

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Telecommunications Relay Services and	)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals	)	
With Hearing and Speech Disabilities	)	
	)	
Structure and Practices of the Video Relay	)	CG Docket No. 10-51
Service Program	)	

**PETITION FOR RECONSIDERATION**

Pursuant to Section 1.106 of the Commission’s rules<sup>1</sup>, CSDVRS, LLC (“ZVRS”), hereby, seeks reconsideration of the *Waiver Order* adopted by the Acting Chief, Consumer and Governmental Affairs Bureau (the “Bureau”) on June 24, 2014. The *Waiver Order*<sup>2</sup> defers for six months the effective date of the new 30-second standard governing speed of answer (“SOA”) for video relay service (“VRS”). The new standard which will take effect January 1, 2015 requires that VRS providers answer 85 percent of VRS calls within 30 seconds, measured daily. ZVRS appreciates that the waiver was granted, however, this does not remedy the issue. ZVRS is committed to providing VRS utilizing highly qualified interpreters as functionally equivalent as possible and answering calls in the order they are received in the timeliest manner.

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<sup>1</sup> 47 C.F.R. § 1.106.

<sup>2</sup> See *Structure and Practices of the Video Relay Service Program, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speed Disabilities*, CG Docket Nos. 10-51, 03-123, Order, DA 14-878 (released June 24, 2014) (“*Waiver Order*”).

ZVRS fully supports Sorenson's Petition for Reconsideration submitted to the Bureau on July 24, 2014.<sup>3</sup> ZVRS agrees with Sorenson and believes that the Commission and providers can work together to reach a mutual understanding of the issues and formulate a plan toward a resolution that ensures consumers receive a high standard of service. ZVRS supports specific procedures be put into place on how SOA is measured and supports annual audits of SOA. In addition, it was made evident to ZVRS that there remains confusion between Average Speed of Answer ("ASA") metrics of 30 seconds and a SOA metric of 85 percent of calls answered within 30 seconds. These two metrics are completely separate measurements, for example: if a provider answers 100 calls, 50 of them in 20 seconds and 50 of them in 40 seconds the ASA is 30 seconds. The SOA result would be 50% of the calls were answered in less than 30 seconds. This would be a significant miss of the daily SOA measurement and result in non-payment for a day when the ASA is 30 seconds for the day. ZVRS points this out to ensure, as the Bureau moves forward and reviews the Petitions for Reconsideration, there is a common expectation and understanding of SOA and how it should be measured and applied.

## **I. ARGUMENTS**

ZVRS fully supports the Commission's goal of ensuring that consumers receive quality service and faster SOA times to deliver a functionally equivalent experience to VRS users. The SOA of answering 85 percent of calls answered within 30 seconds

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<sup>3</sup> See Petition for Reconsideration from John T. Nakahata, Mark D. Davis, Randall W. Sifers *et al.*, Harris, Wiltshire, & Gannis, LLP, Counsel to Sorenson, FCC, CG Docket Nos. 03-123, 10-51, July 24, 2014.

requirement is extremely challenging each and every day due to the many components outside a VRS provider's control. Aside from the health risk placed on ZVRS's outstanding video interpreters, the current process of withholding an entire day's reimbursement for failing to meet the SOA for any given day is unduly burdensome. While ZVRS does appreciate the Commission's willingness to put a waiver process in place where providers can receive reimbursement if the failure to meet the SOA requirement was due to forces outside its control, the truth remains that this process puts additional strain on the Bureau while at the same time delaying reimbursement to the VRS provider.

**A. At-Home Interpreting Should be a Viable Option for Qualified Providers**

ZVRS recommends that at-home interpreting be re-evaluated as a viable option.<sup>4</sup> A stringent at-home interpreting program would allow for VRS providers to expand recruiting, hiring and training of interpreters outside of areas where existing call centers are located. This would allow for a greater pool of skilled professionals to participate in providing VRS service, but would also allow for increased flexibility in allowing adjustment of schedules on a half hour by half hour basis. At-home interpreters would be invaluable in cases where severe weather conditions such as the winter storms of 2014 or a network outage which impacts call centers in a specific geographical area. There is a

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<sup>4</sup> In the Matter of Structure and Practices of the Video Relay Service Program, CSDVRS' Petition for Temporary Waiver, CG Docket 10-51 ("Petition") (August 12, 2010). The Commission established its rule in ¶¶ 13-20 of its Report and Order and Further Notice of Proposed Rulemaking, CG Docket 10-51 ("Order") (Adopted April 5, 2011).

severe challenge with the availability of interpreters today. At-home interpreting will allow providers to recruit excellent quality interpreters whom could otherwise not work in VRS. At-home interpreting should have the same requirements as work in call centers for security and monitoring

**B. The Bureau Should Adopt a Pre-Determined List of Unpredictable Events that Presumptively Excuse String Application of Speed-of-Answer Requirements.**

As stated by Sorenson in their Petition for Reconsideration<sup>5</sup> certain unpredictable events, which are beyond a VRS provider's control, create significant increase in call volume increasing staffing requirements. The occurrence of such events can jeopardize a provider's ability to maintain sufficient staffing at all hours of the day to ensure the daily SOA is met.

Furthermore, ZVRS agrees with Sorenson's procedural recommendation<sup>6</sup> in regards to the use and application of the payment process and penalty process. ZVRS adds that while the list of unpredictable events as provided by Sorenson is very thorough, there remain other possible scenarios that should presumptively excuse a provider from the daily SOA requirement. One such example would be an outage with another VRS provider. For example, if a VRS Provider's network were to go down due to either an ISP issue or some other internal issue at the provider, ZVRS could expect to see a

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<sup>5</sup> See Petition for Reconsideration from John T. Nakahata, Mark D. Davis, Randall W. Sifers *et al.*, Harris, Wiltshire, & Gannis, LLP, Counsel to Sorenson, FCC, CG Docket Nos. 03-123, 10-51, July 24, 2014.

<sup>6</sup> See Petition for Reconsideration from John T. Nakahata, Mark D. Davis, Randall W. Sifers *et al.*, Harris, Wiltshire, & Gannis, LLP, Counsel to Sorenson, FCC, CG Docket Nos. 03-123, 10-51, July 24, 2014.

significant increase in call volume during the outage. A network outage from another VRS provider may cause a spike during a specific period of time and cause other VRS provider's to miss the SOA for the day.

## CONCLUSION

The Bureau should grant this Petition for Reconsideration and reconsider the *Waiver Order*. ZVRS believes that the Commission and providers can work together to provide an alternative solution which serves the best interest of the consumers.

Respectfully Submitted,

**CSDVRS, LLC**

By:

A handwritten signature in black ink that reads "Sean Belanger". The signature is written in a cursive style and is positioned above the printed name and title.

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