



August 25, 2014

VIA ECFS

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

RE: Ex Parte -- *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

CSDVRS, LLC d/b/a ZVRS (“ZVRS”) hereby files in support of the Petition for Reconsideration (the “Petition”) filed by Sorenson Communication Inc. (“Sorenson”)¹ concerning the waiver order issued by the Consumer and Governmental Affairs Bureau (the “Bureau”) on June 24, 2014 (the “*Waiver Order*”).² The *Waiver Order* defers for six months the effective date of the new 30-second speed-of-answer (“SOA”) requirement for video relay service (“VRS”).³ The new standard, which now will take effect January 1, 2015, specifically requires that VRS providers answer 85 percent of VRS calls within 30 seconds, measured daily.⁴ Although ZVRS appreciates that the Bureau granted the waiver, the *Waiver Order* does not address the fundamental issue at hand: without an appropriate waiver, the SOA requirements currently are untenable and counterproductive.

I. DISCUSSION

ZVRS is committed to providing functionally equivalent VRS, utilizing highly qualified interpreters and answering calls in the order in which they are received in the timeliest manner. Therefore, 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 requirement to answer 85 percent of calls within 30 seconds, however, is extremely challenging each and every day due to numerous factors that are beyond the VRS provider’s control. ZVRS therefore fully supports Sorenson’s Petition. ZVRS agrees that the Commission and providers can work together to reach a mutual understanding of the staffing,

¹ See Petition for Reconsideration of Sorenson Communications, Inc., CG Docket Nos. 03-123, 10-51 (filed July 24, 2014) (“Petition”).

² 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*, Order, CG Docket Nos. 10-51, 03-123, DA 14-878 (rel. June 24, 2014) (“*Waiver Order*”).

³ *Id.* ¶ 1.

⁴ *Id.* ¶ 30.

operational, and quality-of-service issues at play and formulate a plan toward a resolution that ensures consumers receive a sustainable, high standard of service.⁵

The current rule, which withholds an entire day's reimbursement for failing to meet the SOA on that day, is unduly burdensome. As Sorenson notes, certain unpredictable events, which are beyond a VRS provider's control, create significant increases in call volumes, which in turn increase staffing requirements.⁶ The occurrence of such events—at any hour of the day—can jeopardize a provider's ability to maintain sufficient staffing at all hours to ensure daily SOA compliance. Providers thus are left with an impossible choice: maintain staffing at inefficient and wasteful levels on a 24/7 basis to account for unpredictable events, or risk forfeiting an entire day's reimbursement in the event that reasonable staffing levels are insufficient to meet the SOA requirement. The former approach contributes to waste of the TRS fund and may require broadening the pool of employees to include subpar interpreters, while the latter approach undermines the provider's ability to provide high-quality, functionally equivalent VRS to users.⁷

If the Bureau maintains a daily measurement requirement, ZVRS agrees with Sorenson that the Bureau should adjust its procedural process to excuse non-compliance under various scenarios in an effort to save Commission and provider resources.⁸ ZVRS agrees with Sorenson's list of unpredictable events that should presumptively qualify for excused non-compliance,⁹ and offers the following additional scenario warranting presumptive relief from the daily SOA requirement:

- Another VRS provider's outage, for example due to an underlying ISP issue or internal technical issue at the provider, which causes a sudden and significant increase in call volumes for other VRS providers during the outage.

ZVRS agrees with Sorenson that presumptive exemptions, including those listed by Sorenson and the additional exemption suggested above, would reduce the number of waiver requests considered by the Bureau, improving efficiency and the timeliness of the backend

⁵ See Petition at 3. ZVRS supports, for example, the adoption of specific procedures to measure SOA and annual SOA audits. In addition, confusion remains between the Average Speed of Answer ("ASA") (30 seconds) and SOA (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 the calls in 20 seconds and 50 in 40 seconds, the ASA is 30 seconds and the SOA is 50 percent of calls answered in less than 30 seconds. This provider would fail the daily SOA requirement, resulting in non-payment for a day when it had an ASA of 30 seconds. In light of this confusion, ZVRS urges the Bureau to ensure that there is a common expectation and understanding of SOA and how it should be measured and applied.

⁶ Petition at 7.

⁷ Although ZVRS appreciates the Commission's willingness to establish a waiver process whereby providers can receive reimbursement if the failure to meet the SOA requirement is due to forces outside the provider's control, this process nevertheless puts additional—and wasteful—strain on both the Bureau and provider, while at the same time delaying reimbursement to the provider.

⁸ Petition at 7.

⁹ *Id.* at 8.

process.¹⁰ Thus, such relief from the Bureau would mitigate many of the undue burdens of its new SOA requirement.

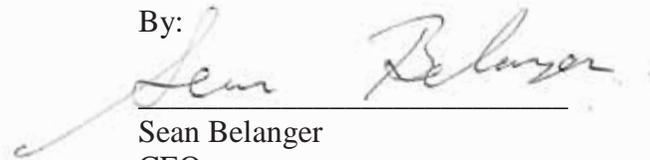
II. CONCLUSION

The Bureau should grant the Petition, reconsider the *Waiver Order*, and adopt presumptive exemptions to the SOA requirement as described in the Petition and herein. ZVRS believes that the Commission and providers can work together to provide a more workable solution which serves the best interests of VRS users.¹¹

Respectfully Submitted,

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¹⁰ *See id.* at 7-8.

¹¹ ZVRS also believes that the Commission should revisit the blanket prohibition on at-home interpreting, because the use of at-home interpreters can help providers meet aggressive SOA requirements. At-home interpreting programs would allow VRS providers to expand recruiting, hiring and training of interpreters outside of areas where existing call centers are located, thus expanding the pool of skilled professionals who can provide VRS (and thus helping to resolve the staffing issues providers currently face). It also would mitigate health risks to interpreters trying to meet aggressive SOA requirements, and would offer providers increased flexibility in adjusting interpreters' schedules on a half-hour by half-hour basis, enabling providers to more readily adapt to unexpected call volume increases. Moreover, at-home interpreters would be invaluable in uncharacteristic situations such as severe weather conditions like the winter storms of 2014 or network outages impacting call centers in a given geographical area.