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December 28, 2013

Via Electronic Comment Filing System

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

Re: 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

Dear Ms. Dortch:

Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), National Association of the Deaf (“NAD”), Association of Late-Deafened Adults, Inc. (“ALDA”), Cerebral Palsy and Deaf Organization (“CPADO”), American Association of the Deaf-Blind (“AADB”), and California Coalition of Agencies Serving Deaf and Hard of Hearing, Inc. (“CCASDDH”) (collectively, the “Consumer Groups”) submit this letter in qualified support of the Collective Providers’ Letter requesting a temporary, one-year waiver of the daily measurement of the speed of answer (“SoA”) requirement and associated penalties for noncompliance for Video Relay Service (“VRS”) providers, currently scheduled to take effect on January 1, 2014.¹ Consumer Groups urge the Commission to adopt the following proposal for the duration of the limited, one-year waiver: (1) the current penalties for noncompliance with the existing two-minute SoA requirement with monthly measurement will continue to apply; (2) the new thirty second SoA requirement with daily measurement will also be applied effective January 1, 2014, but without penalty, as a testing phase for one year, and all VRS providers are expected to comply; and (3) providers and the Commission will work diligently together to establish reasonable rates that adequately cover the thirty second SoA and daily measurement requirements before the end of the year.

Consumer Groups appreciate the stronger SoA requirements but are concerned that significant rate reductions were imposed in the same order without taking in account the costs for the new SoA requirements. Consequently, Consumer Groups support a one-year waiver of the penalties associated with failure to comply with the daily measurement for SoA, under the condition that

¹ Letter from Kathleen M. LaValle, Counsel for Communication Access Ability Group; Jeff Rosen, General Counsel, CSDVRS, LLC; and Michael D. Maddix, Director of Government and Regulatory Affairs, Sorenson Communications, Inc., to Chairman Tom Wheeler et al., CG Docket Nos. 10-51 & 03-123 (filed Dec. 6, 2013) (“*Collective Providers’ Letter*”).

providers work closely with the Commission to address any financial challenges to appropriate staffing levels with qualified interpreters. Consumer Groups reiterate their position that SoA needs to be calculated daily but acknowledge that meeting this requirement in the next year may not be feasible in some instances given that certain issues still need to be addressed prior to implementation. Specifically, providers' expenses to meet the shorter SoA and daily measurement requirements must be covered by the compensation rate so as not to sacrifice the quality of service or risk providers dropping out of the market.

As explained in prior filings, Consumer Groups support moving the speed of answer benchmark to 80% of relay calls being answered within 30 seconds, including abandoned calls in the measurement, and measuring speed of answer on a daily, rather than monthly, basis.² Consumer Groups noted, however, that a reduction in speed of answer requirements will lead to an increase in costs and expressed concern that, like the IP Relay services, without sufficient reimbursement consumers will see providers drop out of the market or the quality of services will deteriorate.³

The Collective Providers submit that the daily SoA measurement requirement would cause providers to incur significant costs through overstaffing to meet the needs of VRS users, or risk significant non-compliance penalties for failing to anticipate demand, a position echoed by ASL Services Holdings, LLC in a similar petition for waiver.⁴ Consumer Groups agree that providers need to work closely with the Commission over the next year to address the challenges of making a sufficient interpreting pool available to meet the shorter SoA requirements without sacrificing the quality of service.

Meeting the revised SoA and daily measurement requirements will be further hampered by the rate reductions imposed by the Commission, resulting in significant decreases in funding over the next three years.⁵ Consumer Groups have repeatedly maintained that achieving functional

² *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*, Consumer Groups Reply Comments at p. 3, CG Docket Nos. 10-51 & 03-123 (filed March 30, 2012).

³ *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*, Consumer Groups Comments at 23, CG Docket Nos. 10-51 & 03-123 (filed Aug. 19, 2013) (“*Consumer Group Comments*”).

⁴ *Collective Providers' Letter* at 2-3; *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*, Petition for Waiver, ASL Services Holdings, LLC, CG Docket Nos. 10-51 & 03-123 (filed October 24, 2013).

⁵ *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*,

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equivalency and improving service quality are stifled by Commission-imposed funding constraints.⁶ Following similar rate cuts for IP Relay services, three of the five IP Relay providers immediately left the business, leaving consumers with fewer choices. Adequately compensating providers is essential to ensure that VRS consumers do not suffer a similar fate where VRS providers are unable to provide quality service and leave the market. As such, Consumer Groups respectfully request that the Commission carefully evaluate and address the additional costs providers face to meet the stricter SoA requirements.

While the daily SoA requirement is paramount to improving functional equivalency, issues surrounding sufficient funding and the availability of an adequate interpreting pool must be resolved before the penalties for noncompliance with the new daily measurement requirement are implemented against providers. If these issues are not addressed prior to the effective date, Consumer Groups fear that the quality of service will suffer and/or there will be an increased risk that providers will exit the market completely as has happened with IP Relay services. Therefore, Consumer Groups support implementation of the new thirty-second SoA time with daily measurement requirement without penalty as a testing phase for one year in order to encourage collaboration between providers and the Commission to promote successful implementation of the requirement without a detrimental impact on VRS services that are vital to the deaf and hard of hearing community. In the interim, Consumer Groups urge the Commission to continue to apply any penalties associated with noncompliance with the current, two-minute SoA and monthly measurement requirements.

Respectfully submitted,

/s/ Claude L. Stout

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Report and Order and Further Notice of Proposed Rulemaking, ¶215, Table 2, CG Docket Nos. 10-51 & 03-123, 28 FCC Rcd 8618, 8705-06 (rel. June 10, 2013).

⁶ See e.g. *Consumer Group Comments* at 1-2; TDI and NAD Notice of *Ex Parte* Meeting, CG Docket Nos. 03-123 & 10-51 (Nov. 6, 2013).

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