



January 31, 2014

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 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 Program, CG Docket No. 10-51.

Dear Ms. Dortch:

Sorenson Communications, Inc. (“Sorenson”) submits this letter to emphasize several points addressed by Sorenson’s representative, Michael Maddix, at the Commission’s January 17, 2014 “IP TRS National Outreach Project Stakeholders Meeting” (“Outreach Meeting”). That meeting was held to advance the Commission’s goal of establishing an “iTRS National Outreach Program (iTRS-NOP) that does not rely on the efforts of individual IP Relay and VRS providers.”¹ The *June 2013 Order* required that “a maximum expenditure of \$2 million” be set aside for the first year of the iTRS-NOP.²

Sorenson wishes to underscore that given the extremely limited funding that the Commission has dedicated to the iTRS-NOP—by comparison, as the *June 2013 Order* recognized, from 2010-2012, VRS providers spent some \$80 million on outreach³—it is critical that the iTRS-NOP focus on areas where the Commission can get the most “bang for [its] buck.”⁴ Broadly speaking, that means paying the independent-outreach coordinator to focus on outreach to the general public rather than to deaf and hard-of-hearing individuals. The general public is the segment of the population that knows the least about VRS, and it is also the segment that a non-VRS-provider is most likely to have expertise in reaching.

¹ *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, FCC 13-82, 28 FCC Rcd. 8618, 8635 ¶ 31 (2013) (“*June 2013 Order*”).

² *Id.* at 8638, ¶ 37.

³ *Id.*

⁴ Informal Transcript, IP TRS National Outreach Project Stakeholders Meeting, at 5 (January 17, 2014) (“*Informal Transcript*”).

More specifically, there are particular industries and entities within the general population that are regularly refusing VRS calls. As Mr. Maddix pointed out at the Outreach Meeting, refusing VRS calls not only undermines Congress's core goals in enacting the ADA, but it is also a violation of the civil rights of deaf individuals. While the Department of Justice has taken some steps to address the most egregious such violations, many problems remain, and it is simply not possible to get DOJ take enforcement action against all the entities that engage in repeated violations. In any event, voluntary compliance is much preferable, and makes enforcement more effective.

Accordingly, rather than targeting a particular geographic area, the Commission should focus the outreach efforts of the iTRS-NOP on one or more of the industries where the lack of understanding about VRS has caused the most problems:

- ***Financial Institutions.*** Banks and similar companies involved with transfers of money frequently refuse VRS calls because they are not familiar with VRS and do not understand their obligations under the ADA, or because they incorrectly believe that financial privacy statutes preclude interaction with Video Interpreters. The pilot program should focus on educating employees of these institutions not to hang up on calls.
- ***Doctors, Hospitals, and Other Medical Organizations.*** Employees of these institutions often refuse VRS calls because of fears that disclosing information via an interpreter will violate HIPAA. The pilot program should educate doctors and other medical employees about the confidentiality of VRS calls, and help them to understand that they can use VRS without violating HIPAA.⁵
- ***Government Agencies.*** Government agencies routinely refuse to accept VRS calls, insisting instead that deaf users call the agency's dedicated TTY number. The pilot program should educate agencies about VRS and about their obligation not to discriminate against the deaf individuals who use it.
- ***Other Companies Dealing with Confidential Information.*** Institutions with confidentiality obligations—such as schools and universities, for example—commonly ask Sorenson to sign confidentiality agreements as a precondition to accepting a VRS call or before allowing their employees to use VRS equipment. The outreach coordinator should work to educate these institutions about the strict confidentiality obligations that the law already imposes on VRS interpreters, which obviate the need for confidentiality agreements to protect students' privacy.

⁵ See *Clarification of the Use of Telecommunications Relay Services (TRS) and the Health Insurance Portability and Accountability Act (HIPAA)*, Public Notice, DA 04-1716, 19 FCC Rcd. 10,677 (2004).

The outreach coordinator should also run a hotline which deaf users can call if a business refuses their calls. Establishing such a complaint line would allow the Commission to collect data about the prevalence of problems, and it would also allow the outreach coordinator to engage in targeted outreach to specifically contact businesses that are known to refuse VRS calls. Notably, some attendees at the Outreach Meeting expressed skepticism about whether a hotline would work because consumers might not be aware of it. VRS is a unique service, however, where there is always an interpreter involved, and that interpreter can ensure that the consumer is aware of the hotline at the time a business refuses a call. Because interpreters can thus work directly with consumers to increase awareness of the hotline at the very time that consumers are most likely to want to make a complaint, an iTRS-NOP hotline is likely to be a particularly good use of limited outreach funds.

Finally, while the Commission's outreach program has the potential to serve an important purpose by educating the general public about VRS, it bears emphasis that no Commission program—and certainly not a \$2 million program—can replicate the valuable outreach programs run by VRS providers themselves, who have traditionally educated deaf consumers about the availability of VRS and helped to inform these consumers about the differences among different VRS providers. As Kelby Brick explained, the *June 2013 Order* has discontinued funding for this important form of outreach, and VRS consumers are already feeling the impact.⁶ So while Sorenson supports the Commission's efforts to educate the general public about the importance of accepting VRS calls, the Commission should also reinstate funding for provider-sponsored outreach to ensure that deaf consumers have full access to information about the availability and features of VRS.

Sincerely,



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cc: Elaine Gardner
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⁶ *Informal Transcript* at 9-10; see also *June 2013 Order*, 28 FCC Rcd. at 8630, ¶23.