

March 30, 2012

Via Electronic Filing

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

Re: Reply Comments Regarding Further Notice of Proposed Rulemaking
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”)¹ would like to reply to the comments filed by the Consumer Groups² on March 9, 2012, in response to the Further Notice of Proposed Rulemaking (“Further Notice”) issued by the Federal Communications Commission (“FCC” or the “Commission”) concerning proposed improvements to the structure and practices of the Video Relay Service (“VRS”) program, CG Docket Nos. 10-51 and 03-123.

On March 9, 2012, the VRSCA filed comments in this proceeding, expressing the concerns of many VRS consumers with respect to reforms to the VRS program proposed in the Further Notice. Specifically, the VRSCA expressed its opposition to the proposed per-user compensation model and urged the Commission to maintain the per-minute compensation model until the Commission is able to ensure that a fair and equitable compensation system is in place. The VRSCA expressed support for technical standards, a minimum level of interoperability, innovation and development of

¹ The VRSCA is an informational forum for deaf, hard-of-hearing, deaf-blind, speech disabled, and hearing individuals who use VRS. The VRSCA provides an objective environment for individuals to be educated and informed about issues that relate to VRS. Consumers can get information about these issues on the VRSCA website, www.vrsc.org, at deaf expositions, and at town hall meetings throughout the United States. 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. For additional information about VRSCA, please visit the VRSCA website. See *also* Comments of VRSCA filed April 26 and May 23, 2011, in CG Docket Nos. 10-51 and 03-123.

² The comments were filed by the following organizations: Deaf and Hard of Hearing Consumer Advocacy Network, Telecommunications for the Deaf and Hard of Hearing, National Association of the Deaf, Association of Late-Deafened Adults, Inc., California Coalition of Agencies Serving Deaf and Hard of Hearing, Inc., American Speech-Language Hearing Association, Registry of Interpreters for the Deaf, Deaf Seniors of America, National Black Deaf Advocates, Inc., and Alexander Graham Bell Association for the Deaf and Hard of Hearing (collectively, the “Consumer Groups”).

improved technologies, highly qualified interpreters, clear customer service procedures, a TRS Broadband Pilot Program to provide discounted broadband Internet access for eligible low income VRS users, and other activities that would improve functional equivalency. These issues continue to be our highest priorities and based upon a review of the comments in this proceeding, these issues are important to others as well.

I. The VRSCA Supports the Consumer Groups' Comments

The VRSCA is filing these Reply Comments in support of certain portions of the comments filed by the Consumer Groups on March 9, 2012. The VRSCA agrees with the positions of the Consumer Groups with regard to the following issues that impact VRS consumers: (1) higher service quality; (2) technical standards; (3) additional consumer protection rules; (4) increased outreach and education on VRS; (5) implementation of a TRS Broadband Pilot Program; and (6) the proposed per-user compensation model. In addition, these Reply Comments will provide the results of a survey of VRS consumers recently conducted by the VRSCA for the Commission's consideration.

First, with regard to quality of service, the Consumer Groups urge the FCC to establish a national certification requirement for all Communications Assistants ("CAs"), to be phased in over time, and specifically recommend the RID-NAD National Interpreter Certification. The VRSCA submits that the majority of VRS consumers prefer CAs to be highly skilled and qualified, but not necessarily RID-NAD certified. The VRSCA urges the FCC to set clear standard qualifications for CAs to ensure the provision of high quality interpreting services and to adopt a transition plan for implementation. If the Commission were to require a certain qualification level to be a "certified interpreter," other certifications in addition to the RID-NAD National Interpreter Certification must be permitted. The VRSCA has users from nearly every state and many of the interpreters in the users' home states have a state certification rather than the RID-NAD Certification and are more than qualified to be an interpreter.

Second, with regard to technical standards, the VRSCA supports the Consumer Groups' proposal for the FCC to establish minimum technical standards with respect to interoperability of equipment. This would include the FCC requiring off-the-shelf equipment to be interoperable, which would permit mainstream manufacturers to work with the VRS providers to ensure interconnection such that it would not matter which telecommunications network is used, which device is used, or which software is used. This would allow hearing relatives, friends, co-workers, and others who use American Sign Language ("ASL") the ability to place direct point-to-point video calls without the need to utilize VRS. The result would be telecommunications services that improve functional equivalency, decrease the number of relay calls, and reduce the costs of the Telecommunications Relay Service ("TRS") Fund. The Commission should also establish minimum technical standards for VRS providers that supply videophone equipment to consumers so that if a consumer ports their number to a new default provider and uses that videophone with the new provider, the equipment retains its

minimum features, i.e., the ability to place a call to other individuals, point-to-point. This should also include the ability to place calls to any VRS provider at the same level of functionality as dial around. The VRSCA does not expect that every feature will continue to work after porting occurs because proprietary technology that is owned by a VRS provider should remain with that VRS provider.

Third, concerning consumer protections, the VRSCA agrees with the Consumer Groups' recommendations that the Commission impose rules designed to facilitate the porting of telephone numbers between relay service providers, to help prevent the unauthorized change of a customer's VRS default provider ("slamming"), to improve the speed of answer benchmarks, and to protect consumer proprietary network information. The VRSCA agrees with the Consumer Groups' reasoning that since the protections of the FCC's anti-slamming rules protect voice telephone users, as a matter of functional equivalency, TRS users should have the same protections. The Consumer Groups believe that the FCC should reduce the answer speed benchmark, which currently requires 80% of VRS calls to be answered within two minutes,³ to 80% of VRS calls being answered within one minute. Another party who is a VRS provider recommended a quicker answer speed of 80% of VRS calls answered in 30 seconds. The VRSCA believes that any improvement in the speed of answer for VRS providers would improve functional equivalency, but believes that changing the requirement to 80% of VRS calls answered in 30 seconds would provide better functional equivalency.

Fourth, the VRSCA agrees with the Consumer Groups' recommendations on outreach and education. The Consumer Groups encourage the Commission to research the availability of VRS and, where there are unserved and under-served Americans who would benefit from VRS, the FCC and the VRS industry should reach out to those individuals. The VRSCA also agrees that there is a need to educate those who may potentially place or receive VRS calls about the benefits of the VRS program. These outreach and educational activities are necessary for VRS to be functionally equivalent to voice telephone communications.

Fifth, the VRSCA agrees with the overwhelming number of comments that support the FCC's proposed TRS Broadband Pilot Program designed to allow low income deaf, hard-of-hearing, deaf-blind, and speech disabled Americans, who use ASL as their primary language, to have discounted access to broadband Internet services. The VRSCA believes that the Broadband Pilot Program should include training and ensure sufficient bandwidth speeds for making and receiving video and VRS calls.

Sixth, concerning the FCC's proposal to change the VRS compensation methodology, the VRSCA agrees with the Consumer Groups' analysis that the current per-minute compensation model, in light of the recent rule changes to address fraud and abuse, is the best compensation method at the present time to support functional equivalence for VRS consumers. According to the Consumer Groups, the FCC has been using the per-

³ See 47 C.F.R. Section 64.604(b)(2)(iii).

minute compensation methodology for about ten years and has experience responding to fraud under that methodology. The VRSCA agrees that the per-minute compensation method has been stable for the past few years and that the FCC's increased oversight of VRS should keep fraud and waste under control. The Consumer Groups recommend that the FCC first evaluate whether certification reforms and enforcement activities are sufficient to keep future fraud to a minimum before the FCC adopts compensation changes which may introduce new fraudulent activities. In addition, if the FCC adopts a per-user compensation model, it may eliminate the dial around requirement. Over the past few years, VRS consumers have enjoyed having the option to dial around to a VRS provider other than their default provider as necessary or desired. It is evident that FCC rules and polices have supported consumer choice, including the adoption of per-minute compensation methodology, development of technical standards that promote interoperability, policies that encourage competition among VRS providers, and the adoption of consumer protections, resulting in improvements to functional equivalency. The VRSCA is open to considering other forms of VRS compensation, provided they do not restrict consumer choice or the ability to dial around.

In their comments, the Consumer Groups discussed the possibility of a hybrid rate structure using a per-minute and a per-user compensation regime, subject to functional equivalence guarantees. Although the VRSCA is open to such a hybrid approach, we would need more time and additional information from the FCC on the specific functions of both, per-minute model and per-user model, to fully analyze whether this approach would provide functional equivalence, without sacrificing quality VRS for consumers. We would also respectfully request that the Commission consider a further opportunity to file comments should the Commission determine that a hybrid approach would be appropriate.

It is clear to the VRSCA that improvements to the VRS program are needed to ensure that deaf, hard-of-hearing, deaf-blind, and speech disabled consumers and their hearing contacts enjoy functional equivalency in communications. In making changes to the compensation method for the VRS program, the FCC should thoroughly consider whether the changes will encourage or discourage improvements in other areas that are important to VRS consumers such as improvements in technology, high quality interpreting services, outreach, education, and improvements to functional equivalency. While the FCC continues to seek ways to reduce the costs of the VRS program, and reduce fraud, waste, and abuse, the FCC should not negatively impact the quality of service for all VRS consumers, nor do anything to prevent improvements in the offering as the goal of true functional equivalency is reached.

II. Additional Information Compiled by VRSCA for FCC Consideration

In the Further Notice, the FCC sought comment on proposed reforms to the VRS program to address structural issues and emphasized the importance of comments that are specific and supported by data. Because VRS is vital for communications within the deaf, hard-of-hearing, deaf-blind, and speech disabled communities and because VRS

provides us with the freedom to function independently, the VRSCA believes it is essential to provide insight to the FCC on who VRS consumers are and what issues are crucial to them. Therefore, VRSCA took the initiative to conduct an informal survey of VRS consumers (“VRSCA Survey”).

The VRSCA developed the Survey questions based on common concerns and questions presented to the VRSCA during town hall presentations and at various deaf expositions and conferences. Email addresses were obtained from consumers who attended VRSCA events or visited the VRSCA booth at various expositions, conferences, and deaf events. Survey questions were presented in an ASL video. (ASL is the first/native language for the majority of deaf and hard-of-hearing people who use sign language in the U.S.) Answers were collected in written English. The Survey was posted on the VRSCA website (www.vrsc.org) for a three-week period, from March 2, 2012, through March 23, 2012. On March 2, 2012, the VRSCA sent an email to its members announcing the Survey and providing a link. A reminder email was sent on March 16, 2012, reminding them to take time to complete the VRSCA Survey. The VRSCA Survey elicited over 900 responses, however, not all of the respondents answered every question. Some of the questions asked in the VRSCA Survey and the responses to those questions are included in the Appendix attached to these Reply Comments.

The following significant findings from the VRSCA Survey results provide a representation of VRS consumers’ experiences. The majority of the VRS consumers who participated in the Survey use VRS in their homes (95%), and many of the respondents have access to VRS at their office (19%).⁴ Other respondents use VRS on mobile devices, at the homes of friends and relatives, and while traveling. It is clear from the data collected by VRSCA that numerous VRS consumers rely on VRS for their communication services. In terms of frequency, a large number of the respondents use VRS more than ten times a week (39%). An even larger percentage of the respondents made deaf-to-deaf videophone calls more than ten times a week (41%).

The VRSCA Survey asked respondents to identify what is most important to them when making a VRS call, among the following options: the quality of interpreting, the speed of answer, features and equipment the VRS provider offers, the quality of the video, or something else. From the Survey results, it is clear that the quality of interpreting is the most important (identified by 48% of the respondents). Other respondents indicated that the speed of answer (17%) or features and equipment the VRS provider offers (17%) were most important to them. The quality of the video was most important to other respondents (12%).

Many of the VRS consumers who responded to the VRSCA Survey experience problems when making VRS calls. When asked specifically about the problems that they experience when making VRS calls, there were four answers that the respondents

⁴ The respondents could select one or several choices. Totals will exceed 100%.

identified: long hold times to get an interpreter to answer the videophone (40%), hearing people do not understand what VRS is (39%), poor quality of the video, such as a blurry or freezing screen (30%), and poor quality of interpreting (30%).⁵

There were two questions in the VRSCA Survey addressing outreach and education about VRS. When asked about how important it is that VRS companies provide outreach and education about VRS, a large majority of the respondents indicated that it is extremely important for VRS companies to provide outreach and education about VRS. When asked, "Where do you get the most useful information about VRS," a large majority of the respondents stated that they receive VRS information from VRS providers (67%). Respondents also get VRS information from their friends (47%), from the VRSCA (30%), and from the FCC (18%).⁶

The FCC should consider the user experiences gleaned from the VRSCA Survey when establishing reforms, standards, and requirements for VRS. More importantly, the FCC should commission research or an independent study of the experiences and needs of VRS consumers. The VRSCA Survey and this proceeding demonstrate that VRS is a vital part of the lives of many deaf, hard-of-hearing, deaf-blind, or speech disabled individuals, and that improvements still need to be made for VRS to be functionally equivalent to voice communications of hearing users.

III. 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, as required by the Americans with Disabilities Act, Section 225 of the Communications Act. At the same time, we acknowledge the challenges the FCC faces in this proceeding and its consideration of structural reforms to ensure that the VRS program is effective, efficient, and sustainable, without waste, fraud, and abuse.

Respectfully submitted,

/s/ electronically signed

Sharon Hayes
Director, VRSCA

⁵ The respondents could select one or several choices. Totals will exceed 100%.

⁶ The respondents could select one or several choices. Totals will exceed 100%.

APPENDIX

Summary of March 2012 VRSCA Survey Over 900 Responses

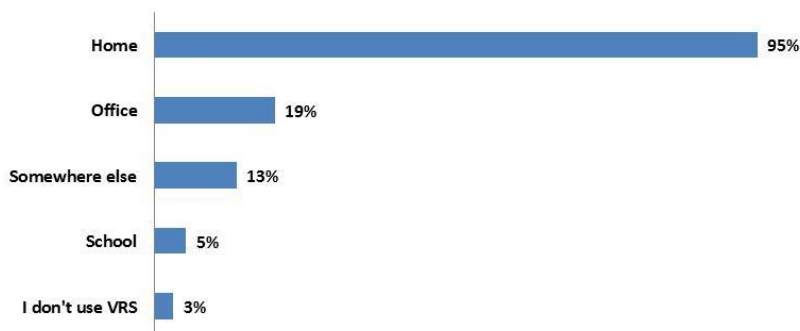
The VRSCA survey was posted on the VRSCA website (www.vrsca.org) for a three-week period, from March 2 through March 23, 2012.

There were over 900 responses, however, not all of the respondents answered every question, and some questions could be answered with multiple answers. This explains why not all percentages in the graphical summary will equal 100 percent.

The survey was embedded in the VRSCA website and a link to the survey was emailed to VRSCA consumers on March 2, 2012. A reminder email about the survey was sent to those VRSCA consumers on March 16, 2012. Survey questions were presented in American Sign Language (ASL) videos. Answers were collected in written English.



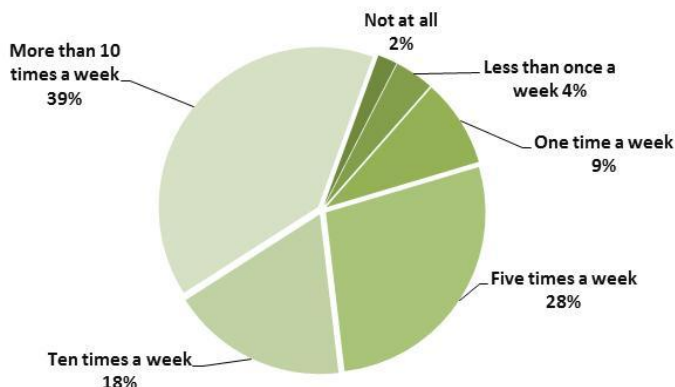
Where do you use VRS?



Respondents could select one or several choices. Totals will exceed 100%.

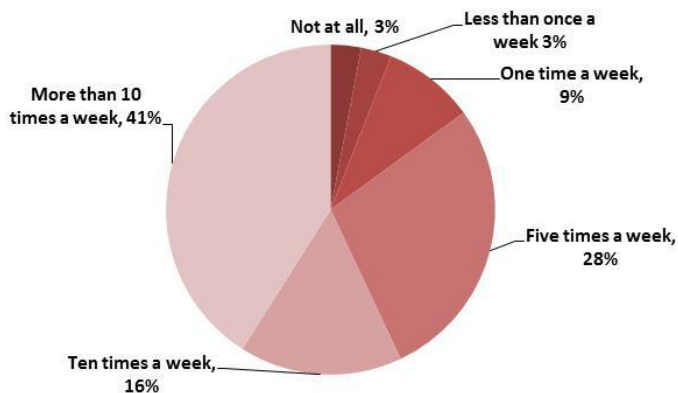
- 95% use VRS in their home.
- 19% use VRS in their office.
- 13% responded “Somewhere else” – which includes use of VRS on mobile devices, at a friend or a family member’s home, or while traveling.
- 5% use VRS at school.

How many times per week do you use VRS?



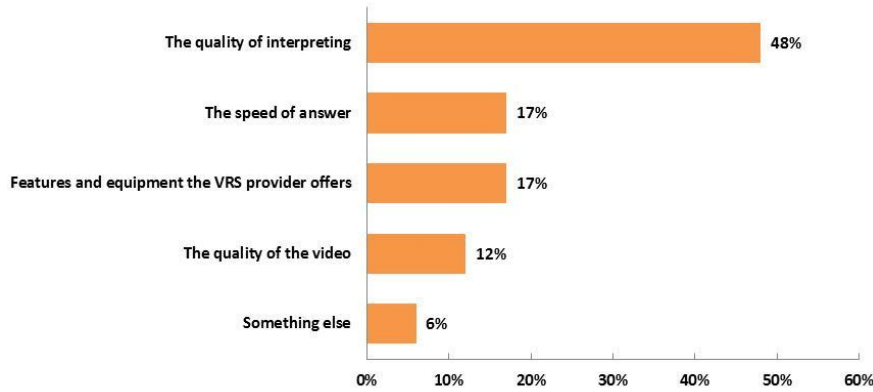
- 39% use VRS more than 10 times per week.
- 18% use VRS at least 10 times per week.
- 28% use VRS at least 5 times per week.
- 9% use VRS once per week.

How many times a week do you place deaf-to-deaf VP calls?



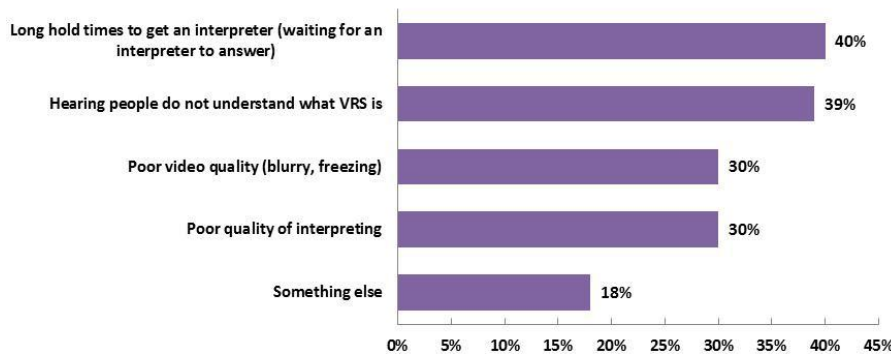
- 41% make deaf-to-deaf calls more than 10 times a week.
- 16% make deaf-to-deaf calls at least 10 times a week.
- 28% make deaf-to-deaf calls at least 5 times a week.
- 9% make deaf-to-deaf calls at least once a week.
- 3% make deaf-to-deaf calls less than once a week.

Of the following options, what is most important to you when you make a VRS call?



- 48% of respondents chose quality of interpreting as the most important feature.
- 17% responded that the features and equipment were the most important features.
- 17% responded that speed of answer was the most important feature.
- 12% responded that quality of the video was the most important feature.

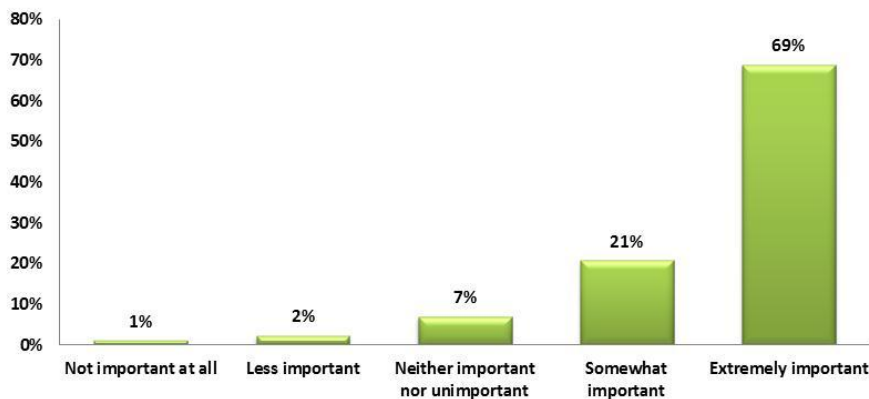
What problems do you experience when making VRS calls?



Respondents could select one or several choices. Totals will exceed 100%.

- 40% of respondents chose long hold times to get an interpreter.
- 39% of respondents chose hearing people do not understand what VRS is.
- 30% of respondents chose poor video quality.
- 30% of respondents chose poor quality of interpreting.
- 18% of respondents chose something else.

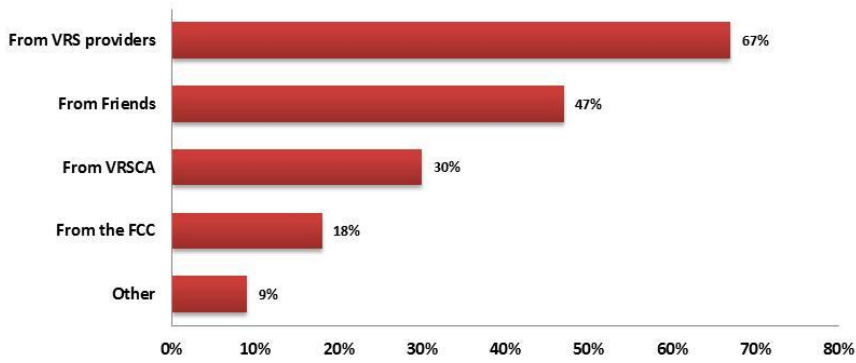
How important is it that VRS companies provide outreach and education about VRS?



- 69% responded that the outreach function was extremely important.
- 21% responded that it is somewhat important.
- 7% responded that it is neither important nor unimportant.
- 3% responded that it is either less important or not important at all.



Where do you get the most useful information about VRS?



- 67% of respondents get VRS information from VRS providers.
- 47% of respondents get VRS information from friends.
- 30% of respondents get VRS information from VRSCA.
- 18% of respondents get VRS information from the FCC.

Respondents could select one or several choices. Totals will exceed 100%.