



CSDVRS, LLC
600 Cleveland Street, Suite 1000 – Clearwater, Florida 33755
Voice: 727-254-5600 Fax: 727-443-1537 Toll Free: 888-927-3877

November 25, 2014

Via Courier and Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street
Washington, D.C. 20554

ATTN: Kris Monteith, Acting Chief, Consumer and Governmental Affairs Bureau

RE: Application of CSDVRS, LLC (D/B/A ZVRS) and Kinderhook for Conditional Certification to Provide Video Relay Service and Request for Confidential Treatment; CG Docket Nos. 03-123 and 10-51

Dear Ms. Dortch:

Kinderhook Capital Fund IV, L.P. and its affiliate Kinderhook Capital Fund IV-B, L.P., both of which are advised by Kinderhook Industries, LLC (collectively referred to herein as “Kinderhook”), and CSDVRS, LLC (d/b/a ZVRS, “ZVRS”) (collectively, the “Applicants”), are applying for conditional certification allowing ZVRS, as indirectly majority-owned and controlled by Kinderhook, to continue providing Video Relay Service (“VRS”) that is eligible for compensation from the Interstate Telecommunications Relay Service Fund (“TRS Fund”). The conditional certification would enable ZVRS to remain eligible to receive compensation from the TRS Fund for the provision of VRS on an interim basis pending the filing of, and Federal Communications Commission (“Commission”) action on, an application for full certification to be filed following the consummation of Kinderhook’s acquisition of ZVRS. Copies of the application for conditional certification (“Application”) are attached in confidential and redacted forms. The redacted version of the Application has been electronically filed in the above-referenced Commission dockets.

Pursuant to Section 0.459 of the Commission’s rules, 47 C.F.R. § 0.459, the Applicants request confidential treatment for the company-specific, highly sensitive and proprietary commercial information provided in the Application and that such information be withheld from public inspection. The information subject to this request constitutes highly sensitive commercial

information that falls within Exemption 4 of the Freedom of Information Act (“FOIA”), and has been redacted from the version of the Application filed electronically with the Commission.

In support of this request and pursuant to Section 0.459(b) of the Commission’s rules, the Applicants state as follows:

1. Identification of the specific information for which confidential treatment is sought.

The Applicants request confidential treatment with respect to the confidential information redacted from the version of the Application filed electronically with the Commission.

2. Identification of the circumstance giving rise to the submission.

The Applicants are providing confidential information about the proposed transaction and proprietary information about ZVRS.

3. Explanation of the degree to which the information is commercial or financial or contains a trade secret or is privileged.

The confidential information contains highly sensitive commercial information about the proposed transaction and the operational, functional, and technological capabilities of ZVRS.

4. Explanation of the degree to which the information concerns a service that is subject to competition.

The confidential information involves TRS, a highly competitive service.

5. Explanation of how disclosure of the information could result in substantial competitive harm.

Disclosure of the redacted information could cause substantial competitive harm to the Applicants because ZVRS’ competitors would have access to details about the company’s critical infrastructure, operations, and organization, and could use such information to compete against ZVRS and undermine its position in the VRS marketplace.

6. Identification of any measures taken to prevent unauthorized disclosure.

The Applicants treat the redacted information as highly confidential and exercise significant care to ensure that such information is not disclosed to competitors or the public.

7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.

The Applicants do not make the redacted information available to the public, and this information has not been previously disclosed to third parties.

8. Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.

The Applicants request that the redacted information be treated as confidential on an indefinite basis as they cannot identify a certain date at which this information could be disclosed without causing competitive harm.

Sincerely,

/s/ Aaron Wegehaupt
Aaron Wegehaupt, VP of Operations
CSDVRS, LLC
600 Cleveland Street -Suite 1000
Clearwater, FL 33755
(727) 254-5618
awegehaupt@zvrs.com

Attachments

cc: Kris Monteith, Chief, Consumer and Governmental Affairs Bureau
Karen Peltz Strauss, Deputy Bureau Chief, Consumer and Governmental Affairs Bureau
Robert Aldrich, Legal Advisor, Consumer and Governmental Affairs Bureau
Gregory Hlibok, Chief, Disability Rights Office
Eliot Greenwald, Disability Rights Office

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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

To: Chief, Consumer & Governmental Affairs Bureau, TRS Certification Program

**APPLICATION OF CSDVRS, LLC (D/B/A ZVRS) AND KINDERHOOK FOR
CONDITIONAL CERTIFICATION TO PROVIDE VIDEO RELAY SERVICE**

Sean Belanger, CEO
Aaron Wegehaupt, VP of Operations
CSDVRS, LLC
600 Cleveland Street -Suite 1000
Clearwater, FL 33755
(727) 254-5618
awegehaupt@zvrs.com

Christian Michalik, Managing Director
Kinderhook Industries, LLC
521 Fifth Avenue, 34th Floor
New York, NY 10175
(212) 201-6780
cmichalik@kinderhook.com

November 25, 2014

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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

To: Chief, Consumer & Governmental Affairs Bureau, TRS Certification Program

**APPLICATION OF CSDVRS, LLC (D/B/A ZVRS) AND KINDERHOOK FOR
CONDITIONAL CERTIFICATION TO PROVIDE VIDEO RELAY SERVICE**

I. INTRODUCTION

By this application (“Application”), Kinderhook Capital Fund IV, L.P. and its affiliate Kinderhook Capital Fund IV-B, L.P., both of which are advised by Kinderhook Industries, LLC (collectively referred to herein as “Kinderhook”), and CSDVRS, LLC (d/b/a ZVRS, “ZVRS”) (collectively, the “Applicants”), request conditional certification allowing ZVRS, as indirectly majority-owned and controlled by Kinderhook, to continue providing Video Relay Service (“VRS”) that is eligible for compensation from the Interstate Telecommunications Relay Service Fund (“TRS Fund”). The conditional certification would enable ZVRS to remain eligible to receive compensation from the TRS Fund for the provision of VRS on an interim basis pending the filing of, and Federal Communications Commission (“FCC” or “Commission”) action on, an application for full certification to be filed following the consummation of Kinderhook’s acquisition of ZVRS.

ZVRS, a Delaware limited liability corporation with its headquarters at 600 Cleveland

Street, Suite 1000, Clearwater, Florida 33755, received full certification to provide VRS on November 20, 2012.¹ Kinderhook Industries, LLC, a Delaware limited liability company, with its headquarters at 521 Fifth Avenue, 34th Floor, New York, NY 10175, is a private equity firm that manages over \$1.25 billion of committed capital.

ZVRS and Kinderhook are negotiating a merger agreement pursuant to which Kinderhook will acquire indirect control and ownership of ZVRS following the Commission's grant of a conditional certification to the surviving post-merger entity. The proposed transaction will not result in any changes to the management team or day-to-day operations of ZVRS and ZVRS will continue to comply with all of the Commission's VRS regulations following the consummation of the proposed transaction.

With regard to the transferability of Internet-based Telecommunications Relay Service ("iTRS") certifications, the Commission has determined that:

[An Internet-based TRS provider] certification is not transferable. Therefore, in the event that an entity not certified pursuant to section 64.605 [subsequently renumbered 64.606] purchases, acquires, or merges with another TRS provider, the acquiring or surviving provider must be certified under section 64.605 (or otherwise eligible for compensation from the Fund) before it can receive payments from the Fund.²

¹ See *Consumer and Governmental Affairs Bureau Grants CSDVRS, LLC. Full Certification as a Provider of Video Relay Service Eligible for Compensation From the Interstate Telecommunications Relay Services (TRS) Fund*, Public Notice, 27 FCC Rcd 14505 (CGB 2012) ("ZVRS Certification"). The full certification authorizing ZVRS to provide VRS expires on November 20, 2017. ZVRS filed its annual certification with the FCC on November 19, 2014. ZVRS respectfully requests the Commission to issue a certification in response to this Application under the name "CSDVRS, LLC (d/b/a ZVRS)" to clearly identify "ZVRS" as part of the name of the certified eligible VRS provider. This is consistent with Section 64.604(c)(5)(iii)(N)(1)(ii) of the Commission's rules, as well as the Commission's past practice. See 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(ii).

² *Consumer and Governmental Affairs Bureau Clarifies the Transferability of Telecommunications Relay Service (TRS) Provider Certification*, Public Notice, 23 FCC Rcd 10438, 10438 (CGB 2008) ("Certification Transfer PN"); see also *Internet-based TRS Certification Order*, 26 FCC Rcd 10898, ¶ 47 (2011) (confirming the ruling in the *Certification*

Although the Commission does not allow iTRS certifications to be transferred, it has granted “conditional certification” to enable a non-certified entity to acquire a certified TRS provider without experiencing an interruption in funding.³ Such conditional certification is typically granted on an interim basis only, and is subject to the acquiring entity’s filing of an application for full certification following the transaction’s consummation.⁴

In this case, Kinderhook is in the midst of acquiring ZVRS, a certified VRS provider, but does not itself currently hold a VRS certification or any other iTRS certification. Accordingly, the Applicants request that the Commission approve the proposed transaction and grant a conditional certification to allow ZVRS to continue to provide VRS that is eligible to receive compensation from the TRS Fund on an interim basis following its acquisition by Kinderhook. If the Application for conditional certification is granted, the Applicants are prepared to have ZVRS, as indirectly majority-owned and controlled by Kinderhook, file within 15 days of the transaction’s consummation an application for full certification to provide VRS, a draft of which is attached as Exhibit A. The Applicants ask that the Commission allow the conditional certification to remain in effect while the Commission evaluates and makes a final determination regarding the application for full certification.

Transfer PN); Notice of Grant of Conditional Certification for Sorenson Communications, Inc., as Reorganized Pursuant to Chapter 11, to Provide Internet-Based Telecommunications Relay Services Pending Commission Action on Sorenson’s Application for Certification, Public Notice, 29 FCC Rcd 4111, 4112 (CGB 2014) (“Sorenson Certification”).

³ *See id.* Earlier this year, Commission staff granted a conditional iTRS certification to Sorenson Communications, Inc. (“Sorenson”) to permit Sorenson to continue to provide iTRS, including VRS, after Sorenson’s emergence from bankruptcy under new ownership. Notably, Sorenson held only a conditional certification, whereas ZVRS currently holds a full certification, which should provide additional assurance of the ZVRS’ ability to continue to meet the Commission’s VRS requirements following its acquisition by Kinderhook.

⁴ *See id.*

II. THE PARTIES AND THE PROPOSED TRANSACTION

A. ZVRS

ZVRS originated from a deaf organization, Communication Service for the Deaf, Inc., which was the first national provider of VRS. ZVRS has served as a principal catalyst of consumer choice through the provision of a variety of video communication devices and programs that eligible consumers independently can procure at a time and manner of their own choosing. In implementing its industry-leading innovation, ZVRS was able to bring videophones and VRS to deaf and hard of hearing employees of numerous Fortune 500 companies and governmental agencies, many of whom previously would not approve access to VRS because of firewall and security concerns. ZVRS implemented the first “soft” videophone (“VP”) for use on a Mac, iPad, iPhone, Android mobile phone and tablet. From its inception, ZVRS has provided hardware and software VPs that are interoperable with the existing video products and services of the other VRS providers.

ZVRS expends substantial resources to remain in compliance with the FCC’s iTRS and VRS policies and regulations. In November 2012, when issuing to ZVRS the only full VRS certification currently held by a VRS provider, the Commission found that

Based on our further review of the CSDVRS Recertification Application and our on-site inspections of CSDVRS’ facilities and operations, we find that CSDVRS currently provides VRS in compliance with the Commission’s rules and orders, and that CSDVRS is qualified to receive compensation from the Fund for the provision of VRS. We therefore certify CSDVRS as eligible for compensation from the Fund for the provision of VRS.⁵

Moreover, ZVRS has a standing Corporate and Regulatory Compliance Committee

⁵ *ZVRS Certification*, 27 FCC Rcd at 14505-06 (citations omitted).

(“Compliance Committee”) that meets regularly to ensure that ZVRS remains abreast of new iTRS and VRS requirements adopted by the Commission and remains in full compliance with all applicable FCC rules and policies governing iTRS and VRS. The Compliance Committee recommends and/or implements company-wide compliance policies covering all applicable corporate and regulatory requirements and ethics mandates. Also, in servicing thousands of VRS calls daily, ZVRS employs only high-quality, certified communications assistants (“CAs”). All of ZVRS’ CAs and other employees receive training when they are hired regarding the FCC’s iTRS and VRS regulations and policies, and they are formally notified when rule changes are adopted by the Commission. In addition, ZVRS consistently has been actively involved in virtually all FCC proceedings affecting VRS, offering extensive feedback on ways to improve the service for consumers.

B. Kinderhook

Kinderhook is a private equity firm that manages over \$1.25 billion of committed capital. The principals of Kinderhook have completed in excess of one hundred transactions, investing over \$1 billion throughout their investment careers. Additional information about Kinderhook is contained in Section III.

C. Proposed Transaction

ZVRS and Kinderhook are negotiating a merger agreement pursuant to which ZVRS will merge with and into a newly formed Delaware limited liability company (“ZVRS Merger Sub”), with ZVRS as the surviving entity (the “Merger”). Immediately prior to the Merger, certain employees of ZVRS, including ZVRS Chief Executive Officer Sean Belanger, will contribute all or a portion of their equity interest in ZVRS to a newly formed Delaware limited liability company and indirect parent of ZVRS Merger Sub, New Holdco, in exchange for equity interests

in New Holdco. Following the Merger, Kinderhook and Mr. Belanger will each directly or indirectly hold [REDACTED] of the equity interests in New Holdco, which will indirectly own 100 percent of ZVRS.

Kinderhook will hold, directly or indirectly, a controlling, equity interest in New Holdco of approximately [REDACTED] in the aggregate, and Mr. Belanger will hold an equity interest in New Holdco of approximately [REDACTED].⁶ None of the holders of the remaining equity interest in New Holdco individually will hold a greater than [REDACTED] interest in New Holdco.

In connection with the Merger, ZVRS will contribute to a newly formed Delaware limited liability company (“Stratus”) certain assets of ZVRS related to its video remote interpreting business that are not utilized by ZVRS in the provision of VRS. Following such contribution and prior to the Merger, ZVRS will sell 100 percent of the equity interests in Stratus to a wholly owned subsidiary of New Holdco. Diagrams of ZVRS’ pre- and post-consummation ownership structure are included in Exhibit B.

III. GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST

Grant of this Application is in the public interest because, through its indirect ownership and control of ZVRS, Kinderhook will provide ZVRS with access to additional financial and business expertise and resources that will enable ZVRS to continue to gain scale and economic efficiencies, as well as continue to develop innovative VRS software and hardware products that take advantage of the most current off-the-shelf technologies available to the hearing community. This, in turn, will make ZVRS a stronger competitor in the VRS market and help ensure that VRS consumers have continued choices in the VRS marketplace.

⁶ [REDACTED]
[REDACTED].

Specifically, Kinderhook will provide ZVRS with financial, intellectual, and tactical resources, as well as better access to capital. Kinderhook primarily makes control investments in companies with transaction values of between \$25 and \$150 million where Kinderhook can achieve significant financial, operational and growth improvements. Kinderhook targets orphaned, non-core subsidiaries of corporate parents, existing small capitalization companies lacking institutional support, and management-led recapitalizations of entrepreneur-owned companies. Kinderhook believes that strong management teams are vital in leading and growing outstanding companies and works as a partner with management to use its business experience and resources to help build successful companies.

Kinderhook is committed to managing its investment in ZVRS in a responsible way to ensure that ZVRS has the resources to meet and exceed the FCC's VRS requirements. Kinderhook recognizes that recent events may have created a need to ensure that TRS providers continue to meet these requirements following their acquisitions by other entities, and assures the Commission that such will be the case here.

Moreover, the proposed transaction will not impact ZVRS' management team or day-to-day operations, which will help ensure that ZVRS continues to offer consumers industry-leading devices and services after its acquisition by Kinderhook. ZVRS currently complies with all mandatory minimum standards that are applicable to VRS and have not been waived by the Commission, as the Commission itself recently concluded when granting ZVRS full certification to serve as a VRS provider through November 20, 2017.⁷ Just as ZVRS currently meets or exceeds all of the Commission's VRS requirements, it will continue to do so after the proposed transaction is consummated.

⁷ See *ZVRS Certification*, 27 FCC Rcd at 14504.

IV. CONCLUSION

ZVRS remains committed to providing the highest quality VRS and to remaining at the forefront of innovation within the VRS market. Moreover, with the benefit of the expertise and access to capital of Kinderhook, ZVRS will continue to develop new and innovative VRS products, as well as grow its VRS business to benefit from economies of scale and secure a greater VRS market share. Further, ZVRS actively complies with all applicable Commission regulations and will continue to do so under the indirect control of Kinderhook. For these reasons, it is in the public interest to grant this Application and issue a conditional certification to ZVRS, as indirectly majority-owned and controlled by Kinderhook, to enable ZVRS to remain eligible to receive compensation from the Interstate TRS Fund for the provision of VRS until such time as ZVRS files, and the Commission acts on, a post-closing application for full certification.

Respectfully submitted,

/s/ Christian Michalik
Christian Michalik
Managing Director
Kinderhook Industries, LLC
521 Fifth Avenue, 34th Floor
New York, NY 10175
(212) 201-6780

/s/ Aaron Wegehaupt
Aaron Wegehaupt
VP of Operations
CSDVRS, LLC (d/b/a ZVRS)
(727) 254-5618
awegehaupt@zvrs.com

EXHIBIT A

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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

To: Chief, Consumer & Governmental Affairs Bureau, TRS Certification Program

**[DRAFT] APPLICATION OF CSDVRS, LLC (D/B/A/ ZVRS), AS
INDIRECTLY MAJORITY-OWNED AND CONTROLLED BY KINDERHOOK,
FOR CERTIFICATION TO PROVIDE VIDEO RELAY SERVICE**

Sean Belanger, CEO
Aaron Wegehaupt, VP of Operations
CSDVRS, LLC
600 Cleveland Street -Suite 1000
Clearwater, FL 33755
(727) 254-5618
awegehaupt@zvrs.com

[January X, 2015]

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I. INTRODUCTION AND BACKGROUND

Pursuant to 47 C.F.R. § 64.606(a)(2) of the Federal Communications Commission’s (“FCC” or “Commission”) rules, CSDVRS, LLC (d/b/a ZVRS, “ZVRS”), as indirectly majority-owned and controlled by Kinderhook Capital Fund IV, L.P. and its affiliate Kinderhook Capital Fund IV-B, L.P., both of which are advised by Kinderhook Industries, LLC (collectively referred to herein as “Kinderhook”), submits this application (“Application”) for certification as a provider of Video Relay Service (“VRS”) that is eligible for compensation from the Interstate Telecommunications Relay Service Fund (“TRS Fund”).¹

ZVRS originated from a deaf organization, Communication Service for the Deaf, Inc., which was the first national provider of VRS. ZVRS has served as a principal catalyst of consumer choice through the provision of a variety of video communication devices and programs that eligible consumers independently can procure at a time and manner of their own choosing. In implementing its industry-leading innovation, ZVRS was able to bring videophones and VRS to deaf and hard of hearing employees of numerous Fortune 500 companies and governmental agencies, many of whom previously would not approve access to VRS because of firewall and security concerns. ZVRS implemented the first “soft” videophone (“VP”) for use on a Mac, iPad, iPhone, Android mobile phone and tablet. From its inception, ZVRS has provided hardware and software VPs that are interoperable with the existing video products and services of the other VRS providers.

¹ ZVRS respectfully requests that the Commission certification under the name “CSDVRS, LLC (d/b/a ZVRS)” to clearly identify ZVRS as part of the name of the certified eligible VRS provider consistent with 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(ii).

Prior to its acquisition by Kinderhook,² ZVRS was consistently found by the Commission as fit to serve as a VRS provider.³ In fact, the Commission most recently granted ZVRS full certification to serve as a VRS provider on November 20, 2012, and this certification is not set to expire until November 20, 2017.⁴ The recent transaction has not led to any changes in ZVRS' management team or day-to-day operations, but instead has provided ZVRS with access to additional financial resources and business expertise. As a result, the company continues to meet and exceed all of the Commission's VRS requirements, consistent with the Commission's findings from just two years ago.

As demonstrated below, ZVRS remains fit to serve as a VRS provider following its acquisition by Kinderhook. In particular, full certification of ZVRS, as indirectly majority-owned and controlled by Kinderhook, is in the public interest because the company: (1) meets or exceeds all non-waived operational, technical, and functional mandatory minimum standards contained in the Commission's rules; (2) does not require a waiver or relief from the mandatory minimum standards (other than the generally applicable waivers issued by the Commission); (3) makes available adequate procedures and remedies for ensuring ongoing compliance with the Commission's rules, including informational materials to VRS users on complaint procedures sufficient for those users to learn the proper procedures for filing complaints; and (4) provides

² Kinderhook acquired indirect control and ownership of ZVRS.

³ See, e.g., *Consumer and Governmental Affairs Bureau Grants CSDVRS, LLC. Full Certification as a Provider of Video Relay Service Eligible for Compensation From the Interstate Telecommunications Relay Services (TRS) Fund*, Public Notice, 27 FCC Rcd 14505 (CGB 2012) ("ZVRS Certification"); *Notice of Certification of CSDVRS Telecommunications, Inc. as a Provider of Video Relay Service (VRS) Eligible for Compensation from the Interstate Telecommunications Relay Service ("TRS") Fund*, Public Notice, 22 FCC Rcd 17014 (2007).

⁴ See *VRS Certification*, 27 FCC Rcd at 14505.

the highest quality interpreting services and the greatest variety of interoperable and innovative video products for VRS consumers.

II. DESCRIPTION OF THE FORMS OF TRS TO BE PROVIDED

ZVRS currently offers VRS at all times each day of the year. ZVRS provides VRS to eligible customers using English-speaking CAs who are proficient with American Sign Language (“ASL”). ZVRS also offers tri-lingual interpreters for Spanish users and voice carry over (“VCO”) technologies for those who choose to use their voice in telecommunicating. ZVRS also offers video mail that allows callers to leave customers ASL messages that are available through automatically generated emails.

All of ZVRS’ relay calls are conducted through the use of the Internet; a high-bandwidth redundant private network; standards-based signaling and video compression; an automatic call distributor and interactive video and voice response unit; and quality hardware and software. Additionally, ZVRS has installed a high speed redundant private network interconnecting its call centers to conduct multiple concurrent relay calls simultaneously. ZVRS’ call centers are designed to enable video calls to be transmitted at speeds up to [REDACTED] per station. ZVRS users can make relay or point-to-point video calls through interoperable video devices – hardware, software, or mobile – and can connect directly by dialing a ten-digit number entered in the iTRS numbering database or by “dialing around” to ZVRS.

ZVRS has developed an extensive database system that allows the tracking of calls for billing, FCC reporting, and quality assurance. This system automatically generates start-time and end-time reporting for, among other things, call session, duration, and agent work time. This allows the accurate and effective tracking of the length of calls, as well as the number of calls at any time of the day, the number of calls waiting in queue, and the number of dropped or

unanswered calls.

III. DESCRIPTION OF HOW THE PROVIDER WILL MEET ALL NON-WAIVED MANDATORY MINIMUM STANDARDS

ZVRS describes below how it currently meets or exceeds, and will continue to meet or exceed, all non-waived mandatory minimum standards for VRS set forth in Section 64.604 of the Commission's rules.⁵

A. Communication Assistants

ZVRS directly employs all of its CAs for its VRS interpreting staffing needs.⁶ All of ZVRS' CAs must have one of the following certifications: RID: CSC/CI/CT; NAD level IV /V; NIC, NIC Advanced, and NIC Master; or BEI III and higher. ZVRS also prefers that its CAs have at least three years of community-based interpreting experience. All of ZVRS' CAs are required to pass internal skill level assessments prior to being hired. These assessments are intended to ensure that all of ZVRS' CAs are qualified interpreters capable of interpreting effectively, accurately and impartially, both receptively and expressively, using any required specialized vocabulary.⁷ All of ZVRS' CAs also are required to have competent skills in grammar, spelling, and familiarity with deaf, hard of hearing, and other disability cultures, languages and etiquette, and to possess clear and articulate voice communications.⁸ They must also be sensitive to customer needs and be able to work well under pressure. The failure to meet these skill levels will result in a CA being deemed unqualified to work at ZVRS.

Prior to being offered a CA position with ZVRS, an interested candidate successfully

⁵ 47 C.F.R. § 64.606(a)(2)(ii).

⁶ 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(iii).

⁷ 47 C.F.R. § 64.604(a)(1)(iv).

⁸ 47 C.F.R. § 64.604(a)(1)(ii).

must satisfy the qualification criteria established by ZVRS. Each qualified candidate to become a ZVRS CA is interviewed by [REDACTED]. In addition, all CA candidates must successfully pass the company's background check and submit a sample of their work to be reviewed by upper management. Once hired but before being assigned calls, new CAs receive training to ensure that they are capable of effectively satisfying the specialized communication needs of deaf and hard of hearing individuals.⁹ During the CAs' initial training they receive orientation covering basic information about ZVRS and its origins, a TRS timeline/history, a description of VRS, an overview of all of the Commission's rules and orders applicable to TRS, and the basics of the technology involved. All new CAs receive [REDACTED] of hands-on training pursuant to an established ZVRS training syllabus. The training is provided by an experienced ZVRS training team. In the initial training session, ZVRS allocates a significant amount of time to explain the processing of 911 calls via VRS. The training environment utilized by ZVRS provides CAs with a simulation platform and tools that they will utilize once they go "live." This ensures a safe learning environment that enhances the new CA's skills without jeopardizing or degrading any customer's individual ZVRS experience. At the completion of the initial training, a team evaluates the processes of the newly trained CA by running him or her through comprehensive VRS call scenarios. Once this evaluation is completed, the trainer is notified in writing whether the CA is ready to take calls. The CA is then either moved to the "live" environment or asked to continue to work on any specific skills noted in the CA's evaluation.

ZVRS is dedicated to maintaining the highest level of service through the provision of

⁹ 47 C.F.R. § 64.604(a)(1)(i).

on-going CA training, competitive compensation, and measures designed to maintain high employee morale. CA workstations are designed to deliver performance and flexibility and provide our CAs with an ergonomic environment which enhances the quality of the iTRS that we provide. For example, the chair and the desk at each CA's workstation have the flexibility to allow the interpreter to adjust his or her height from a range of sitting and standing modes.

Finally, ZVRS staffs its call centers with floor supervisors or lead CAs who are available to assist or relieve interpreters when the physical or mental demands of interpreting so require or when clarification is needed during a conversation. This support person also is available to offer employees breaks throughout their shifts, subject to the rules concerning in-call replacement of CAs. ZVRS CAs are required to remain on each call for a minimum of ten minutes (unless the CA and the VRS user are not able to communicate effectively)¹⁰ and transmit conversations in real time.¹¹ ZVRS uses its best efforts to accommodate requests for CAs of a specific gender when a call is initiated or during a transfer to a new CA.¹²

CAs are strictly compensated on an hourly basis. In addition, they are not compensated, given a preferential work schedule, or otherwise provided a benefit based upon the number of VRS minutes or calls that a CA handles, either individually or as part of a group.¹³

B. Confidentiality and Conversation Content

Consistent with the Commission's rules, ZVRS prohibits its CAs from disclosing the contents of any relayed conversation and from keeping records of the content of calls beyond the

¹⁰ 47 C.F.R. § 64.604(a)(1)(v). *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 21 FCC Rcd 6733, ¶¶ 1, 9 (CGB 2006).

¹¹ 47 C.F.R. § 64.604(a)(1)(vii).

¹² 47 C.F.R. § 64.604(a)(1)(vi).

¹³ 47 C.F.R. § 64.604(c)(5)(iii)(N)(3).

duration of the call.¹⁴ ZVRS also ensures the confidentiality of VRS calls by strictly limiting access to its call centers. Access to all centers is controlled via a secured door system that requires either an access code or magnetic key card. Where access codes are used, the codes are changed on a monthly basis to further ensure a secure environment. Additionally, each CA station consists of a private cubicle that utilizes a unique walled structure to ensure private communication between the interpreter and the customer. ZVRS also prohibits its CAs from intentionally altering a relayed conversation and requires that conversations are translated verbatim unless directed otherwise by the callers.¹⁵

C. Types of Calls

In accordance with the Commission's rules, ZVRS prohibits its CAs from refusing single or sequential calls or from limiting the length of calls.¹⁶ ZVRS does not impose, nor will it impose, any limits on the type, length, number or content of calls. ZVRS is capable of handling all types of calls that have not been waived by the FCC.¹⁷

ZVRS CAs alert callers when they have dialed a number answered by a recorded message and interactive menu.¹⁸ ZVRS does not impose any charges for additional calls that may be made by the relay user in order to complete calls involving recorded or interactive messages.

¹⁴ 47 C.F.R. § 64.604(a)(2)(i).

¹⁵ 47 C.F.R. § 64.604(a)(2)(ii).

¹⁶ 47 C.F.R. § 64.604(a)(3)(i).

¹⁷ 47 C.F.R. § 64.604(a)(3)(ii). *See Telecommunications Relay Services, and Speech-to-Speech for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Order, 26 FCC Rcd 9449 (CGB 2011) (extending various VRS waivers until July 1, 2012) (“*Waiver Order*”); *see also Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Order, 27 FCC Rcd 8303 (CGB, WCB 2012).

¹⁸ Although 47 C.F.R. § 64.604(a)(3)(vii) was codified for TTY users, ZVRS has implemented the rule for VRS to the extent practicable.

ZVRS supports speed dialing and three-way calling functionalities.¹⁹ When requested to do so, ZVRS interpreters can also leave voice messages on voice mail systems and retrieve voice messages for callers.²⁰

ZVRS has enabled the following functionalities: 1) single-line VCO in situations where the relay user's customer premises equipment ("CPE") is provided by ZVRS; 2) two-line VCO; 3) VCO-to-TTY service; 4) VCO-to-VCO calling;²¹ 5) single-line hearing carry over ("HCO") where the relay user's CPE is provided by ZVRS; and 6) HCO-to-TTY service . In lieu of providing equal access to interexchange carriers, ZVRS has handled and will continue to handle domestic long-distance calls at no charge to its users.

D. Emergency Call Handling

ZVRS is capable of processing emergency and enhanced 911 ("e911") calls through its platform in full compliance with the Commission's rules.²² An inbound 911 call is prioritized ahead of all incoming VRS calls.²³ When an inbound 911 call arrives at the CA station, the call banner in red identifies the call in red as a 911 call. This allows the CA to immediately recognize the call as a 911 call. The CA also sees the caller's name and registered address. The CA notifies the floor supervisor that he or she is handling a 911 call. The outbound call to 911 is sent out through [REDACTED], ZVRS' E911 provider, to [REDACTED]. If the telephone number of the calling party is not in the [REDACTED] database, there is an automatic

¹⁹ 47 C.F.R. § 64.604(a)(3)(vi).

²⁰ 47 C.F.R. § 64.604(a)(3)(viii).

²¹ VCO-to-VCO calls are not compensable as they are essentially point-to-point calls.

²² 47 C.F.R. § 64.604(a)(4), which covers TTY-based TRS providers, is now complemented by additional emergency calling requirements applicable to internet-based TRS providers as set forth at 47 C.F.R. § 64.605.

²³ 47 C.F.R. § 64.605(a)(2)(ii).

failover to dial the [REDACTED]. The call is automatically and immediately connected with the appropriate Public Safety Answering Point (“PSAP”).²⁴ In the case of a caller which has registered with ZVRS as his or her default provider, the CA verifies with the caller their name and location information which automatically populates the CA’s screen along with the caller’s profile. When the PSAP operator picks up, the CA verifies that the operator has the transmitted information and states the relay provider’s name, the CA’s call back number, the CA’s identification number and the call back number of the inbound caller. The call is interpreted to completion. If requested, the CA also will remain online to continue interpreting beyond the call until the CA no longer is needed. The telephone number associated with the emergency call becomes internally flagged for a period of twenty four (24) hours for a “possible 911 call back.” A caller may manually request a CA to call 911 after the CA has answered the call. This may be a registered ZVRS user or a non-registered user. In this case, the CA will click the 911 button to flag the call as a 911 call and dial out to 911.

The above process is the same for a dialed around emergency call, but in that case the CA must collect the name and location information of the caller to connect with the appropriate PSAP, as determined through the [REDACTED] database.²⁵ ZVRS ensures that any information obtained as a result of handling an emergency call is made available only to PSAP or law enforcement personnel and is used for the sole purpose of identifying the caller’s location or for some other emergency or law enforcement purposes.²⁶

ZVRS obtains from all of its customers prior to initiation of service a registered location²⁷

²⁴ 47 C.F.R. § 64.605(b).

²⁵ 47 C.F.R. § 64.605(a)(2)(iii).

²⁶ 47 C.F.R. § 64.605(a)(2)(vi).

²⁷ 47 C.F.R. § 64.605(b)(4)(i).

and provides them with several methods of updating their registered location at will and in a timely manner. For example, a customer may do so from the ZVRS website, using Z5 Mobile products, or by contacting authorized ZVRS personnel.²⁸ Each time a user's registration location is created or modified, it is validated against the Master Street Address Guide ("MSAG") database. MSAG validation is done via the [REDACTED].

[REDACTED]. For each 911 call, ZVRS provides to the PSAP or appropriate local emergency authority the Automatic Number Identification ("ANI"), the caller's registered location, the name of the VRS provider, and the CA's identification number.²⁹ That information is available from or through the appropriate automatic location ("ALI") database.³⁰ If a valid ALI entry is not found, the call is delivered to the [REDACTED]. The [REDACTED] then determines the appropriate PSAP and routes the call to the correct PSAP. All 911 calls are routed by ZVRS through the use of ANI via the dedicated Wireline E911 Network.³¹ In the event that a 911 caller is disconnected, ZVRS can immediately re-establish contact with the TRS user and the appropriate emergency authority and resume handling the call.³²

E. Visual Privacy Screens/Idle Calls

ZVRS prohibits its CAs from using privacy screens and requires the disconnection of a VRS call if a party enables a privacy screen or similar feature or is otherwise unresponsive or unengaged for more than 5 minutes, unless it is an emergency call or the call is legitimately on

²⁸ 47 C.F.R. § 64.605(b)(4)(ii).

²⁹ 47 C.F.R. § 64.605(b)(2)(ii).

³⁰ 47 C.F.R. § 64.605(b)(2)(iv).

³¹ 47 C.F.R. § 64.605(b)(2)(iii).

³² 47 C.F.R. § 64.605(a)(2)(v).

hold and the user is present and waiting for active communications to commence.³³ ZVRS requires its CAs to announce to both parties the intent to disconnect a call, and the CA may refrain from disconnecting the call if a party indicated continued engagement with the call.

F. International Calls

ZVRS prohibits VRS calls which originate from an international IP address with the exception of calls made by customers who have pre-registered with ZVRS specified time periods and regions of their travel, and ZVRS verifies the identity and location of such callers.³⁴ In order to be able to pre-register for the use of VRS from abroad, the user must complete an international travel request. The user must provide the date she or he is departing, the date she or he is returning, and the reason for the request. The requested time period cannot exceed 25 days at a time.

G. Speed of Answer

The Commission's rules require at least 85 percent of all VRS calls to be answered within 60 seconds, calculated on a daily basis, including abandoned calls.³⁵ However, on September 2, 2014, the D.C. Circuit vacated that rule and reinstated the requirement that 80% of VRS calls be answered within 120 seconds, measured on a monthly basis.³⁶ ZVRS complies with this requirement.

H. TRS Facilities

ZVRS operates every day, twenty-four hours a day, seven days a week.³⁷ The ZVRS

³³ 47 C.F.R. § 64.604(a)(6).

³⁴ 47 C.F.R. § 64.604(a)(7).

³⁵ 47 C.F.R. § 64.604(b)(2)(iii).

³⁶ *Sorenson Communications, Inc. v. FCC*, No. 13-1215, at 25 (D.C. Cir. Sept. 2, 2014).

³⁷ 47 C.F.R. § 64.604(b)(4)(i).

network incorporates redundancy in every aspect, throughout its data processing and storage facilities, hardware, software, public and private networks, and connections, to ensure reliable and continuous service for the deaf and hard of hearing community.³⁸ All redundancy features are functionally equivalent to the equipment in local exchange central offices, including uninterruptible power for emergency use. ZVRS uses multiple points to the public Internet and provides each VRS center with redundant connections. These access points are connected to the Internet through [REDACTED] Internet service providers (“ISPs”). If any of these ISPs experience an outage, service is automatically routed around the outage. In addition, automated monitoring can detect a partial or total loss of network at any of ZVRS’ centers at all times. In the event of a network loss, CAs at the affected call center will be logged out of the platform and traffic will route to the next available interpreter located in a different call center. ZVRS also has adequate network facilities to account for under-projected call volume. This ensures that the probability of a busy response due to loop trunk congestion is functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.

ZVRS CAs do not relay calls from a location primarily used as their residence.³⁹ ZVRS independently owns and operates its automatic call distribution (“ACD”) platform.⁴⁰ Call routing is done utilizing [REDACTED]. The [REDACTED] supports skills and queue based routing. The [REDACTED] performs all ACD functions.

I. Caller ID

When available, ZVRS automatically transmits to the called party the ten-digit number of

³⁸ 47 C.F.R. § 64.604(b)(4)(ii).

³⁹ 47 C.F.R. § 64.604(b)(4)(iii).

⁴⁰ 47 C.F.R. § 64.604(b)(4)(iv).

the calling party or ZVRS' facility number.⁴¹

J. Public Access to Information

ZVRS engages in vigorous outreach efforts to all segments of the public through various print and online media to ensure that callers throughout the country are aware of the availability and use of VRS.⁴² ZVRS conducts outreach and education to ensure that the deaf and hard of hearing community is informed about TRS in a number of ways. A primary method is through personal contact—ZVRS employs a number of individuals who actively participate at a wide variety of deaf meetings, conferences, and gatherings regularly scheduled in communities across the United States.

K. Rates

ZVRS does not charge for its VRS and thus is compliant with the Commission's rule prohibiting relay providers from charging consumers rates that are any greater than rates paid for functionally equivalent voice communications services with respect to the duration of the call, the time of day, and the distance from the point of origination and point of termination.⁴³

L. Data Collection and Audits

ZVRS has in place comprehensive procedures for tracking and reporting true and accurate call data, as well as other historical and projected information as detailed in the Commission's rules.⁴⁴ ZVRS' reporting has proven complete, reliable and effective to the TRS Fund administrator, Rolka Loubé. ZVRS employs an automated record keeping system to

⁴¹ 47 C.F.R. § 64.604(b)(6).

⁴² 47 C.F.R. § 64.604(c)(3).

⁴³ 47 C.F.R. § 64.604(c)(4).

⁴⁴ 47 C.F.R. § 64.604(c)(5)(iii)(C) and (D).

capture call record and speed of answer compliance data⁴⁵ during the call session for either conversation or session time, and ZVRS submits such data electronically in a standardized format and without allowing human intervention.⁴⁶

ZVRS automatically transitions the data from the [REDACTED] platform into [REDACTED] [REDACTED], which store all call data. [REDACTED] [REDACTED] [REDACTED]. The primary table for reporting to Rolka Loube is the Call Detail Table. ZVRS prepares the call detail records (“CDR”) text file [REDACTED] [REDACTED]. Once the data is validated, [REDACTED] [REDACTED]. Additional queries are run to generate the data required for the Minutes and VRS Service-Oriented Architecture (“SOA”) tabs of the Rolka Loube workbook.

A ZVRS senior executive with first-hand knowledge certifies the accuracy and completeness of the information provided to Rolka Loube.⁴⁷ ZVRS always has submitted to Commission audits and commits to continuing to do so in the future.⁴⁸ ZVRS retains all of its call detail records and other substantiating information in an electronic format for a minimum of

⁴⁵ 47 C.F.R. § 64.604(c)(5)(iii)(D)(4)(i).

⁴⁶ 47 C.F.R. § 64.604(c)(5)(iii)(D)(4)(ii).

⁴⁷ 47 C.F.R. § 64.604(c)(5)(iii)(D)(5).

⁴⁸ 47 C.F.R. § 64.604(c)(5)(iii)(D)(6).

five years.⁴⁹

M. Whistleblower Protections

ZVRS has provided an accurate and complete written description of the TRS whistleblower protections to all of its employees and contractors, both in the employee handbook and by posting it on ZVRS' internal and external websites.⁵⁰

N. Eligibility for Reimbursement

ZVRS always offers its service in a manner that clearly identifies it as the provider of such service and always clearly identifies itself as the eligible VRS provider when it utilizes a sub-brand (*e.g.*, HolaVRS).⁵¹ Customers almost always direct dial the person they are calling, or if they are using dial around to get to ZVRS they use ZVRS' toll free number. ZVRS does not contract with a third party to provide interpretation services or call center functions.⁵² All third-party contracts to provide ZVRS with services or functions related to the provision of VRS are in writing and available to the Commission or the TRS Fund administrator upon request.⁵³

O. Call Center Reports

ZVRS has, without fail, timely filed written reports with the Commission and the TRS Fund administrator that provide the required call center information and at least 30 days advance notification of any change of call centers.⁵⁴

P. Remote Training Session Calls

ZVRS does not arrange, schedule, sponsor, host, conduct or promote remote training

⁴⁹ 47 C.F.R. § 64.604(c)(5)(iii)(D)(7).

⁵⁰ 47 C.F.R. § 64.604(c)(5)(iii)(M).

⁵¹ 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(ii).

⁵² 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(iii).

⁵³ 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(v).

⁵⁴ 47 C.F.R. § 64.604(c)(5)(iii)(N)(2).

sessions or comparable activity.⁵⁵

Q. Complaint Procedures

ZVRS is committed to providing the highest quality customer service for all its service offerings. ZVRS's users can contact customer service live and directly by video calling 866-932-7891 or via the web (www.zvrs.com), voice, or e-mail, or they can be transferred from a ZVRS call center to customer service. Voice callers can reach customer service by dialing 800-216-9293. ZVRS provides below a description of its comprehensive complaint handling procedures.⁵⁶

When a user has a complaint, ZVRS' Customer Service identifies the nature of the complaint and documents the issue in the ZVRS trouble ticketing system, which is a part of ZVRS' customer relationship management ("CRM") system. If Customer Service is unable to resolve the issue live, a uniquely identifiable ticket is forwarded to the appropriate ZVRS department for further assistance. If a customer complains directly to a CA, the CA or the supervisor in the call center will log the complaint into the trouble ticketing system. All complaints regarding CA concerns are immediately forwarded to operations upper management and to the corresponding call center's manager. The call center manager must address the complaint with the CA, and the CA must acknowledge receipt of the complaint and respond to it. The call center manager then puts together a plan of action for the CA and submits the plan to operations upper management. If the resolution of the complaint is satisfactory, the ticket is closed. All complaints and commendations are attached to the CA's employment record for use in performance reviews.

ZVRS is committed to providing resolution of all issues within 24 hours, if not sooner,

⁵⁵ 47 C.F.R. § 64.604(c)(5)(iii)(N)(4).

⁵⁶ 47 C.F.R. § 64.606(a)(2)(iii).

depending on the severity of the issue. If the user making the complaint has included an email address, a follow-up message is sent to provide the user with the results of the complaint investigation and the actions taken to solve the problem at issue. ZVRS makes available to TRS users through its website information in ASL about the procedures that can be used to express and file complaints.⁵⁷

ZVRS maintains a log of all consumer complaints that it receives. This log contains the date and time of the complaint, the problem raised, the resolution, and the date that the resolution was reached. ZVRS submits to the Commission an annual summary of its complaint log for the 12-month period preceding May 31 of that year.⁵⁸

ZVRS also recognizes that the FCC may receive either informal or formal complaints about ZVRS' relay service.⁵⁹ ZVRS is prepared to comply with all procedures and time frames specified in the Commission's rules for the resolution of consumer complaints filed against ZVRS.

Commission rules require every TRS provider to designate an agent who is principally responsible for receiving complaints, inquiries, orders, decisions, and notices from the Commission.⁶⁰ ZVRS' designated agent for this purpose is Aaron Wegehaupt, 600 Cleveland St., Suite 1000, Clearwater, Florida 33755, (727) 254-5618 (phone), (727) 443-1537 (fax), awegehaupt@zvrs.com.

R. End User Information, Including Use of Customer Proprietary Network Information (“CPNI”)

The Commission's rules governing the treatment of TRS customer information include

⁵⁷ 47 C.F.R. § 64.606(b)(2)(ii).

⁵⁸ 47 C.F.R. § 64.604(c)(1)(ii).

⁵⁹ 47 C.F.R. § 64.604(c)(5)(iii)(N)(6)(v).

⁶⁰ 47 C.F.R. § 64.604(c)(2).

the transfer of TRS customer profile data from one TRS vendor to another when a user changes vendors.⁶¹ ZVRS wishes to assure the Commission that any TRS customer information it acquires will similarly be used only for the purpose of connecting TRS users with called parties and shall not be sold, distributed, shared, or revealed in any other way unless ZVRS is compelled to do so by lawful order.

ZVRS complies with the Commission's CPNI rules.⁶² CSDVRS does not and will not track, use, disclose or permit access to CPNI related to a customer call to a competing provider. The status of a customer's CPNI approval can be clearly established prior to the use of CPNI. ZVRS requires all personnel, including any agents, contractors, and subcontractors, who have contact with customers to initially verify the status of a customer's CPNI approval. ZVRS requires and provides CPNI training, maintains a record of CPNI use, maintains a supervisory review process, certifies compliance on an annual basis, and notifies CGB if the opt-out process fails. ZVRS provides individual notice, including all the required information, to customers when soliciting approval to use, disclose, or permit access to customers' CPNI. ZVRS will follow the limits on the permissible use, disclosure and access to CPNI. ZVRS understands that it may obtain opt-in approval to use CPNI through written, oral, electronic, or sign language methods and that such approval or disapproval must remain in effect until the customer revokes such approval, whether through written, oral, electronic, or sign language methods. ZVRS maintains records during the time period that the approval or disapproval is in effect and for at least one year thereafter. ZVRS provides notification to obtain opt-out approval through electronic or written methods, but not by oral or sign language communication (except to obtain limited, one-time use of CPNI for inbound and outbound customer telephone, TRS, or point-to-

⁶¹ 47 C.F.R. § 64.604(c)(5)(iii)(N)(7).

⁶² 47 C.F.R. §§ 64.5101-5111.

point contacts for the duration of the call). ZVRS waits a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. ZVRS authenticates a customer prior to disclosing CPNI based on a customer-initiated telephone contact, TRS call, point-to-point call, online account access, or an in-store visit. ZVRS will notify law enforcement of a breach of its customers' CPNI as provided in the TRS rules, and will not notify its customers or disclose the breach publicly, whether voluntarily or under state or local law or these rules, until it has completed the process of notifying law enforcement.

S. Statement Regarding Annual Compliance Reports

ZVRS states that it will file annual compliance reports demonstrating continued compliance with the Commission's TRS rules.

IV. VRS PROVIDER CERTIFICATION DOCUMENTATION AND OTHER REQUIREMENTS

The information provided by ZVRS below demonstrates, among other things, that ZVRS has acquired and operates its own TRS facilities and employs its own CAs as required by Section 64.606 of the Commission's rules.⁶³

A. Call Center Deeds or Leases

ZVRS has attached as Attachment A to this Application deeds or leases for five representative call centers, together with a list of all other ZVRS call centers, including the street address of each call center, the number of individual CAs and CA managers employed at each call center, and the name and contact information (phone number and email address) for the

⁶³ 47 C.F.R. § 64.606.

managers at each call center.⁶⁴ ZVRS does not operate any call centers outside of the United States.

B. Call Center Technology and Equipment

The following is a description of the technology and equipment used to support ZVRS call center functions, including automatic call distribution, routing, call setup, mapping, call features, billing for compensation from the TRS Fund, and registration.⁶⁵

A network diagram of the ZVRS platform is attached as Attachment B to this Application. The core components of the video call platform are the [REDACTED] and the [REDACTED]. Call routing is done utilizing the [REDACTED]. The [REDACTED] supports skills and queue based routing. ZVRS utilized both skill and queue based routing to ensure the call is routed to the proper CA. The [REDACTED] is the video gateway into our call centers. With the exception of 911 calls, all inbound calls are given equal priority and target quality of service (“TQOS”) to ensure that calls are answered in the order that they are received by the CA that has been available the longest. A special provision is made for 911 calls, which are set to the highest TQOS. This ensures that 911 calls are immediately queued in front of all other calls and will be answered by the next available CA. The ZVRS platform supports call transfer and re-queues to ensure customers’ needs and requests are met. If a customer requests a specific gender CA or needs a Spanish CA, the call can be re-queued to ensure that the next available CA who meets the caller’s criteria or who possesses the appropriate skill set will answer the call.

Video calls are delivered via the public Internet and terminate on one of ZVRS’ [REDACTED]. The [REDACTED] is the video gateway into our call centers. Calls to local telephone

⁶⁴ 47 C.F.R. § 64.606(a)(2)(ii)(A)(2).

⁶⁵ 47 C.F.R. § 64.606(a)(2)(ii)(A)(4).

numbers that are not in iTRS are delivered via the [REDACTED] network. All audio calls are then delivered to the [REDACTED] for call routing.

When a call arrives on the ZVRS platform, the telephone number is validated against the iTRS database. If the telephone number is not found or a telephone number is not presented to the CA, the IP address of the inbound call is checked against the iTRS database. If a telephone number is still not found, the call is delivered to the CA as unregistered. If the user cannot provide the CA a registered telephone number that can be validated against the iTRS database, the caller is transferred to ZVRS' customer service.

The core routers and firewalls are from [REDACTED]. All call centers are connected via a private [REDACTED] network operated by [REDACTED] to [REDACTED] fully redundant data centers which are located in [REDACTED]. The data centers are fully managed by ZVRS staff in Clearwater, Florida. ZVRS' entire platform is located in these data centers. Access gateways are utilized to connect to the VoIP and PSTN network for the audio legs of the call.

There are two groups of CAs—one for English-language and one for Spanish-language. When a user registers with ZVRS, the user selects whether they want their calls to default to an English-language or a Spanish-language CA. The default behavior is to route to an English-language CA. The caller may also request a Spanish-language interpreter at the time of a call and will be transferred to a Spanish-language CA. When a call arrives with Spanish selected, it will be delivered to the Spanish-language CA which has been available the longest. The same is true for English.

ZVRS supports two options for VCO—single-line and dual-line VCO. Single line VCO is accomplished by bridging the audio of the deaf caller with the audio of the hearing party. This allows the deaf caller to use their own voice over the video/audio connection that is already open

to their videophone. Dual-line VCO is accomplished by placing an audio-only call back to a phone at the deaf customer's location. The audio is then bridged to the outbound audio-only phone of the hearing party.

ZVRS continues to introduce innovative systems and VRS features; employ the best interpreting services available; and utilize cutting-edge relay technology as part of its efforts to achieve functional equivalency in the delivery of communications services to the user community. Over the past eight years, ZVRS added the following VRS innovations to its services:

Platform. In December 2008, ZVRS updated its call processing platform with new servers provided by [REDACTED]. The new platform supports already installed H.323 and SIP videophones and supports H.263 and H.264 protocols. This enhanced video quality for ZVRS users and was needed in order to support ten-digit numbering and E911.

New Products And Features. In 2009, ZVRS introduced its Z line of videophones, including the Z-340 Wi-Fi phone manufactured by Creative Labs, the Z-150 desktop videophone manufactured by Tandberg now Cisco, and the Z-Ojo desktop videophone from Worldgate. ZVRS also internally developed and has put to market a host of other products, including the ZPC100 soft client videophone for personal computers, the Z-Connect system for connections behind firewalls, Z-Contacts for instant uploading of customer "phonebooks," and ISDN support for government customers. Additionally, with the advent of its [REDACTED] platform, ZVRS supports single line VCO. In 2010, ZVRS introduced the Z20 video phone and Z4 software video phone for PC, Mac, Android and iOS (iPhone 4 and iPad 2) devices. ZVRS provides video mail support for all Z video phones. ZVRS supports flashers for the Z340 and Z-Ojo. In 2011, ZVRS continued to add to the list of Android smartphones and tablets supported with the Z4 software

video phone, added the zoom feature to the Z340 video phone, and added the eZcall capability to allow users to dial a telephone number from a website. In addition, ZVRS introduced 1 Number which allows a user to have multiple videophones ring simultaneously. In 2012, ZVRS introduced caller-ID, call blocking, encryption support, and additional enhancements for firewall traversal. In 2013, ZVRS launched an enhanced version of Z Alert that allows customers to receive an SMS text when they are receiving a telephone call, and ZVRS added support in Z5 for the newest iOS devices from Apple and the newest Android smartphones and tablets.

As Attachment C to this Application, ZVRS has provided copies of each proof of purchase, lease or license agreement for technology and equipment used to support its call center functions for a representative sampling of six call centers (taking into account size by number of communications assistants and location).⁶⁶ A complete copy of each lease or license agreement for automatic call distribution is provided as Attachment D to this Application.⁶⁷ ZVRS will retain for at least three years proofs of purchase for all technology and equipment used to support call center functions for all of its call centers, and to furnish such documentation to the Commission upon request.

C. Ownership, Control, Management, and Employees

Attachment E to this Application contains a description of the organizational structure of ZVRS that reflects consummation of the Kinderhook transaction, and also identifies those individuals or entities that hold at least a 10 percent equity interest in ZVRS, have the power to vote 10 percent or more of the securities of ZVRS, or exercise *de jure* or *de facto* control over

⁶⁶ 47 C.F.R. § 64.606(a)(2)(ii)(A)(6).

⁶⁷ 47 C.F.R. § 64.606(a)(2)(ii)(A)(8).

ZVRS.⁶⁸ Attachment F to this Application provides the names of ZVRS' executives and officers and the members of its board of directors.⁶⁹ ZVRS also has provided in Attachment G to this Application a list of the number of full-time and part-time ZVRS employees involved in ZVRS' TRS operations, categorized by the following positions: the executives and officers; video phone installers; CAs; persons involved in marketing and sponsorship activities; and persons involved in administration and operations.⁷⁰

ZVRS will retain for at least five years from the date of this Application copies of employment agreements for all of the ZVRS' employees directly involved in ZVRS' VRS operations, including its executives and CAs, and a list of the names of all employees directly involved in its VRS operations. ZVRS will furnish such documentation to the Commission upon its request.⁷¹

D. Sponsorship Arrangements

As Attachment H to this Application, ZVRS has attached a list of all sponsorship arrangements related to its provision of VRS and a description of associated written agreements, including those providing financial support or in-kind interpreting or personnel service for social activities in exchange for brand marketing.⁷² Copies of all such arrangements and agreements will be retained by ZVRS for at least three years from the date of this Application, and submitted to the Commission upon its request.

E. Notification of Substantive Changes

⁶⁸ 47 C.F.R. § 64.606(a)(2)(ii)(B).

⁶⁹ *Id.*

⁷⁰ 47 C.F.R. § 64.606(a)(2)(ii)(C).

⁷¹ 47 C.F.R. § 64.606(a)(2)(ii)(D).

⁷² 47 C.F.R. § 64.606(a)(2)(ii)(E).

The Commission's rules require certified iTRS providers to notify the Commission of substantive changes in their TRS programs, services, and features within 60 days of the time such changes occur, and to certify that they will continue to meet federal minimum standards after implementing any substantive changes.⁷³ ZVRS has complied with this rule since its inception and hereby confirms its intent to so notify the Commission of any future substantive changes within the specified time period. ZVRS also will certify its continued compliance with the Commission's minimum standards after such changes are implemented.

F. Service Interruptions

ZVRS commits to providing VRS without unauthorized, voluntary service interruptions.⁷⁴ If for some reason ZVRS seeks to voluntarily interrupt service ZVRS will seek advance authorization from the Commission. In the event of an unforeseen service interruption due to circumstances beyond ZVRS' control, ZVRS will provide information about the interruption to the Commission via written notice and to the public through an accessible website as prescribed in the Commission's rules.⁷⁵

G. Default Provider

ZVRS has timely developed, procured, and installed the systems needed to fully implement the TRS requirement to distribute to VRS users ten-digit telephone numbers linked to the North American Numbering Plan ("NANP").⁷⁶ ZVRS complies with the Commission's rule mandating VRS users to register prior to receiving VRS. ZVRS also verifies that each customer

⁷³ 47 C.F.R. § 64.606(f)(2).

⁷⁴ 47 C.F.R. § 64.606(h)(1).

⁷⁵ 47 C.F.R. § 64.606(h)(2) and (3).

⁷⁶ 47 C.F.R. § 64.611.

making an initial VRS call either directly has registered with ZVRS or, if the customer has dialed around, that the customer has a number in the iTRS numbering directory.⁷⁷ ZVRS obtains certification from each user attesting that the user is deaf or hard of hearing, requires VRS to telecommunicate, and therefore is eligible to use VRS as required under Section 64.611(3) of the Commission’s rules.⁷⁸ The certification is made on a separate form on ZVRS’ website and such form requires an electronic signature as required under Section 64.611(B)(iii) of the Commission’s rules.⁷⁹ Through its website and customer support, ZVRS provides VRS users the capability to register with ZVRS as a “default provider.” ZVRS verifies that the location provided by the customer when registering is complete, accurate, and in the United States or its territories. ZVRS advises VRS users through its website and customer support about the following: (1) the process for obtaining ten-digit telephone numbers; (2) the portability of the numbers; (3) the process for submitting, updating, and confirming receipt by ZVRS of their registered location information; (4) an explanation of the importance of maintaining accurate and up-to-date registered location information; ; and (5) the process for linking their toll free number to their ten-digit number in the iTRS numbering directory.⁸⁰ ZVRS requires a Letter of Authorization (“LOA”) for all ports as required under Section 64.632(a)(b) of the Commission’s rules.⁸¹ The LOA is a separate document entitled “Letter of Authorization to Change my Default Provider” that must be completed by the customer.

ZVRS assigns each newly registered customer a geographically appropriate NANP

⁷⁷ 47 C.F.R. § 64.611(a) and (b).

⁷⁸ 47 C.F.R. § 64.611(3).

⁷⁹ 47 C.F.R. § 64.611(B)(iii).

⁸⁰ 47 C.F.R. § 64.611(g).

⁸¹ 47 C.F.R. § 64.632(a)(b).

number whenever possible, and, if it is not possible to do so, then ZVRS assigns a customer the geographically closest number available. In the alternative, ZVRS will port in a valid ten-digit number and then route all of the customers' inbound and outbound calls to that number unless the customer makes or receives a dialed around call.⁸² ZVRS' numbering provider is [REDACTED] ZVRS obtains from its registered customers their current routing information, provisions such information to the iTRS numbering directory, and maintains such information in its internal database and the iTRS numbering directory.⁸³ All ZVRS videophones support dial-around to other VRS providers and support point to point calls to other VRS providers' videophones.

ZVRS never acquires routing information relating to VRS users from any source other than from the iTRS database. When a customer ports from ZVRS to a different default VRS provider, ZVRS no longer provisions routing information regarding the customer to the iTRS database.⁸⁴

V. CONCLUSION

ZVRS remains committed to providing the highest quality service and a variety of innovative products that support the needs of relay consumers. ZVRS meets all unwaived mandatory minimum standards for TRS and does not deviate from those standards in any manner. In order to ensure compliance with the Commission's TRS rules, all ZVRS employees receive training when they are hired and are notified when rule changes are adopted. ZVRS has developed a comprehensive VRS Compliance Manual that is made available to all of its employees and videophone installers, which details the application of TRS rules and the FCC's

⁸² 47 C.F.R. § 64.611(a)(1).

⁸³ 47 C.F.R. § 64.611(c)(1).

⁸⁴ 47 C.F.R. § 64.611(c)(2).

guidance on VRS. ZVRS' Corporate and Regulatory Compliance Committee meets regularly to review all ethical and regulatory matters and to recommend and/or implement company-wide compliance policies with regard to corporate ethics and federal and state regulatory issues. In addition, ZVRS is consistently apprised of Commission decisions, actions, and policies by its legal counsel.

For the reasons provided above, it is in the public interest to grant ZVRS, as indirectly majority-owned and controlled by Kinderhook, a full certification to receive direct compensation from the TRS Fund for the provision of VRS. ZVRS consents to any on-site visits the Commission deems necessary as part of its assessment of ZVRS' Application, and ZVRS stands ready to supplement any of the answers provided in this Application, upon the Commission's request.

VI. DECLARATION OF CORPORATE OFFICER

I swear under penalty of perjury that I am Sean Belanger, Chief Executive Officer of the above-named applicant; that I have examined the foregoing submissions; that all information required under the Commission's rules and orders has been provided; and that all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.

Sean Belanger
Chief Executive Officer
CSDVRS, LLC (d/b/a ZVRS)

Date: _____

ATTACHMENT A to EXHIBIT A

CALL CENTER LEASES

[REDACTED]

ATTACHMENT B to EXHIBIT A

NETWORK DIAGRAM

[REDACTED]

ATTACHMENT C to EXHIBIT A

CALL CENTER TECHNOLOGY AND EQUIPMENT DOCUMENTATION

[REDACTED]

ATTACHMENT D to EXHIBIT A

AUTOMATIC CALL DISTRIBUTION DOCUMENTATION

[REDACTED]

ATTACHMENT E to EXHIBIT A
ORGANIZATIONAL STRUCTURE

[REDACTED]

ATTACHMENT F to EXHIBIT A

NAMES OF ZVRS' EXECUTIVES, OFFICERS AND BOARD MEMBERS

[REDACTED]

ATTACHMENT G to EXHIBIT A

ZVRS' TRS PERSONNEL

[REDACTED]

ATTACHMENT H to EXHIBIT A
SPONSORSHIP ARRANGEMENTS

[REDACTED]

EXHIBIT B

**ORGANIZATIONAL DIAGRAM OF
PRE- AND POST-CONSUMMATION OWNERSHIP STRUCTURE**

[REDACTED]