

ASL SERVICES HOLDINGS, LLC.

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KISSIMMEE, FLORIDA 34741

Via Electronic Comment Filing System

December 11, 2013

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

ATTN: Chief, Consumer and Government Affairs Bureau

RE: Petition for Waiver, CG Docket Nos. 03-123, 10-51

Dear Secretary Dortch:

ASL Services Holdings, LLC (“ASL/Global VRS” or “Company”) hereby expresses its general support of the Collective Providers’ December 6, 2013 petition in the above-referenced matter¹ seeking a temporary waiver of the daily measurement of the speed of answer (“SoA”) requirement² for Video Relay Service (“VRS”) providers, effective January 1, 2014. The Collective Providers underscore the severe challenges and financial peril assumed under the Commission’s new daily SoA measurement and non-compliance penalties. Their concerns are mirror those raised in ASL/Global VRS’ petition for temporary waiver of Sections 64.604(b)(2)(iii)(2) and (3), currently pending before the Commission³ and warrant consideration.

¹ See, *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123; *Structure and Practices of the Video Relay Service*, CG Docket No. 10-51, CSDVRS, LLC (d/b/a “ZVRS”), Sorenson Communications, Inc., and Hancock, Jahn, Lee & Puckett, LLC d/b/a Communication Access Ability Group (“CAAG”) (“Collective Providers”) Letter (December 6, 2013) [*Collective Providers’ Petition*].

² 47 C.F.R. §64.604 (b)(2)(iii).

³ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123; *Structure and Practices of the Video Relay Service*, CG Docket No. 10-51, ASL Services Holdings, LLC Petition for Waiver (October 24, 2013)[*ASL/Global VRS Petition for Waiver*].

ASL/Global VRS's Petition for Waiver expressed grave concern over the Commission's adoption of a daily SoA measurement and attendant non-compliance penalties. ASL/Global VRS stressed that as a new provider, and given initiatives undertaken to attract new subscribers, the Company's growth rate is highly unpredictable and unprecedented.⁴ ASL/Global VRS noted that it "cannot ensure that it is capable of meeting the phased in shorter SoA requirements *if* measured daily with certainty until more demand data becomes available."⁵ ASL/Global VRS further stated that to comply with the Commission's daily SoA metrics, the Company would either run the risk of overstaffing at significant cost to meet the needs of its English and Spanish VRS subscribers, or run the risk of significant daily non-compliance penalties if failing to properly anticipate demand. Either option would place the Company in grave financial peril and force the Company to act in a fiscally irresponsible manner.

On December 6, 2013, the Collective Providers submitted a petition urgently requesting a temporary waiver of the daily measurement of the SoA requirement for VRS providers, effective January 1, 2014. The Collective providers stress, as has ASL/Global VRS,

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.⁶

The Collective Providers further underscore several arguments raised in *ASL/Global VRS Petition for Waiver*. Among them, that:

- the Commission's conclusion that VRS providers are "largely achieving" the new standard, is unsupported by the record in this proceeding;⁷
- the Commission has not sought public comment for "a standard which would lower SoA to 30 seconds measured on a daily basis;"⁸
- unique unanticipated call volume spikes outside of the providers' control may result in VRS providers missing daily SoA standards;⁹
- providers would have to overstaff call centers each day, this acting in a fiscally irresponsible manner that cannot be sustained over the long term;¹⁰ and
- a temporary waiver will not harm consumers.¹¹

⁴To be sure, since submission of its *Petition for Waiver*, ASL/Global VRS has experienced unprecedented growth, well in excess of its projected growth for November 2013, while achieving its shortest SoA measured on a monthly basis.

⁵ *ASL/Global VRS Petition for Waiver* at 6.

⁶ *Collective Providers' Petition* at 1 and 2.

⁷ *Id.* at 3.

⁸ *Id.*

⁹ *Id.* citing to a November 1, 2013 change in the federal Food Stamp program.

¹⁰ *Id.* at 4.

¹¹ *Id.* at 5.

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The *Collective Providers' Petition* underscores the severe predicament arising from the Commission's daily SoA measurement requirements for a majority of providers, including ASL/Global VRS in particular, as a relatively new Telecommunications Relay Service Fund eligible provider. ASL/Global VRS supports the *Collective Providers' Petition* and reiterates its request for a timely grant of its pending petition for temporary waiver of Sections 64.604(b)(2)(iii)(2) and (3) of the Commission's rules before January 1, 2014.

Sincerely,

ASL SERVICES HOLDINGS, LLC

A handwritten signature in black ink, appearing to read "Angela Roth". The signature is written in a cursive, flowing style.

Angela Roth
Managing Member, President and Chief Executive Officer