

April 24, 2014

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; *Notice of Ex parte Meeting*

Dear Ms. Dortch:

On April 22, 2014, Angela Valcarcel-Roth of ASL Holdings LLC (“ASL Holdings”), and Andrew Isar of Miller Isar, Inc., on behalf of ASL Holdings; Jeremy Jack and Everett Puckett of Hancock, Jahn, Lee & Puckett, LLC d/b/a Communication Access Ability Group (“CAAG”); Jeff Rosen of Convo Communications, LLC (“Convo”); Sean Belanger, Lydia Runnels, Aaron Wegehaupt, and Mike Strecker, all of CSDVRS, LLC (“CSDVRS”); John Ferron, John Goodman and John Kelleher of Purple Communications, Inc. (“Purple”); and Christopher Wakeland of Sorenson Communications, Inc. (“Sorenson”), and John Nakahata, of Wiltshire & Grannis LLP, on behalf of Sorenson (collectively, “VRS Providers”), participated in a meeting (either in person or by phone) with FCC attendees Karen Peltz Strauss (Deputy Chief, Consumer and Government Affairs Bureau (“CGB”)), Robert Aldrich (Attorney Advisor, CGB), Gregory Hlibok (Chief, Disability Rights Office, CGB), Eliot Greenwald (Attorney-Advisor, Disability Rights Office, CGB), and Roger Holberg (Attorney-Advisor, Disability Rights Office, CGB).

In the meeting, the VRS Providers reiterated their unqualified support of the Commission’s goal of ensuring that consumers receive quality service and faster speed of answer (“SoA”) to deliver a functionally equivalent experience to VRS users. But the providers also explained that compliance with the revised SoA requirements on a daily basis (which took effect at a level of 60 seconds for 85 percent of calls on January 1, 2014, and are scheduled to become 30 seconds for 85 percent of calls on July 1, 2014) is not possible for each and every day, as demand and video interpreter supply are subject to unpredictable fluctuations that previously were smoothed out when compliance was measured over a month. VRS Providers stated that meeting the current 60 seconds/85 percent of calls requirement requires extraordinary,

unsustainable measures. VRS Providers also stated that they cannot meet the 30 seconds/85 percent of calls requirement for reasons independent of cost. The available supply of qualified VRS interpreters is too limited, and the exogenous factors that affect both call volume and interpreter availability on a day-to-day basis are too varied to make it possible to meet that standard. In addition, the VRS providers explained that meeting the revised SoA requirement is further hampered by the significant reductions in TRS reimbursements that will take effect over the next three years.

VRS Providers also explained that there is a significant difference between an average (i.e. mean) speed of answer and speed-of-answer performance at the 85th percentile. A 30 second (or 60 second) performance at the 85th percentile results in an average speed of answer far lower than 30 (or 60) seconds.

VRS Providers requested that the July 1, 2014 speed-of-answer requirement of 30 seconds for 85 percent of calls, measured daily, be waived, subject to the condition that VRS Providers—for the interim until the Commission can review data, consider and adopt an alternative—meet a standard of 60 seconds for 85 percent of calls, measured monthly. This would avoid having to address now the various exogenous sources of unpredictability in call volume and available staffing, as well as reduce the need for providers to take extraordinary measures that, over the longer term, will reduce the ability to staff VRS.

Any future speed-of-answer requirements need to take into account the available supply of interpreters, and the fact that there are limits as to how fast they can work and still provide high quality interpreting. Moreover, it is not in anyone's interest to make working in VRS unattractive to these highly-skilled individuals. VRS Providers also stated that the feasibility of achieving any speed-of-answer requirement is inextricably linked to the penalty framework applied in the event of non-compliance. In considering future alternative speed-of-answer penalties, any alternative should include exemptions or some other administrable, expeditious process to address situations in which a provider cannot meet the speed-of-answer requirement due to events outside of the provider's control or reasonable ability to plan. Any alternative should also contain a more tailored sanction than the Commission's current "all-or-nothing" approach of denying all compensation for the measurement period (whether daily or monthly).

VRS Providers stated that they would provide the Commission with additional provider-specific details regarding, among other things, difficulties in meeting a daily speed-of-answer requirement, and data regarding the extent to which they would have missed a 30 second/85 percent of calls speed-of-answer requirement.

Respectfully submitted,

ASL Holdings

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