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October 21, 2013

Via Electronic Filing

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

RE: Ex Parte Notice: CG Docket Nos. 10-51 and 03-123

Dear Ms. Dortch:

On September 17, 2013 Sean Belanger, CEO, and the undersigned of CSDVRS, LLC ("ZVRS") met with Nicholas Degani, Wireline Legal Advisor to Commissioner Pai and Karen Peltz Strauss, Deputy Chief, Consumer and Governmental Affairs Bureau, Gregory Hlibok, Chief, Elaine Gardner and Eliot Greenwald, Attorney Advisors, Disability Rights Office. On the following day Sean Belanger and I met with Jonathan Chambers, Acting Chief, and Nicholas Alexander, Office of Strategic Planning and Policy Analysis.

The discussion centered on the following points:

- The Commission must immediately order the interoperability of video mail for both video relay services ("VRS") and point to point video calls. All providers who feature video mail are interoperable with each other except for Sorenson Communications, Inc. ("Sorenson"). The video mail interoperability among competing providers except for Sorenson was accomplished without any industry adopted standards. Compliance with the video mail interoperability requirements must become a prerequisite for compensation from the TRS Fund. Engineering video mail interoperability can occur in very short order, we propose the FCC allow providers no more than 90 days to comply. Sorenson's deliberate choice to feature non-interoperable video mail is an anti-competitive practice by a monopoly provider in violation of the Americans with Disabilities Act and the Telecommunications Relay Services ("TRS") Rules;

- The Commission must also immediately order the portability of their address books and speed dial lists within 90 days as a prerequisite for compensation from the TRS Fund. This would achieve functional equivalency with hearing individuals who can seamlessly port their personal information between the mobile carrier devices of different providers. As with video mail, engineering the portability of address book and speed dial lists is not a significant challenge to accomplish. Requiring such portability will be a substantial step toward resolving the problem of users being locked in to their existing provider because VRS providers are enabled to resort to proprietary methods when standards already are widely used in hearing telecommunications for these functions.
- The Commission must restore the use of remote interpreting in secure environments with the robust protections that ZVRS detailed in pages 31-33 of its August 19, 2013 comment:[1] http://apps.fcc.gov/ecfs/document/view?id=7520938683. Remote interpreting will help providers meet the strain of the rate reduction, quickly ramp up availability when the speed of answer ("SOA") becomes lengthy as well as help ensure the safety of the interpreters. The concerns about confidentiality and fraud will be fully addressed by the inclusion in the rule the operating and monitoring requirements provided in the above referenced ZVRS comment. Providers should have the ability to flexibly schedule remote interpreters beyond overnight shifts, especially for unforeseeable circumstances. ZVRS stated in its FCC meeting that it previously used up to 20% of its video interpreter workforce for remote interpreting.
- The Commission must stay the change to a daily measurement of the SOA standard and maintain its measurement on a monthly basis. ZVRS, like all other providers, has commented that it will be challenged to comply with the new SOA standard.[2] The new SOA standard will drive up provider costs at a time the lower VRS compensation rates are in effect. The Commission must recognize the impossibility of precisely forecasting consumer demand on a daily basis and the likelihood that providers will occasionally miss the standard and be penalized by not being compensated when demand is unexpectedly high unless they overstaff every single day. A daily measurement of the SOA creates a perverse incentive for providers to reduce their service on a certain day when it becomes apparent that there is far greater consumer demand than reasonably projected for which compensation will be withheld that day. This adversely impacts the availability of VRS to the detriment of its consumers and inconsistent with the Americans with Disabilities Act.[3] The Commission should instead allow a reasonable transition period until January 1, 2015 and assess the impact of SOA at regular intervals. The FCC should also reasonably phase in the penalty for missing the SOA standard by limiting non-compensation to the volume of calls above the 85% threshold.

[1] Comments of CSDVRS LLC, CG Dockets No. 10-51 and 103-123 (August 19, 2013).
[2] Id. at pgs. 29-30.
[3] 47 U.S.C. § 225(b)(1).

Sincerely,

/s/

Jeff Rosen
General Counsel

cc: Nicholas Degani
Jonathan Chambers
Nicholas Alexander
Karen Peltz Strauss
Gregory Hlibok
Eliot Greenwald
Elaine Gardner