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June 27, 2014

VIA ECFS

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

Re: Notice of *Ex Parte* Presentation, CG Docket No. 03-123

Dear Ms. Dortch:

On June 25, 2013, Claude Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”) and Chair, Deaf and Hard of Hearing Consumer Action Network (“DHHCAN”); Steph Buell, Board Member, TDI (via telephone); Cheryl Heppner, National Advocacy Director, Association of Late Deafened Adults, Inc. (“ALDA”) and Vice-Chair, DHHCAN; Howard Rosenblum, Chief Executive Officer, National Association of the Deaf (“NAD”); Mark Hill, President, Cerebral Palsy and Deaf Organization (via telephone); Randal Pope, President, American Association of the Deaf-Blind; Andrew S. Phillips, Policy Counsel, NAD; and Christian Vogler, Ph.D, Director, Technology Access Program, Gallaudet University (via telephone); along with the undersigned of Bingham McCutchen LLP on behalf of TDI met with Ms. Maria Kirby, Legal Advisor to Commissioner Wheeler on Media, Consumer and Governmental Affairs; and Ms. Karen Peltz Strauss, Deputy Bureau Chief, Consumer and Governmental Affairs Bureau (“CGB”) to discuss their concerns regarding IP Relay services and the rates for such services discussed in the above-referenced proceeding.¹

In addition, on June 26, 2014, Mr. Stout, Ms. Buell, Mr. Phillips, Mr. Hill, and Mr. Pope met with Clint Odom of Commissioner Rosenworcel’s office and later, they were joined by Mr. Hill and met with Adonis Hoffman, Sharon Lin, and Laura Arcadipane of Commissioner Clyburn’s office and then separately with Courtney

¹ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 03-123 & 10-51, Interstate Telecommunications Relay Services Fund Payment Formula and Fund Size Estimate, filed by Rolka Loube Saltzer Associates LLC (“RLSA”), TRS Fund Administrator (May 1, 2014).

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Reinhard of Commissioner O’Rielly’s office on the same topics. On June 27, Mr. Stout, Mr. Phillips, Mr. Pope and Mr. Hill spoke with Nicholas Degani of Commissioner Pai’s office on the same topics. No attorney from Bingham McCutchen LLP participated in the meetings on June 26 and 27, 2014.

During these meetings, the Consumer Groups expressed their appreciation for the Commission’s, the Chairman’s and the CGB’s efforts on these issues and their cooperative approach to working with Consumer Groups on IP Relay and other services and issues of importance to their respective communities. The Consumer Groups agreed to continue working together with CGB and the Commission to ensure IP Relay and other services remain available to consumers who need and use the service to achieve functional equivalency in their communications.

The Consumer Groups noted that effective July 1, 2014, the reimbursement rate for IP Relay is scheduled to be reduced.² Based upon recent comments filed by Sprint and other information, the Consumer Groups expressed their deep concern that Sprint may leave the market for such services if the existing rate is reduced as contemplated by the Commission.³ The Consumer Groups noted that three other providers have left the market already and if Sprint left the market that would leave consumers with only one provider of IP Relay. Although the Consumer Groups have no insight into Sprint’s cost structure, the Consumer Groups encouraged the Commission not to follow the recommendations of RLSA to reduce the rates in order to preserve consumer choice and competition in the market.

The Consumer Groups noted that in the last decade, the economies of scale in IP Relay have changed significantly. Newer relay technologies such as VRS and IP CTS have become more widely available through faster mobile wireless networks and as a result fewer deaf and hard of hearing people are using IP Relay. The IP Relay marketplace, at these reduced rates, is clearly not attracting competition or investment in new technology. While many deaf and hard of hearing people can use other relay technologies, many cannot – especially those who are deaf-blind.

² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 10-51 and 03-123, Order, at ¶¶ 1, 20 (July 1, 2014).

³ *See, e.g., Sprint Ex Parte, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 10-51 and 03-123, at 1 (June 20, 2014) (“Sprint advised the Commission that it cannot continue providing service at the present \$1.01 rate which will soon decrease to \$0.95 per minute – as these rates are below Sprint’s costs to provide service at present service quality levels”).

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Unfortunately, these IP Relay-only users are not a large enough population to attract competition and innovation in the IP Relay market under the current reimbursement structure / rates. Thus, the Commission needs to take action to change the IP Relay market dynamics to ensure competition and innovation.

The Consumer Groups noted that Sprint's service is somewhat unique as its communications assistants are located in the United States while its competitor's communications assistants appear to be located overseas. Feedback from users of the Sprint service indicates that the location of the communications assistants on-shore in the U.S. contributes to improved quality of service for the Sprint service over its competitor. The Commission should address issues such as quality of service as well as technology investment as part of its consideration of rate issues. The Consumer Groups stated that the rates should reflect the need for quality services.

The Consumer Groups underscored the importance of IP Relay to the deaf and hard of hearing community and that these services are especially important to those deaf and hard of hearing persons who are also blind or have mobility challenges. The Consumer Groups compared and contrasted the utility and effectiveness of these services with other TRS services on a technical basis and from the perspective of persons within subsets of the deaf and hard of hearing community who actually have used the services. The Consumer Groups noted that one of the best solutions for the deaf-blind community was the Telebraille system, but this technology was now effectively extinct.

Finally, the Consumer Groups noted that research and development and capital investments in IP Relay services and technology are deficient and has lagged as compared to VRS. The former technology need to be brought into the 21st century in order to keep up with technology improvements that have and still are taking place on consumer devices. In addition, they will be important as the industry transitions toward all-IP networks because TTY will eventually be discontinued, leaving consumers who depend on TTYs without effective alternatives. The Consumer Groups also noted that the product, the DB Communicator, has not kept up with changes in technology. The Commission should consider some form of incentives to ensure that research funds are invested to improve IP Relay, as well as other technologies used by either the deaf, hard of

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hearing, deaf-blind, or those with a mobility disability, and their hearing counterparts to be compatible with this form of TRS, and to ensure that a high quality of service is maintained.

Respectfully submitted,

/s/ Edward W. Kirsch

Edward Kirsch

Counsel for TDI

cc (via email): Maria Kirby
Karen Peltz-Strauss
Clint Odom
Adonis Hoffman
Sharon Lin
Laura Arcadipane
Courtney Reinhard
Nicholas Degani