September 30, 2015

VIA ELECTRONIC FILING

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

Re: Ex Parte Letter in CG Docket Nos. 10-51 and 03-123

Dear Ms. Dortch:

On September 28, 2015, Claude Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”); Zainab Alkebsi, Policy Counsel, National Association of the Deaf (“NAD”); Tina Maggio, Sr. Director of Programs and Services, Registry of Interpreters for the Deaf, Inc. (“RID”) (together, the “representatives”) and the undersigned participated in separate meetings with Maria Kirby, Legal Advisor to Chairman Tom Wheeler; Rebekah Goodheart, Legal Advisor to Commissioner Mignon Clyburn; Travis Litman, Legal Advisor, and Jennifer Thompson, Special Advisor to Commissioner Jessica Rosenworcel; Amy Bender, Legal Advisor to Commissioner Michael O’Rielly; and Nicholas Degani, Legal Advisor to Commissioner Ajit Pai.

The representatives asked that the Commission move forward with a Notice of Proposed Rulemaking (“NPRM”) to consider proposals recommended in the Joint Proposal of All Six VRS Providers (“Joint Proposal”)¹ and in particular a new speed-of-answer (“SoA”) benchmark and a trial for skills-based routing and deaf interpreters.

With respect to the SoA, the representatives affirmed their support for 80% of calls to be answered within 45 seconds, measured monthly, and ultimately for moving the SoA benchmark to 85% of relay calls being answered within 30 seconds or even sooner to achieve functional

The existing SoA benchmark to answer calls within 2 minutes does not provide functional equivalence or equal access and should be addressed promptly by the Commission.

They repeated their support for conducting a trial of skills-based routing, including the provision of deaf interpreters to assist hearing VRS Interpreters, in order to enable deaf and hard of hearing users to communicate in a functionally equivalent manner. Such a trial would be conducted for a specific period of time (e.g., 8-12 months) to collect measurable data such as whether enough interpreters are available with certain skill sets (e.g., medical, legal, IT) and whether skills-based routing results in more efficient calls (e.g., shorter call duration, fewer follow-up calls). The collected measurable data might then be used to determine parameters for any permanent VRS skills-based routing rules that may be adopted by the Commission. Consumer Groups recommend conducting trials before adopting permanent rules so that trial results may serve as the basis for such rules and a further notice of proposed rulemaking (“FNPRM”), if necessary, immediately after the completion of the trials.

Consumer Groups have recommended for a few years that the Commission consider allowing VRS users to opt into a skills-based system that will better match VRS Interpreters’ skills and expertise to callers’ communications and stylistic needs, as well as specific call subject areas. A skills-based routing system would allow consumers to attain more effective communication and would be more aligned with community interpreting standards and codes of conduct. Agencies regularly assign interpreters to jobs in the community based on their skills and experience, and VRS should provide the same option to ensure interpreters might be matched to callers and their calls based on the skills and experiences of these interpreters.

The participants also discussed possible service quality measures such as using a script to test the accuracy of VRS interpreters. Consumer Groups have long advocated for quality standards and testing of VRS Interpreters, including “conducting research and tests to evaluate the quality of TRS service and set up minimum quality standards for each type of relay service, particularly since it is difficult for individuals who are deaf, hard of hearing, deaf-blind, or deaf and mobile-disabled to assess whether a [VRS Interpreter] accurately interprets both sides of the communication.” For example, Consumer Groups previously proposed that the FCC

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3 Id.


commission a study “by an independent organization not affiliated with any stakeholder in the
debate, to thoroughly examine user experience” such as quality and reliability of the customer
service experience (or lack thereof). RID has similarly suggested that the Commission take a
more active role in measuring the quality of interpreting in VRS calls and publishing reports on
the quality of VRS calls.7

Without established service quality standards, Consumer Groups can provide the Commission
with anecdotal information about the quality of VRS as rate cuts continue but are unable to
provide any statistical or measureable data. The recent GAO Report8 confirms that the
Commission needs to establish performance goals and internal controls to oversee its national
TRS Program. The representatives therefore support VRS rate stabilization until service quality
standards are adopted to ensure that the burden of such cuts do not fall primarily on consumers
and VRS Interpreters.

Respectfully submitted,

/s/ Tamar Finn

Tamar Finn
Danielle Burt

Counsel for TDI

cc (by e-mail): Maria Kirby
Rebekah Goodheart
Travis Litman
Jennifer Thompson
Amy Bender
Nicholas Degani
Claude Stout
Zainab Alkebsi
Tina Maggio

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6 See Consumer Group Comments in Response to Notice of Inquiry, Structure and Practices of the Video Relay
7 See RID Ex Parte Letter to Marlene Dortch, CG Docket Nos. 10-51, 03-123 (filed April 7, 2014).