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Our File No.: 4889010001

April 28, 2006

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Monica Desai
Chief, Consumer & Government Affairs Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington DC 20554

**Re: Video Relay Service Compensation Rates
CG Docket No. 03-123**

Dear Ms. Desai:

Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), through its undersigned counsel, National Association of the Deaf (“NAD”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”) and California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”) (collectively, the “Consumer Groups”) are filing this letter to express their concerns regarding what appears to be a failure to factor in the access and functional equivalence requirements of the Americans with Disabilities Act (“ADA”), PL 101-336, July 26, 1990, codified at 47 U.S.C. § 225, in determining the reimbursement rate for Video Relay Service (VRS) and other Telecommunications Relay Services (TRS). Those requirements were not appropriately addressed during discussion of the reimbursement rates at the recent National Exchange Carrier Association (“NECA”) TRS council meeting.

The main purpose of the ADA was to facilitate the integration of people with disabilities into the mainstream of society so that no person would be left behind. The ADA mandates the provision of all TRS, including the newer technologies not available at the time when the ADA was adopted, such as VRS. Poor quality VRS would thus not comply with the functional equivalency requirements of the ADA.

While we are closer than in years past, we are still a long way from achieving functional equivalence. Many deaf or hard of hearing individuals do not yet have access to VRS, frequently because they do not know about the service, or if they know about the service, they do not know how to obtain the service. Effective marketing and outreach programs are essential to reach those people who are left out. For those who do have access to VRS, long waits, limited or erratic technology access, and low quality of sign language interpreters shows that functional equivalence has not yet been achieved.

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To ensure that deaf and hard of hearing individuals have functionally equivalent access to relay services, we ask the Commission to ensure that the compensation rates for TRS are at a level that would satisfy the FCC's obligations under the ADA, including true functional equivalence in services and strong outreach to those deaf and hard of hearing individuals who do not yet have access to all forms of TRS. Factors in calculating the appropriate compensation rates for relay services in order to satisfy the functional equivalence access requirement would include, for example, (1) ensuring interoperability and other technology developments, (2) satisfying current (and then increasing) speed of answer requirements, (3) recruiting and training interpreters, and (4) providing full and equivalent emergency/911 access.

Lastly, it has come to the attention of the Consumer Groups that the Commission may not permit NECA to allow costs for Certified Deaf Interpreters ("CDIs") to be recovered. CDIs work with interpreters who are hearing to enable comprehension of certain people who are deaf where it is difficult to understand their signing. This may include people who use American Sign Language in an unconventional way or have minimal or limited communication skills. Such people must not be left out of access to TRS, and if CDIs are essential to their having quality VRS conversations, then the ADA mandates that CDIs be used and that the use of the CDIs be compensated.

Very truly yours,

/s/

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