of Hearing, Inc.
Speech Communications Assistance By Telephone, Inc.**

Dated: September 18, 2013

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Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), National Association of the Deaf (“NAD”), Association of Late-Deafened Adults, Inc. (“ALDA”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), Cerebral Palsy and Deaf Organization (“CPADO”), American Association of the Deaf-Blind (“AADB”), California Coalition of Agencies Serving Deaf and Hard of Hearing, Inc. (“CCASDDH”), and Speech Communications Assistance By Telephone, Inc. (“STC”) (collectively, the “Consumer Groups”) respectfully submit these reply comments to respond to certain issues raised in initial comments filed by various parties in response to the Federal Communications Commission’s (“FCC” or “Commission”) Further Notice of Proposed Rulemaking (“*FNPRM*”) in the above-referenced proceeding.¹

First, Consumer Groups restate their strong opposition to the Commission’s proposal to auction a selected set of telephone numbers to establish a per minute rate for video relay service (“VRS”) Communications Assistant (“CA”) service. While two commenters voiced support for

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*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket Nos. 10-51 and 03-123, FCC 13-82 (rel. June 10, 2013) (“*FNPRM*”).

the auction proposal,² Consumer Groups and several others oppose the proposal because it raises privacy and competition concerns.³ As Consumer Groups already pointed out, an auction would impermissibly intrude on a VRS user’s communications privacy by identifying the called telephone numbers and call destinations. In initial comments, Consumer Groups made it clear that the FCC can use call data only for verification and reimbursement of VRS providers, and nothing further. Additionally, as one commenter said, an auction is “diametrically opposed to fostering a competitive environment” and strips VRS consumers of choice by dictating a specific provider simply because of the number called.⁴ Consumer Groups re-emphasize their concern that a single provider — or even two providers — that obtains the right to serve a group of telephone numbers via an auction will not face enough competitive pressure to maintain robust service and to provide customers with the level of service they need. Reducing the ability of VRS users to select from multiple providers each time they place a VRS call to particular telephone numbers will lead to lower quality and less reliable service. It is unprecedented for the Commission to reduce an already shrinking market of competitors to monopoly or duopoly levels. That simply cannot be squared with the Commission’s long history of fostering competition from multiple providers and should not be adopted.

² See e.g., Sorenson Communications, Inc. (“Sorenson”) Comments at p. 8-24; Purple Communications, Inc. (“Purple”) Comments at p. 3-7.

³ See e.g., CSDVRS, LLC Comments at 6-27; ASL Services Holdings, LLC Comments at p. 28-32; Communications Workers of America and National Interpreter Action Network (“CWA”) Comments at p. 7; Hancock, Jahn, Lee & Puckett, LLC d/b/a Communication Axess Ability Group (“CAAG”) Comments at p. 2-5.

⁴ ASL Services Holdings, LLC Comments at p. 28-29.

Next, Consumer Groups respond to concerns raised about lowering the average speed of answer (“ASA”) requirements for VRS calls.⁵ Consumer Groups understand the compensation concerns raised by providers and urge the Commission to compensate providers appropriately so that they can meet lower ASA requirements. Consumer Groups stress that without additional funds, consumers will see providers drop out of the market, like the IP Relay services market, or the quality of services will deteriorate to meet this demand. The Commission therefore should provide adequate compensation to providers for increased costs to meet lower ASA requirements as well as reward providers for increasing functional equivalency such as providing special CAs for deaf people with additional disabilities.

Finally, Consumer Groups underscore their support to expand the participation in and the focus of the Interstate Telecommunications Relay Service Fund Advisory Council (“TRS Advisory Council”) which was supported by numerous other commenters.⁶ Although the Consumer Groups do not take a position on whether the expanded TRS Advisory Council would be subject to the Federal Advisory Committee Act as suggested by one commenter,⁷ they urge the Commission to complete the proposed expansion within a fixed period of time and no longer than six months. Having advice from the expanded TRS Advisory Council will be critical as the Commission undertakes its ongoing VRS reform, and it would be detrimental to the VRS industry to be without the TRS Advisory Council for any length of time.

⁵ Sorenson at p. 47-57; CSDVRS, LLC Comments at p. 27-30; Purple Comments at p. 20-21; Convo Communications, LLC Comments at p. 2-3; CWA Comments at p. 2-3; CAAG Comments at p. 6-7; The Registry of Interpreters for the Deaf Inc. (“RID”) Comments at p. 16-17.

⁶ *See e.g.*, TRS Advisory Council Comments; CSDVRS, LLC Comments at p. 49-51; Purple Comments at p. 14-15; ASL Services Holdings, LLC Comments at p. 40-42; CWA Comments at p. 7-8; CAAG Comments at p. 6; RID Comments at p. 12-13.

⁷ *See* Sorenson Comments at p. 36.

Consumer Groups request that the Commission consider the points discussed herein when developing further VRS compensation rates and requirements.

Respectfully submitted,

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