

September 18, 2013

Via Electronic Filing

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Reply Comments, Further Notice of Proposed Rulemaking, rel. June 10, 2013,  
In the Matter of Structure and Practices of the Video Relay Service Program,  
CG Docket Nos. 10-51 and 03-123

Dear Ms. Dortch:

The Video Relay Services Consumer Association (“VRSCA”)<sup>1</sup> files these reply comments in support of certain portions of the comments filed by the Consumer Groups<sup>2</sup> on August 19, 2013, in response to the Further Notice of Proposed Rulemaking (“FNPRM”) released June 10, 2013, by the Federal Communications Commission (“FCC” or the “Commission”), concerning improvements to the structure, efficiency, and quality of the Video Relay Service (“VRS”) program, CG Docket Nos. 10-51 and 03-123.

The VRSCA previously filed comments in this proceeding expressing the concerns of many VRS consumers with respect to reforms to the VRS program proposed by the Commission. In addition to filing comments and providing an objective environment for individuals to be informed about issues related to VRS, the VRSCA participates at deaf expositions and town meetings throughout the U.S. and has created consumer surveys covering issues related to VRS.<sup>3</sup> The VRSCA is concerned that the Commission’s efforts to improve the practices and efficiency of the VRS program may not actually benefit the deaf, hard-of-hearing, deaf-blind, and speech disabled communities.

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<sup>1</sup> The VRSCA is a communication forum for deaf, hard-of-hearing, deaf-blind, speech disabled, and hearing individuals who communicate using American Sign Language (“ASL”) and VRS. All VRS users may participate in the organization at no cost and may voluntarily provide contact information to VRSCA with the understanding that they will receive email updates from VRSCA. Additional information is available at [www.vrsc.org](http://www.vrsc.org). See also Comments of VRSCA filed April 26 and May 23, 2011, March 9, March 30 and November 29, 2012, and May 7, 2013, in CG Docket Nos. 10-51 and 03-123.

<sup>2</sup> The comments were filed by the following organizations: Telecommunications for the Deaf and Hard of Hearing, Inc., National Association of the Deaf, Association of Late-Deafened Adults, Inc., Deaf and Hard of Hearing Consumer Advocacy Network, Cerebral Palsy and Deaf Organization, American Association of the Deaf-Blind, California Coalition of Agencies Serving Deaf and Hard of Hearing, Inc., and Speech Communications Assistance by Telephone, Inc. (collectively, the “Consumer Groups”).

<sup>3</sup> Most recently, the VRSCA conducted a survey during the Deaf Seniors of America conference in Baltimore in August 2013, the results of which are incorporated herein and summarized in the Appendix.

While the VRSCA acknowledges the Commission's goal to improve the VRS program to ensure that it is effective, efficient and sustainable, without waste, fraud, and abuse, VRS consumers fear that the FCC will make drastic changes that will limit consumer choices and treat deaf, hard-of-hearing, deaf-blind, and speech disabled individuals as second class citizens.<sup>4</sup> Specifically, the VRSCA is concerned about the Commission's proposals that would result in reduced compensation rates to VRS providers and reduced choices offered to VRS consumers. The VRSCA, like the Consumer Groups, supports the existing tiered system, which encourages competition and multiple service providers. Proposals that reduce the ability of VRS consumers to select from multiple service providers will lead to lower service quality. The VRSCA agrees with the FCC's efforts to improve VRS technologies, to encourage research and development, and to continue outreach and education.

#### I. Compensation Rates for VRS Providers.

Many VRS consumers are concerned that the FCC is reducing the VRS compensation rates in an effort to achieve rates that are closer to the allowable costs of providing VRS. The FCC in the FNPRM requests comment on structural reforms to implement the transition to a new ratemaking approach.

However, FCC cuts in VRS compensation rates could cause harm to the quality of VRS and could lead to sub-standard equipment for VRS consumers. Ultimately, if the rates are reduced too much, some VRS providers may be unable to continue offering VRS, and this would lead to the unintended result of reducing the number of competitive providers.<sup>5</sup> In considering changes to the VRS compensation methodology, the FCC's goal should be to achieve functional equivalency in communications, as required by Section 225 of the Communications Act. The FCC's efforts to reduce VRS rates could result in less functional equivalency because there is a possibility that such cuts could cause VRS providers to lower their costs, possibly resulting in the elimination or reduction of research, development and innovation. VRS consumers depend largely on highly skilled VRS interpreters and cuts will negatively affect employment and training of the interpreters. The VRSCA agrees with the Consumer Groups' observation that the Commission has not made an effort to compensate or reward VRS providers for improving functional equivalency in communications.

In the Report and Order, the FCC adopts the concept of disaggregating VRS Communications Assistance service from the video communications service component of VRS, by contracting with a neutral video communication service provider for this purpose. The FNPRM tentatively concludes that for any VRS provider offering a fully integrated service, the contract price paid by the FCC to the neutral video communication service provider will serve as a benchmark for setting compensation.

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<sup>4</sup> See Appendix, Survey Results, Questions 2 and 4.

<sup>5</sup> See Appendix, Survey Results, Questions 5 and 7.

The Consumer Groups oppose, and the VRSCA agrees, that the FCC's proposal to have the contract price paid to the neutral video communication service provider serve as the benchmark for a VRS provider that chooses to offer a fully integrated service because the FCC has not identified specific steps that would encourage innovation.

With regard to the FCC's neutral video communication service provider concept and its centralized network operations, VRS consumers are not certain how such a system would work. The VRSCA needs more detailed information in order to evaluate this proposal, such as the impact on the availability and training of interpreters and the impact on the quality of VRS for consumers. Because there are many unanswered questions, the VRSCA opposes use of the neutral video communication service provider costs as a benchmark.

The Consumer Groups point out that consumers experienced a reduction in the number of competitive choices in the IP Relay services market as a result of the FCC's reduced rate-setting mechanism and those consumers do not want to see a similar outcome in the VRS market. Any proposal with the effect of reducing the number of competitive VRS providers in the market should be avoided. The VRSCA prefers increased competition from multiple VRS providers.

## II. VRS Technology Issues.

The FCC, in its Report and Order, discussed the process of ensuring the timely development of standards to facilitate interoperability and portability of VRS access technology, which includes any software, hardware, or other technology issued, leased or otherwise provided to VRS users by VRS providers including provider distributed equipment and provider based software whether used alone or in conjunction with off the shelf software and hardware. Deaf, hard-of-hearing, deaf-blind, and speech disabled individuals deserve equipment that is functionally equivalent to that used by hearing consumers. These consumers should have new, innovative and convenient technologies that are customized for their specific needs and the equipment should be affordable.<sup>6</sup> Many face difficulties due to the additional expenses of purchasing the equipment, maintaining it and paying for broadband service. The FCC must ensure that VRS access technology continues to comply with interoperability standards.

The VRSCA agrees with the Consumer Groups, that hearing individuals who use ASL should be allowed to obtain ten-digit phone numbers and have access to videophone software and equipment to allow them to place direct point-to-point calls to their deaf, hard-of-hearing, deaf-blind and speech disabled relatives, friends and colleagues. This would eliminate the need for the Communications Assistant ("CA") for these calls and reduce the use of VRS-compensated calls.

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<sup>6</sup> See Appendix, Survey Results, Questions 1, 3 and 6.

The VRSCA agrees with the Consumer Groups and several other commenters, that VRS users should be able to leave a video mail message regardless of whether both parties use the same equipment and software. VRS consumers need access to equipment that will connect with any other manufacturer's equipment without glitches, including the ability to leave a voice mail message. Consumers with different mobile devices, such as an iPhone and a Samsung, should be able to leave messages with each other. This would be functionally equivalent to the ability of hearing individuals.

With regard to the VRS speed-of-answer requirement, the Report and Order established new benchmarks for the VRS speed-of-answer requirements. By January 1, 2014, VRS providers must answer 85% of all VRS calls within 60 seconds, and by July 1, 2014, VRS providers must answer 85% of all VRS calls within 30 seconds. The FCC in the FNPRM seeks comment on whether to further reduce the permissible wait time for VRS calls by requiring calls to be answered 85% of the time within 10 seconds. The Consumer Groups support this proposed further reduction as long as there are sufficient qualified interpreters to meet the requirement without affecting community interpreting needs. However, the VRSCA believes that creating an even shorter speed-of-answer requirement will lead to increased costs. This further reduction in the speed-of-answer does not appear to be reasonable or necessary at this time. The Commission should revisit this issue at a later date.

### III. Research and Development.

According to the Consumer Groups, the Commission's proposed \$3,000,000 research and development budget for the National Science Foundation ("NSF") is too low and the budget should not contain an expiration date. The VRSCA agrees that research and development must continue and at greater expense. The FNPRM seeks comment on the appropriate budget and funding mechanism for research conducted pursuant to the arrangement with NSF. The Consumer Groups state that the FCC should allocate a certain percentage of the research and development budget to VRS providers to conduct research or, as an alternative, reimburse VRS providers for their research and development expenses. The FCC should not undermine the need to continue with research and development. The deaf, hard-of-hearing, deaf-blind, and speech disabled communities have been underserved for many years and we need to push for more and continuous research and development for these communities.

### IV. TRS Advisory Council.

The FCC seeks comment on revisions to the TRS Advisory Council. The VRSCA agrees with the Consumer Groups' suggestion that the majority of the Council should be composed of consumer representatives. The VRSCA also agrees with the suggestion by the Registry of Interpreters for the Deaf, Inc., to include video interpreters on the TRS Advisory Council. The perspectives and experiences of video interpreters and consumer representative will help other Council members and strengthen their understanding of the VRS industry.

V. Disaggregating Emergency Calls to 911.

Like the Consumer Groups, the VRSCA is not taking a position on whether emergency calls should be handled by specialized call centers. The current 911 system appears to work well, however, there is a need to provide additional training for VRS interpreters, dispatch personnel, and first responders regarding communications with deaf, hard-of-hearing, deaf-blind, and speech disabled individuals. Such additional specialized training should be required for video interpreters, dispatcher personnel and law enforcement agencies responding to emergencies and communicating with deaf, hard-of-hearing, deaf-blind, and speech disabled individuals, in order to improve communications, which are critical during an emergency situation.

VI. Communications Assistants Working From Home.

The VRSCA agrees with the Consumer Groups, that VRS communications assistants should not be permitted to work from home because VRS consumers must have complete confidentiality during VRS calls. Due to the FCC's cuts and shortages of interpreters, the proposal appears reasonable at first. However, maintaining confidentiality, as required by the FCC rules, outweighs the other benefits of allowing CAs to work from home.

VII. Conclusion.

The VRSCA appreciates the FCC's continued efforts to ensure that the provision of VRS for deaf, hard-of-hearing, deaf-blind, and speech disabled individuals is functionally equivalent to conventional telecommunications services, and respectfully requests that the Commission consider the points discussed in these reply comments when adopting additional changes to the structure and practices of the VRS program.

Respectfully submitted,

*/s/ electronically signed*

Sharon Hayes  
Director, VRSCA

## **APPENDIX**

### **Summary of VRSCA Survey Over 390 Responses**

The VRSCA survey was taken during the Deaf Seniors of America (DSA) conference in Baltimore, Maryland, August 22-26, 2013.

VRSCA had a booth at the DSA conference for 3 days, open between the hours of 9:00 a.m. and 5:00 p.m., with 4 people working at the booth. There were 7 questions on the survey for consumers who use VRS.

There were 396 respondents, however, not all of them answered every question, and some respondents answered “yes and no” to some of the questions. The people who answered the survey questions were mostly senior citizens between the ages of 50 and 90 years old. The 4 people working the booth signed the questions in American Sign Language (ASL) when asked by consumers if they did not understand the question. They were mostly yes/no questions. Consumers were more than willing to complete the survey. Approximately 1,400 people attended the DSA conference and 396 people completed the survey. Many indicated they did not know about the FCC’s FNPRM and do not understand it when FCC publishes the FNPRM.

The consumers want the same type of access to communication services that are afforded to the hearing population. Many wish to continue the type of services they receive now.

**Deaf Seniors of America VRSCA Survey – 8/22 to 8/26/2013**

1. Would it be acceptable to you if, in the future, the FCC prohibited VRS providers from distributing free videophones or software applications to access VRS, resulting in you having to pay for access? Yes or No  
**Yes: 27    No: 345    Yes and No: 1    NA: 23**
  
2. Do you think the Federal Communications Commission (FCC) is looking out for the best interests of deaf consumers? Yes or No  
**Yes: 130    No: 227    Yes and No: 16    NA: 22**
  
3. Do you think the FCC is successful in getting information about communication access and technologies to you? Yes or No  
**Yes: 99    No: 270    Yes and No: 5    NA: 19**
  
4. Should combating waste, fraud, and abuse come at the expense of deaf communication rights? Yes or No  
**Yes: 104    No: 185    Yes and No: 70    NA: 27**
  
5. Would you be concerned if any of the six VRS providers stopped offering service resulting in fewer choices of VRS providers? Yes or No  
**Yes: 296    No: 85    Yes and No: 0    NA: 14**
  
6. Do you think communication access and technologies for the deaf are “keeping up” with those for hearing people? Yes or No  
**Yes: 161    No: 199    Yes and No: 7    NA: 23**
  
7. How important is it to you to have a choice in VRS service providers?  
a. Not important    b. Important    c. Very Important  
**(a) 1            (b) 36            (c) 358**