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WITH SUPPORT OF DEAF CONSUMERS AND INTERPRETERS, VRS PROVIDERS PRESENT FCC WITH JOINT PROPOSAL TO IMPROVE SERVICE AND EXPAND OFFERINGS, UPHOLDING ADA PROMISE OF FUNCTIONALLY EQUIVALENT TELECOMMUNICATION SERVICES

WASHINGTON, DC – A delegation representing all six U.S. providers of Video Relay Service (VRS) today presented a Joint Proposal to the Federal Communications Commission (FCC) that would enhance telecommunication services available to deaf consumers who use American Sign Language (ASL) to communicate and uphold the Americans with Disabilities Act mandate of functionally equivalent telecommunication services. The companies that are party to the Joint Proposal are: [ASL Services](#), [CAAG](#), [CONVO](#), [Purple Communications](#), [Sorenson Communications](#), and [Z VRS](#).

VRS is the primary technology used by the signing community to communicate over the telephone with people who are hearing. With VRS, a person who is deaf uses a videophone or a mobile application to communicate with a hearing person over the phone through an interpreter. The interpreter speaks to the hearing person and communicates using ASL with the person who is deaf. The introduction of high-quality VRS in the early 2000s has been transformational in the lives of people who are deaf and has helped level the playing field for many. Dr. I King Jordan, the first deaf president of Gallaudet University, wrote in a 2013 [op-ed](#), “I do not exaggerate when I say that VRS has changed my life.”

The Joint Proposal has the support of the major consumer groups representing the deaf, several of whom filed a letter with the FCC regarding the benefits of the proposed enhanced VRS service, as well as the Registry of Interpreters for the Deaf (RID).

The providers’ Joint Proposal addresses an issue currently pending with the FCC, the speed with which providers are required to answer VRS calls, and includes additional enhanced services that would benefit deaf consumers. Under their Joint Proposal, the FCC would (1) impose faster speed-of-answer service requirements; (2) permit providers to conduct a trial of skills-based routing; and (3) encourage the provision of deaf interpreters. Providers also committed to work together to resolve any remaining interoperability issues between the disparate video endpoints used by VRS consumers. In order to make these changes feasible, the Joint Proposal asks the FCC to agree to maintain the compensation rates paid to VRS providers at their current levels and not implement rate cuts scheduled to take effect beginning July 1, 2015. The enhanced services in the providers’ Joint Proposal are contingent upon stabilization of VRS provider compensation rates.

“Our greatest concern is quality of service and the continued innovation of Video Relay Service. The providers’ Joint Proposal will ensure that these things happen and that we keep moving toward the ADA’s mandate of functionally equivalent telecommunication service,” said Claude Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI).

“Interpreters are the backbone of VRS and cannot easily bear the burden of changes to service requirements or offerings. We are pleased with the way the providers have structured this joint proposal to take into account the needs of interpreters as well as the consumers we serve,” said RID Board of Directors President Dawn Whitcher.

The VRS provider companies came together to address an important need: implementing regulatory changes so that they can continue offering high quality Video Relay Service under conditions that will allow the industry to survive and thrive over the long-term. The providers strove to put together a plan that not only met their needs, but that also could be embraced by their community of customers and interpreters. They are committed to moving forward in a way that provides for a robust and competitive VRS marketplace and, through consumer choice, quality service and innovation, maintains the ADA mandate of functionally equivalent telecommunications for people who are deaf and hard-of-hearing and rely on American Sign Language to communicate. They urge the FCC to act in a timely manner to adopt the provisions of the Joint Proposal.

In a June 2013 Order, the FCC adopted rules affecting the provision of VRS, including, among other things, a significant increase in its speed-of-answer requirement (from an 80-second average measured on a monthly basis to a 30-second average measured daily). The rules also set into motion an aggressive rate reduction schedule through January 1, 2017. The net effect of the Order was to increase service requirements while reducing provider compensation.

The 2013 rules were challenged in court, resulting in a September 2014 decision by the DC Circuit to vacate the speed-of-answer requirement and remand it back to the FCC to determine what impact the enhanced service requirement would have on providers’ costs. In the time since the court vacated the rule, the FCC has not made any effort to address speed-of-answer. Moreover, the agency has not made progress on other actions outlined in the 2013 Order, including development of a neutral platform, a user registration database, performing outreach, and the adoption of a market-based competitive bidding system for determining provider compensation rates. The rate reduction schedule, however, remains in effect.

As outlined in its June 2013 Order, the neutral platform was a key element of the FCC’s transition to a new ratemaking approach that uses competitively established pricing. The FCC confirmed last year that it was moving forward with the neutral platform. In response to the House Appropriations Subcommittee on Financial Services and General Government’s questions for the record regarding the FCC’s FY 2015 budget, the Commission stated that it was establishing an access technology reference platform (neutral platform) to ensure VRS consumer access to the latest technologies and to achieve interoperability. However, in February of this year, the FCC cancelled its RFP for the neutral platform.

Specific details of the VRS providers' joint proposal:

The providers' joint proposal consists of a unified package of reforms that are interdependent. In particular, none of the proposed service enhancements are feasible without the immediate stabilization of provider compensation rates. At the end of an eight-month trial, providers, consumers and RID will present data to the FCC to assist the Commission in establishing permanent minimum standards for each of the proposed enhanced services.

1. **Speed-of-Answer.** The providers propose to meet a faster service-level requirement so that 80 percent of calls must be answered within 45 seconds, measured monthly. This compares to the current requirement that 80 percent of calls be answered within 120 seconds, measured monthly and the FCC's 2013 rule that imposed a requirement that 85 percent of calls be answered within 30 seconds, measured daily. Further, the joint proposal clarifies a penalty structure for an individual provider who fails to meet the speed-of-answer service level.
2. **Skills-Based Routing.** Skills-based routing is the diversion of certain highly specialized calls, such as, but not limited to, legal, medical and technical support calls, to interpreters with knowledge in the relevant field. This National Association of the Deaf has called on the FCC to allow skills-based routing, but the FCC has prohibited it because of concerns over its potential misuse in place of in-person interpreting. The providers believe they can offer a workable solution that prevents abuse of the service and propose to conduct an eight-month trial of skills-based routing to determine its feasibility and what, if any, additional rules are necessary to prevent misuse.
3. **Deaf Interpreters.** For certain individuals, the provision of a VRS interpreter is not sufficient for effective communications. Some people with limited English proficiency, cognitive disabilities or other circumstances require the assistance of a deaf interpreter in addition to the hearing VRS interpreter. The providers propose that the FCC encourage providers to offer the assistance of qualified deaf interpreters for an eight-month trial, followed by an FCC evaluation and development of data-driven permanent requirements.
4. **Rates.** As the D.C. Circuit recognized in its September 2014 ruling, VRS providers cannot meet more stringent service standards while compensation rates continue to decrease. Rate stabilization is necessary to support investment in service innovation and improvements. The providers propose that the FCC freeze VRS compensation rates at their current levels (those in effect during the first half of 2015) and not implement the rate cuts scheduled to take effect on July 1, 2015 and every six months thereafter through January 1, 2017.

Since 2010, rates for all providers have decreased significantly. In fact, rates for Tiers 1, 2 and 3 have decreased by 21 percent, 25 percent and 29 percent, respectively. For example, the rate for Tier 3 has decreased from \$6.24 to \$4.44. If the rate is not stabilized by July 1, 2015, Tier 3 will drop further to \$4.25, representing a 32 percent reduction.

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