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Via Electronic Comment Filing System and Overnight Delivery

March 19, 2019

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

ATTN: Consumer and Governmental Affairs Bureau

RE: *Structure and Practices of the Video Relay Service program*, CG Docket No. 10-51:
*Telecommunications Relay Services and Speech-to-Speech Services for Individuals with
Hearing and Speech Disabilities*, CG Docket No. 03-123, *Petition of ASL Services
Holdings, LLC dba GlobalVRS on an Expedited Limited Waiver to Offer At-Home
Interpreting Subject to the Conditions of the Pilot Program*

Dear Secretary Dortch:

ASL Services Holdings, LLC dba GlobalVRS ("GlobalVRS") hereby submits the attached *Petition of ASL Services Holdings, LLC dba GlobalVRS on an Expedited Limited Waiver to Offer At-Home Interpreting Subject to the Conditions of the Pilot Program* ("Petition"). By its Petition, GlobalVRS reiterates its request to participate in the Commission's voluntary at-home call handling pilot program as set forth in the Company's September 1, 2017 *Notice of Conditional Intent for Skills-Based Routing and Deaf Interpreter Trial Participation and Request for Extension of Time for Trial Initiation* in the above-referenced matter, and joins the other eligible video relay service providers in requesting a one year extension of the at-home call handling pilot program.

Thank you for your attention to this matter. Questions may be directed to the undersigned.

Sincerely,

MILLER ISAR, INC.

/s/ Andrew O. Isar
Andrew O. Isar

Consultants to
ASL Services Holdings, LLC dba GlobalVRS

Attachment

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Structure and Practices of the Video Relay Service Program)	CG Docket No. 10-51
)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities)	CG Docket No. 03-123
)	

To: Consumer and Governmental Affairs Bureau

**PETITION OF ASL SERVICES HOLDINGS, LLC dba GLOBALVRS
FOR AN EXPEDITED LIMITED WAIVER TO OFFER AT-HOME INTERPRETING
SUBJECT TO THE CONDITIONS OF THE PILOT PROGRAM**

ASL Services Holdings, LLC dba GlobalVRS (“GlobalVRS”), pursuant to Sections 1.3 and 64.604(b)(8) of the Commission’s rules¹ hereby requests an expedited limited waiver of 47 C.F.R. 64.604(b)(8) to allow GlobalVRS to participate in the voluntary at-home call handling pilot program. GlobalVRS had sought to participate in the Program but was precluded from so doing in light of the Commission’s pending inquiry to the Company at the time. With the resolution of the Commission’s inquiry, GlobalVRS now seeks to participate in the Program as originally requested, and joins other providers in requesting an extension of the Program deadline.

I. INTRODUCTION

The Commission’s *2017VRS Improvements Report and Order*² adopted a temporary voluntary at-home video relay service (“VRS”) call handling pilot program (“Program”) and

¹ 47 C.F.R. §§ 1.3 and 64.604(b)(8).

² *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, *Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order*, 32 FCC Rcd. 2436, 2455-64 (¶¶46-60) (2017) (“*2017 VRS Improvements Report and Order*”).

promulgated Section 64.604(b)(8) of the Commission’s rules. Pursuant to Section 64.604(b)(8), certified VRS providers who demonstrated compliance with Program safeguards established under this rule were authorized to designate certain video interpreters to provide VRS from qualifying at-home work stations between November 1, 2017 and October 31, 2018.³ VRS Providers seeking to participate in the Program were to notify the Commission of their intent to participate on or before September 1, 2017. On October 31, 2018, the Commission extended the Program termination date through April 30, 2019⁴, noting “[i]f any VRS provider wishes to begin offering at-home interpreting under the conditions of the pilot program, [it] should submit a particularized showing of special circumstances demonstrating good cause for granting a rule waiver to that VRS provider.”⁵

On September 1, 2017, GlobalVRS submitted a *Notice of Conditional Intent for Skills-Based Routing and Deaf Interpreter Trial Participation and Request for Extension of Time for Trial Initiation* (“Notice”).⁶ GlobalVRS’s Notice included a Compliance Plan detailing the manner in which the Company proposed to comply with the specific requirements set forth in Section 64.604(b)(8) governing Program compliance including GlobalVRS’s video interpreter screening process for the Program, training to be provided to interpreters, protocols and expectations for interpreters including physical work location requirements, basis for terminating interpreters from the Program, on site work evaluations and preparation of at-home work stations, a discussion of monitoring technology and supervision, network connectivity, and the Company’s

³ 47 C.F.R. § 64.604(b)(8)(i).

⁴ See *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CG Docket Nos. 10-51 and 03-123, DA 18-1119, n.54 (rel. Oct. 31, 2018) (“Order”).

⁵ *Id.*

⁶ See, *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, *ASL Services Holdings, LLC dba GlobalVRS Notice of Conditional Intent for Skills-Based Routing and Deaf Interpreter Trial Participation and Request for Extension of Time for Trial Initiation* (filed September 1 2017).

compliance commitments. GlobalVRS's Notice also included a sample interpreter statement of understanding and commitment to comply with commission rules. The Commission did not act on the Company's Notice in light of the then pending Commission inquiry into certain aspects of the Company's operations. On February 1, 2019, the Commission's inquiry was concluded. With the conclusion of the Commission's inquiry, GlobalVRS now requests waiver of the Program period in Section 64.604(b)(8) and renews its Notice and request to participate in the Program as set forth in the *Order*.

II. DISCUSSION

A. Waiver Standard

Section 1.3⁷ of the Commission's rules establish that a waiver of the Commission's rules is appropriate where good cause can be shown. The Commission may exercise its discretion to waive a rule when strict compliance can be demonstrated inconsistent with the public interest.⁸ The U.S. Court of Appeals for the District of Columbia Circuit has found that good cause exists if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.⁹

B. Special Circumstances and Equitable Considerations Justify Grant of GlobalVRS's Petition

On January 28, 2019, Sorenson Communications, LLC ("Sorenson") petitioned the Commission for an expedited limited waiver to offer at-home interpreting.¹⁰ Sorenson's Petition *inter alia* addressed the basis for Commission extension of the Program's original expiration

⁷ 47 C.F.R. §1.3.

⁸ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁹ *Id.*

¹⁰ See, *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, *Petition of Sorenson Communications, LLC for an Expedited Waiver to Offer At-Home Interpreting Subject to the Conditions of the Pilot Program* (January 28, 2019) [*Sorenson Petition*].

date.¹¹ Sorenson’s justification for establishing special circumstances and equitable considerations apply equally to GlobalVRS’s request for waiver.

Sorenson noted that the Commission in its Order found that “use of at-home interpreting services has improved the reliability, redundancy, effectiveness, and efficiency of the participants’ services. The Bureau noted these benefits accrued not only to the participants, but also to the participants’ [communications assistants], and to the participants’ deaf and hard-of hearing users as a result of the pilot program.” Sorenson proceeded to list Program benefits the Commission had concluded from the Order,¹² stating that, “The Bureau concluded it was likely the benefits described above would be sacrificed if at-home interpreting was discontinued as of the planned end date. Likewise, the Bureau found losing the additional call handling capacity and redundancy provided by at-home interpreters, especially at peak times and in emergencies, could increase the burden on the participants of ensuring reliable service to customers. As a result, the Bureau found these circumstances support waiving the pilot program expiration date.”¹³

Sorenson concluded, “[t]he same special circumstances the Bureau found to justify grant of the request to extend the expiration date of the pilot program provide good cause to justify a limited waiver of the Commission’s rules to allow Sorenson to begin offering at-home interpreting. Absent a grant of waiver, CAs working for Sorenson will be unfairly and unnecessarily locked out from working at-home and denied the opportunity to participate in the benefits enjoyed by similarly situated CAs who work for the current participants.”¹⁴ By extension, these same special circumstances apply equally to GlobalVRS. GlobalVRS was, and remains, prepared to participate

¹¹ *Sorenson Petition* at pages 3 to 6.

¹² *Id.* at page 3 citing to the Order at paras. 5 and 6.

¹³ *Id.* at pages 4 and 5, citations in original omitted.

¹⁴ *Id.* at page 5.

in the Program and should not be precluded from participating on the same basis as other providers.¹⁵

III. GlobalVRS’s Notification of Intent to Participate in the Voluntary At-Home Video Relay Service and Detailed Plan for Ensuring Compliance with Rules Governing At-Home Compliance Program

As noted, on September 1, 2017, GlobalVRS submitted to the Commission a *Notice of Conditional Intent for Skills-Based Routing and Deaf Interpreter Trial Participation and Request for Extension of Time for Trial Initiation* and detailed compliance plan (“Plan”). GlobalVRS’s Notice is incorporated herein by reference. The Company’s Notice and Plan remain unchanged with the following exceptions:

- 2.¹⁶ A description of specific training to be provided for at-home CAs (47 C.F.R. §64.604(b)(8)(i)(B)).

GlobalVRS has amended its interpreter training program with more detailed regulatory compliance modules since the Plan was originally submitted and consistent with Commission directives. Further, in light of further improvements to certain Company operations including registration, international calling, and time reporting, among others, related training has also been amended to address changes in those operational procedures.

¹⁵ To that end, GlobalVRS supports CSDVRS, LLC d/b/a ZVRS and Purple Communications, Inc. Request for Extension of the At-Home Call Handling Pilot Program “through October 31, 2019, or until the Commission adopts an order authorizing at-home call handling program.” See, *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, *Request for Extension of the At-Home Call Handling Pilot Program* (February 25, 2019).

¹⁶ Listed numbers refer to Plan sections.

4. A description of the grounds for dismissing a CA from the at-home program and the process for such termination in the event that the CA fails to adhere to applicable requirements (47 C.F.R. §64.604(b)(8)(i)(D)).

In addition to the grounds for dismissal from the at-home interpreting program listed in the Plan, interpreters will be dismissed if engaging in any activity that interferes with company-provided equipment, software, and maintenance, failure to maintain soundproofing in the work room, use of personal electronic devices in the work room, and personal use of any company provided equipment and Internet access.

5. A description of all steps that will be taken to install a workstation in a CA's home, including evaluations that will be performed to ensure all workstations are sufficiently secure and equipped to prevent eavesdropping and outside interruptions (47 C.F.R. §64.604(b)(8)(i)(E)).

GlobalVRS will now require all at-home program candidates to submit a video of the proposed work room to demonstrate that the proposed work room will meet the physical requirements for an at-home work station and that the candidates can demonstrate proof of possession of the premises.

6. A description of the monitoring technology to be used by the provider to ensure that off-site supervision approximates the level of supervision at the provider's call center (47 C.F.R. §64.604(b)(8)(i)(F)).

Though incidental to monitoring technology, interpreters will be expected to account for their time in the same manner in which interpreters account for their time under the Company's amended time reporting procedures.

7. An explanation of how the provider's workstations will connect to the provider's network, including how they will be integrated into the call center routing, distribution, tracking, and support systems, and how the provider will ensure system redundancy in the event of service disruptions in at-home workstations (47 C.F.R. §64.604(b)(8)(i)(G)).

A dedicated, secure broadband Internet access line will be provided to each at-home work location, specifically for the interpreter's access to the Company's call distribution platform. Use of this broadband Internet connection by anyone but the interpreter and for any purpose other than to access the Company's call distribution will grounds for immediate termination from the Program.

Attachment 2, Sample Interpreter Statement of Understanding and Commitment to Comply with Commission Rules and Supporting Requirements Governing Video Relay Services, At-Home Interpretation, Caller Confidentiality, Fraud Prevention, and Basis for Dismissal from the At-Home VRS Call Handling Program

GlobaVRS is updating its Interpreter Statement of Understanding consistent with the discussion above.

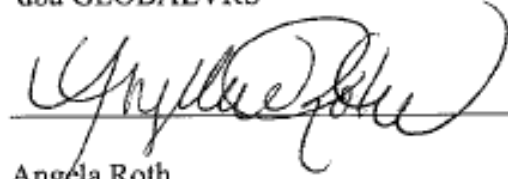
IV. Conclusion

For the reasons stated herein, GlobalVRS requests that the Commission grant this limited waiver consistent with the public interest and consistent with the Commission's acknowledged Program benefits, and authorize GlobalVRS to participate in the Program as extended.

[Signature on following page.]

Respectfully submitted this 19th day of March, 2019,

ASL SERVICES HOLDINGS, LLC
dba GLOBALVRS

A handwritten signature in black ink, appearing to read 'Angela Roth', is written over a horizontal line.

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