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Canadian Radio-Television and Telecommunications Commission Video Relay Service Public Hearing CRTC 2013-155

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Thank you for giving me the opportunity to share my expertise regarding public policies related to Video Relay Services (VRS).

During my ten year tenure as the executive director of Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), I played a significant role in developing language for various components of the Americans with Disabilities Act of 1990 (ADA). Specifically, I participated in the development of portions of the ADA pertaining to emergency services accessibility and relay services laws. Subsequent to the enactment of the ADA, I collaborated with the Federal Communications Commission (FCC) and the Department of Justice (DOJ) in the process of developing regulations and guidelines to ensure the effective implementation of access to relevant telecommunications venues. In addition, I developed quality training programs that focused on preparing relay service vendors and emergency service personnel to provide effective services. Eventually, the FCC created the Disability Rights Office, which now has a staff of 15 deaf and hearing lawyers dedicated to addressing various accessibility issues including VRS, closed captioning and Next Generation 911 (NG911). Additional information regarding my work during that time period can be found in a book authored by Karen Peltz Strauss, a telecommunications lawyer: *A New Civil Right: Telecommunications Equality for Deaf and Hard of Hearing Americans*, published by Gallaudet University Press (2006). I was her colleague during the period prior to and subsequent to the enactment of the ADA and we worked collaboratively to ensure telecommunications equality. Peltz Strauss currently is Deputy Chief of the Consumer and Governmental Affairs Bureau at the U.S. FCC. In addition, I was involved in the passage of the Communications and Video Accessibility Act (CVAA) three years ago. Currently, I am a member of the FCC's Interstate Telecommunications Relay Service Funding Advisory Council.

Before I proceed, I would like to ask if you are aware of yourself as a hearing person? Are you aware of special services around you that are designed to meet your special hearing needs? For example, microphones around here are your special devices. They help you hear each other better. Loud speakers. Television speakers. Computer speakers. They all are your hearing aids. They all meet your special hearing needs.

What about those taking advantage of their eyes instead of their ears? They rely on captions to see the dialogues on television. They rely on text to follow the contents on the Internet. They rely on their eyes to receive sign language to converse, just as hearing people rely on their ears to receive spoken language to converse.

In general, I agree with the comments, responses and suggested interventions submitted by various consumers and organizations that I have reviewed, including for example, the submission of the Canadian Hearing Society in Toronto.

I will now focus on issues currently in need of attention:

1. Describe the potential social and economic benefits of VRS.

Before I elaborate, I would like to ask you a question. What are the social and economic benefits of voice telephone services? Lacking voice telephone services clearly would negatively impact social and economical benefits for hearing people. Canadians who rely on eyes such as Deaf and hard of hearing people are in a situation where they are being deprived of time-efficient telecommunications access, thereby losing out on the social and economic benefits enjoyed by their hearing peers. Access to VRS would facilitate access to careers that require effective telecommunications, thereby bridging the current communication gap between hearing people and people with hearing disabilities. In the United States where VRS has been in operation for about ten years, I have met many hearing people who benefited from VRS. For example, a hearing real estate agent made a big commission from a property sale with a deaf person using VRS. A hearing contractor was able to negotiate a contract with a deaf customer using VRS. A hearing airline representative was able to assist a deaf passenger in purchasing tickets. A couple weeks ago, several hearing personnel of your Commission used VRS to guide me through the CRTC policy jungle so that I could be here today to participate in this public hearing with you.

2. Is VRS the best available means to meet the telecommunications needs of people with hearing disabilities?

Consumer research indicates that hearing people have found traditional message relay services (MRS) to be time-ineffective and cost-ineffective. Since the average speed of spoken words is about 150 to 200 words per minute and the average speed of text is about 30 words per minute, hearing people using MRS calls with deaf people have had to shift down the spoken speed at least five levels and wait five times longer to receive full text messages conveyed by telecommunications relay assistants (CA) who are the conduits between voice telephone and text telephone callers. Since the average speed of sign language is similar to that of spoken words, communication is real time, with no delay. As a result, hearing people are far more appreciative of VRS compared to the MRS in terms of time-efficiency. In other words, the question should be whether VRS is the best available means to meet the telecommunications needs of hearing people instead of people with hearing disabilities who need to communicate with people with hearing disabilities instead of hearing people.

3. Under what circumstances would VRS be used?

Again, let me ask you a question. Under what circumstances would voice telephones for hearing people be used? VRS is intended to enable hearing people to communicate

with people with hearing disabilities in the most convenient manner, equivalent to voice telephone services with hearing people. Hearing people would be able to easily call deaf or hard of hearing people as needed, and vice versa for emergency, family, social, occupational, medical and life service circumstances, to name a few.

4. How should the VRS be funded?

The funding mechanism for VRS should be similar to that developed in the United States. The FCC empowers a Telecommunications Relay Service administrator to develop a budget and create a constant percentage fee based on total revenues of all telecommunications-related companies, may they be landline telephone, wireless telephone, cable, and Internet providers. This administrator (currently Rolka Loube Saltzer Associates [RLSA]) then charges and collects a constant percentage fee from each telecommunications-related provider. With the approval of the FCC, RLSA pays each VRS provider based on the minutes per month that they provided to VRS consumers. This has proven to be an effective funding mechanism.

The telecommunications industry should be reminded that existing programs are audio-oriented for hearing customers. Yet, the revenues are being compiled from all customers, including those who could not benefit from audio-oriented programs. For example, deaf Canadians are paying the same cable subscription fees that hearing Canadians do, even while some programs are still not captioned. Deaf Canadians buy television sets with speakers at the same price as hearing Canadians even though they have no use for the speakers.

5. How should VRS be implemented so as to minimize the impact on community interpreting?

The CRTC should be commended for its concern regarding the potential impact on community interpreting in view of the need for qualified sign language interpreters to handle VRS calls. However, I recommend that the CRTC concentrate on the issues related to VRS, per se, and let the community find solutions to fulfill interpreting needs. The existence of both VRS and community interpreting needs will create increased opportunities for interpreting jobs that can be filled by graduates of newly-created interpreter training programs. The need to maintain community interpreting services should not be a disincentive to the implementation of VRS, considering that for deaf and hard of hearing individuals, VRS will provide significantly improved access to the benefits currently enjoyed by hearing peers. In the United States, community interpreting has managed to evolve in response to the emergence of VRS.

There are several methods to improve the efficiency of the use of the interpreters. For example, one possibility is to develop regulations to allow interpreters to work from home instead of spending time traveling to VRS centers. Such regulations should include issues such as ensuring complete privacy and electronic monitoring.

6. Technology.

Basic VRS technology should be interoperable among all VRS providers to ensure interchangeability and allow consumers access to various providers, just like their hearing peers who have access to various voice telephone providers whose services are

interoperable and interconnect-able. Interoperability and interconnect-ability are also critical for emergency service providers. Care has to be taken that upcoming NG 9-1-1 technology is interoperable and accessible to all users, including deaf and hard of hearing VRS users. Essentially, basic video hardware and software should be interoperable and mainstreamed within both VRS and NG 9-1-1 platforms. Technology also needs to be cost-effective, time-effective, reliable, durable and efficient.

In the United States, when VRS was implemented about ten years ago, webcams were used and everything was interoperable and interconnect-able. One company entered the VRS arena by distributing and installing its own non-interoperable videophone at no cost to deaf consumers. As a result, it created a lock to a single provider and caused unnecessary confusion and segregation among and between deaf and hearing consumers.

As a result, significant needless expenses were made to have different platforms in all VRS centers function with different non-interoperable hardware and software.

Also, because of non-interoperability of video hardware and software, direct connection with emergency centers is not feasible today. The caller has to go through VRS, and then, hopefully, be connected to an appropriate emergency center in time. Since about 4,000 VRS interpreters in the United States handle about 500 emergency calls each month, they are not sufficiently trained to handle such calls. The FCC is exploring the possibility of having one VRS-reference platform interoperable, interconnect-able and mainstreamed with all video hardware and software. Also, the FCC and the DOJ are in the midst of developing mainstreamed regulations and guidelines to allow video callers dial directly with respective appropriate emergency centers for immediate and effective assistance.

7. What kind of outreach should be available?

There should be two different outreach programs.

VRS providers should have their own marketing program that would include education, outreach and promotion of their respective products that are necessary for access to VRS to attract deaf and hard of hearing consumers.

The other program should be educational, generic and done by impartial consumer organizations. In the United States, outreach programs by the providers often left the consumers confused and created animosity between loyalists. Also, not-for-profit organizations and public service agencies such as schools often exclude biased programs to remain impartiality. Such a generic outreach program should be more acceptable and less confusing in various settings, including vocational training where people would be able to learn how to use VRS more effectively.

8. What would be the optimal VRS provider compensation model to prevent fraud?

The FCC has issued an Order, better known as VRS Reform, to eliminate fraud. Details can be found at <http://www.fcc.gov/guides/vrs-reform>. For example, there are several restrictions or requirements that include the following with the goal of preventing fraud:

- c. All interpreters are being paid based on hourly, daily, weekly or annual rates rather than based on minutes since the latter is subject to abuse.

Since the FCC issued this Order in the past three years, VRS minutes have dropped drastically. It appears that the minutes now reflect actual usage without the addition of minutes based on fraudulent use. It is strongly believed that with guidelines that parallel what the FCC has issued, the danger of fraud will be minimized.

9. Should there be a single VRS provider?

Since competition enhances quality and cost-effectiveness, multi-VRS providers are to be encouraged. In the United States, I was able to switch to another provider instead of being on a long hold, tied with an incompetent interpreter, or when the previous provider was down. Canadians, both hearing and deaf, should have the option to switch providers to their preferences.

Before I close, I would like to emphasize several other issues.

- a. VRS is a utility, neither a social service nor outside of telecommunications service scope;
- b. VRS costs should be recovered by all telecommunications service consumers, meaning that VRS costs should be part of all telecommunications service providers (TSP);
- c. MRS should be maintained, not replaced by VRS, because deaf-blind people rely on tele-brailles, a text telephone with Braille, to communicate through telephone lines; and
- d. Commission should create an office similar to the Disability Rights Office of the FCC to ensure that all telecommunications-related policies and regulations are functional equivalent for all Canadians with disabilities.

Respectfully submitted,

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