

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
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
)	

COMMENTS OF CONSUMER GROUPS IN RESPONSE TO PUBLIC NOTICE

**National Association of the Deaf
Deaf and Hard of Hearing Consumer Advocacy Network
California Coalition of Agencies Serving the Deaf and Hard of Hearing
Cerebral Palsy and Deaf Organization
American Association of the Deaf-Blind**

The National Association of the Deaf (NAD), Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), Cerebral Palsy and Deaf Organization (CPADO), and American Association of the Deaf-Blind (AADB), (collectively, the “Consumer Groups”), respectfully submit these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) May 9, 2014 Public Notice in the above-referenced proceedings which seeks comment on the Interstate TRS Fund administrator’s proposed provider compensation rates, funding requirement, and carrier contribution factor for July 1, 2014 through June 30, 2015.¹

¹ *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; In the Matter of Structure and Practices of the Video Relay Service Program; Public Notice*, CG Dkts. No. 03-123 and 10-51 (rel. May 9, 2014) (“Public Notice” or “PN”).

The Importance of IP Relay

IP Relay service provides a vital method of communication for deaf and hard of hearing individuals. There are a significant number of deaf or hard of hearing individuals who are not fluent enough in American Sign Language (ASL) to use Video Relay Service (VRS) and also cannot hear or speak well enough to use IP Captioned Telephone Service (IP CTS). IP Relay is usually the only way for individuals who cannot use VRS or IP CTS to make relay calls. Moreover, some individuals live in parts of the country without the high-speed Internet access needed for VRS and must rely on IP Relay through dial-up Internet access or their smartphones.

Deaf-Blind People Are Especially Dependent on IP Relay

IP Relay is especially important to many deaf-blind individuals for whom it is the only accessible relay service. The Consumer Groups have received strong concerns from the deaf-blind community about the future of IP Relay as well as about their frustrations of recently losing some of their preferred IP Relay providers. The FCC must make sure that deaf-blind people have easily available access to quality IP Relay. This access should not be limited to simply being able to dial through IP Relay, but it should include specific standards for features such as: IP Relay interfaces that are accessible to deaf-blind people who need large print as well as use Braille displays, appropriately qualified CAs, quality controls, and more.

IP Relay is an Important Backup Service

Additionally, IP Relay serves as a valuable “backup” relay service for those who primarily use other forms of relay such as VRS and IP CTS. While more and more ASL users are making mobile VRS calls, many continue to use IP Relay such as when they’re in areas without 4G LTE networks or because they don’t have mobile phones that support VRS applications (i.e.

no camera). In addition, the Commission only recently allowed mobile IP CTS and it is not yet clear how many deaf or hard of hearing people are comfortable using mobile IP CTS.

The Consumer Groups strongly disagree with any suggestion that IP Relay is becoming insignificant and is no longer needed. IP Relay continues to be the primary, if not only, relay service for important segments of the deaf or hard of hearing community such as those who are deaf-blind. IP Relay also serves as an important secondary relay service for millions of deaf and hard of hearing people. While IP Relay use may be declining, it still serves as a valuable relay service that must be maintained with high standards to ensure everyone has equal access to telecommunications.

IP Relay Rates and Competition

The Consumer Groups are very concerned about the impact of Commission policies and rates on the sustainability of IP Relay services as well as competition in IP Relay.

Inadequate Competition in IP Relay

Much to our disappointment, following a May 2013 FCC proposal to cut IP Relay rates by nearly 20%, which the Commission implemented, three of the five IP Relay providers immediately left the business and one of the remaining two providers has said it may leave as well. This did not come as a surprise following the May 2013 FCC rate cut proposal, as we warned the Commission in our June 26, 2013 ex parte letter that IP Relay providers would likely leave the market given the new proposed rates.² Now our community is left with only two IP Relay providers – a duopoly that may soon become a monopoly. This change adversely affects the IP Relay experience for deaf and hard of hearing people as competition, which is the force that drives quality, is vastly reduced.

² *Ex Parte* Letter from Claude Stout, TDI at pp. 1-2 (June 26, 2013).

The IP Relay Rate Needs to Be Revisited

In our December 5, 2013 comments, the Consumer Groups supported Sprint's petition for reconsideration of the rate change and implored the Commission to "pause and evaluate the impact of its rate reductions on market entry and exit..." and preserve the status quo by restoring "the rate in effect during 2012."³ The current RLSA proposal fails to restore the 2012 rate of \$1.2855 per minute and only maintains the current rate of \$1.0147 per minute. Despite our repeated requests regarding the justification and rationale for these rate cuts, we have only been told that this rate is appropriate and we have yet to see any research or evaluation from the Commission on the impact of its IP Relay rate cut.

The Consumer Groups ask the Commission to apply the brakes on any IP Relay rate reductions until the health of the service can be assured. When we lose a relay provider, we will likely never see the provider re-enter the market. The upfront cost of starting an IP Relay service is expensive and requires significant capital investments. In fact, the Commission has failed to attract new IP Relay providers in recent years even when rates were much higher than the current rate. We have already lost significant competition in the IP Relay marketplace when three providers left. An IP Relay duopoly is not likely to lead to quality services given the reduced competition, and is at risk of an unacceptable monopoly.

Finally, given the significant decline in IP Relay usage, the Consumer Groups asks the Commission to consider whether the current rate supports the changing economies of scale. The Commission needs to demonstrate that the current or any proposed rate will support competitive and quality IP Relay service. In addition, the Commission needs to consider the appropriate level of labor and other costs in this labor-intensive relay service. Further, the Consumer Groups ask

³ Consumer Groups Comments in Support of Sprint's Petition for Reconsideration, *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*, p. 6 (filed Dec. 5, 2013).

the Commission to ensure that the IP Relay rate competitively supports the wages of Communication Assistants (CA) working in the United States.

IP Relay Quality

In our comment on Sprint's petition for reconsideration, we expressed serious concerns about the quality of IP Relay. Sprint's petition, citing a study performed by the Paisley Group, argues that its remaining competitor in the IP Relay market has sacrificed quality service in order to remain profitable under the decreased compensation levels.⁴ Using the Paisley study, Sprint claims that this competitor provides a lower quality of service and refers to a number of metrics, including those claiming to measure the quality of service provided by each company's CAs such as words typed per minute and typing accuracy. Given the vastly reduced competition in IP Relay services, the Consumer Groups are very concerned about the quality of IP Relay and believe that the Commission is losing sight of the core mission of IP Relay to provide functionally equivalent telecommunications access. The Commission needs to investigate quality issues with existing services and determine whether the current rate and a marketplace with only two providers can support quality IP Relay service.

More Innovation is Needed

The Commission has recognized that "functional equivalence" requires "periodic reassessment" in light of the "ever-increasing availability of new services and the development of new technologies."⁵ However, we have seen very few new features or technology in IP Relay over the last decade. This lack of innovation is especially concerning to populations such as those who are deaf-blind. This specific population has asked for more accessible IP Relay

⁴ Petition for Reconsideration of Sprint Corp., *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*, p. 8 (filed July 31, 2013) ("Sprint Petition").

⁵ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd. 5140, ¶ 4 (2000).

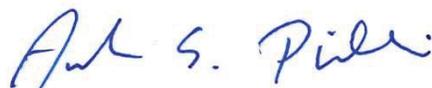
interfaces, including new features such as those relating to better color contrast and large size text as well as better compatibility with deaf-blind equipment such as Braille displays. The deaf-blind community particularly needs easier navigation between the IP Relay “screen” that the CA’s words appear in and the “screen” that the user types in. They also need shortcuts that allow easier navigation of IP Relay websites and software. The Consumer Groups are concerned that the current rate and lack of competition do not encourage or support such needed innovation.

Funding Requirement

The Consumer Groups fully support RLSA’s recommendation to increase its budgetary reserve to prevent depletion of available funds before the end of the Fund Year. Expanding the reserve from one month to two months of average projected distributions will improve the health and sustainability of the Fund. In the past year, with the growth of IP CTS, there were times when the Fund was at risk and thus endangered our right to telecommunications access.

The Consumer Groups appreciate this opportunity to submit comments in response to this Public Notice and stress the importance of making sure that IP Relay remains competitive, that consumers get quality service, and innovation is encouraged as well as rewarded.

Respectfully submitted,

A handwritten signature in blue ink that reads "Andrew S. Phillips".

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