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November 18, 2008

Ms. Marlene Dortch
Secretary
Federal Communications Commission
9300 E. Hampton Drive
Capitol Heights, MD 20743-3813

ATTN: Ms. Cathy Seidel, Chief, Consumer & Governmental Affairs Bureau, TRS Certification Program

RE: Application of Healinc Telecom, LLC, for Eligibility to be Compensation From the Interstate Telecommunications Relay Service Fund for the Provision of Internet Protocol Relay Services, Docket No. 03-123

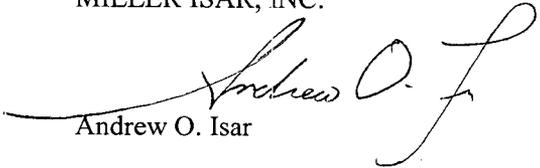
Dear Secretary Dortch:

Enclosed for filing with the Federal Communications Commission ("Commission") in the above-referenced proceeding, is the *Application of Healinc Telecom, LLC, for Eligibility to be Compensation From the Interstate Telecommunications Relay Service Fund for the Provision of Internet Protocol Relay Services*. By this Application, Healinc Telecom, LLC applies to the Commission for a finding that Healinc Telecom, LLC meets the requirements is for compensation eligibility from the federal Telecommunications Relay Service Fund for the provision of Internet Protocol Relay service, pursuant to Section 64.606(a)(3) of the Commission's rules.¹

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

Sincerely,

MILLER ISAR, INC.


Andrew O. Isar

Regulatory Consultants to
Healinc Telecom, LLC

Enclosure

cc: Thomas Chandler, Chief, Disability Rights Office (via electronic delivery)
Greg Hlibok, Disability Rights Office (via electronic delivery)
Susan Kimmel, Disability Rights Office (via electronic delivery)

¹ 47 C.F.R. §64.606(a)3(3).

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Application of Healinc Telecom, LLC for)
Eligibility to be Compensated From the Interstate) CG Docket No. 03-123
Telecommunications Relay Service Fund)
For the Provision of Internet Protocol Relay)
Services)

**HEALINC TELECOM, LLC
IP CERTIFICATION APPLICATION**

**ANDREW O. ISAR
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**Regulatory Consultant to
Healinc Telecom, LLC**

November 18, 2008

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Services)

**HEALINC TELECOM, LLC
IP CERTIFICATION APPLICATION**

Healinc Telecom, LLC (“Applicant” or “Healinc”), pursuant to section 64.606(a)(2) of the Federal Communications Commission’s (“Commission”) rules,¹ requirements for VRS and Internet Protocol (“IP”) Relay Provider certification for compensation from the federal Telecommunications Relay Service (“TRS”) Fund, respectfully applies to the Commission for a finding that Healinc is eligible for compensation from the federal TRS Fund applicable to the provision of Internet Protocol Relay (“IP Relay”) services. By the instant Application, Healinc demonstrate that it meets, or has the capability to meet, and exceed the Commission’s Mandatory Minimum Standards (“MMS”) for the provision of IP Relay services, as set forth in sections 64.604, 64.605, 64.606, 64.611 and 52.34 of the Commission’s rules as amended, that it meets or is working to meet currently waived Mandatory Minimum Standards for the provision of VRS and IP Relay services, that it is complying with recent Commission orders governing access to emergency 911 and ten digit number dialing capabilities governing

¹ 47 C.F.R. §64.606(a)(2).

the provision of VRS and IP-Relay, and should be certified as eligible for compensation from federal TRS Fund now for the provision of IP Relay. In support of its Application, Healinc states as follows.

I. INTRODUCTION

By the instant Application, Healinc seeks Commission certification that the Company currently complies with, and has demonstrated compliance with applicable Commission operational, technical, and functional Mandatory Minimum Standards governing the provision of IP Relay to all subscribers and users, as set forth in section 64.604(a) and (b) and applicable provisions of section 64.605, 64.606, and now sections 64.611, and 53.34 of Commission regulations. Healinc seeks Commission certification of compliance for purposes of being deemed eligible to draw upon federal TRS program Fund now for the provision of IP Relay services, pursuant to section 64.604(c)(5)(ii), Cost Recovery, of Commission rules and other applicable regulation.

Healinc is currently a provider of advanced IP-based video relay services ("VRS"). On June 9, 2006, the Commission granted Healinc's application for authority to receive compensation from the federal TRS Fund for the provision of VRS.² Healinc was one of the first competitive VRS providers to be deemed eligible for compensation from the federal TRS fund by the Commission, following adoption of the Commission's *Certification Report and Order*.³

² *Certification Report and Order* at ¶21, citing to *In the Matter of Healinc Telecom, LLC for Video Relay Service and IP Certification of Eligibility for Compensation from the Interstate TRS Fund*, CH Docket No. 03-123 (2006). Healinc withdrew its request for IP certification prior to FCC grant of certification.

³ *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, *Report and Order and Order on*

Healinc is representative of a new breed of competitive IP-based relay services providers envisioned by the Commission:

... this *Order* will enhance competition in the provision of VRS and IP Relay by permitting new entities to offer service, thereby giving consumers greater choice. In addition, we anticipate that new providers will bring innovation to the provision of VRS and IP Relay, both with new equipment and new service features. Finally, and more broadly, because VRS requires broadband Internet service, new VRS providers may stimulate greater broadband deployment.⁴

Now, in its second successful year following VRS certification, Healinc continues to innovate, expand its offerings, and enhance its level of service to all users and subscribers, consistent with the Commission's pro-competitive policies, and in compliance with the Commission's MMS for VRS, as recently documented to the Commission.⁵ Healinc has also made significant progress in compliance with the Commission's waived MMS for VRS providers, as also recently documented to the Commission.⁶ Further, the Company is diligently complying with the Commission's recently promulgated rules governing the provision of 911 access and assignment of ten digit numbers to users, discussed *infra*.

The Company now documents its compliance with MMS, waived MMS, and recently promulgated emergency 911 and ten digit number assignment rules for the

Reconsideration, FCC 05-203 (adopted December 8, 2005, released December 12, 2005) [*"Certification Report and Order"*].

⁴ See *2004 TRS Report & Order*, 19 FCC Rcd at 12568, para. 243 (as the Commission "embarks on a broader initiative to stimulate the deployment of broadband services, ... VRS can improve existing services for persons with disabilities and can be a demand driver for broadband connections").

⁵ See, e.g. Healinc Telecom, LLC *Annual Compliance Report*, Docket No. 03-123 (June 6, 2008).

⁶ See, e.g. Healinc Telecom, Inc. *2008 Annual Mandatory Minimum Standards Waiver Report*, CG Docket No. 03-123 (May 21, 2008).

provision of IP Relay, as a natural extension of the high-quality VRS services the Company already provides.

Approval of the instant Application and certification of Healinc for TRS Fund eligibility, now for the provision of IP Relay services, furthers the objectives of section 225 of the Telecommunications Act of 1996, and the Commission's expressed goals of enhancing competition and innovation in the provision of relay services to the Public.⁷ Approval of the instant Application will further contribute to stimulation of broadband deployment,⁸ as broadband connectivity is an integral component of Healinc's IP-based services, consistent with Commission intent.

II. BACKGROUND

Title IV of the Americans with Disabilities Act of 1990⁹ was designed to further promote universal service objectives set out in the Communications Act of 1934, as amended (the "Act"), by providing to individuals with hearing or speech disabilities telephone services that are "functionally equivalent" to those available to individuals without such disabilities.¹⁰ Congress recognized that persons with hearing and speech

⁷ See, e.g., *Certification Report and Order* at para.21; 47 U.S.C. 225.

⁸ See, e.g., *Certification Report and Order* at para. 21, and footnote 81.

⁹ Pub. L. No. 101-336, § 401, 104 Stat. 327, 336-69 (1990), adding Section 225 to the Communications Act of 1934 (Communications Act), as amended, 47 U.S.C. § 225; implementing regulations at 47 C.F.R. § 64.601 *et seq.* In Title IV, Congress announced that "[i]n order to carry out the purposes established under section I [of the Communications Act of 1934], to make available to all individuals in the United States a rapid, efficient nationwide communication service, and to increase the utility of the telephone system of the Nation, the Commission shall ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States." 47 U.S.C. § 225(b)(1).

¹⁰ See, e.g., *See* H.R. Rep. No. 485, Pt. 2, 101st Cong., 2d Sess. at 129-130 (1990) (House Report) (Section 225 "imposes on all common carriers providing interstate or intrastate telephone service[] an obligation to provide to hearing and speech-disabled individuals telecommunications services that enable them to communicate with hearing individuals. These services must be functionally equivalent to telephone service provided to hearing individuals."); 47 U.S.C. § 225(a)(3).

disabilities have long experienced barriers to their ability to access, utilize, and benefit from telecommunications services.¹¹ Attendant federal regulations implementing the provisions of Title IV and section 225 of the Act have been codified in Part 64, Subpart F, Telecommunications Relay Services and Related Customer Premises Equipment for Persons With Disabilities as subsequently amended.¹²

Of particular relevance to the instant Application, section 64.604 of the FCC's rules establishes *inter alia* Mandatory Minimum operational, technical, and functional Standards for the provision of TRS, VRS, and IP Relay services. Amended section 64.606 further allows TRS/VRS providers to recoup service costs from the federal TRS Fund when successfully demonstrating compliance with those standards.

Federal TRS/VRS regulation has evolved and adapted to new technology and changes in an increasingly competitive industry. In March 2000, the FCC tentatively concluded that VRS is a form of TRS.¹³ The FCC found that TRS encompasses VRS, and that VRS would make relay services functionally equivalent to conventional telephone service for individuals whose first language is American Sign Language.¹⁴ The FCC did not at that time mandate the provision of VRS, given its technological

¹¹ See, e.g., House Report at 129.

¹² 47 C.F.R. §64.601 *et. seq.*

¹³ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140 (March 6, 2000).

¹⁴ *Id.* 15 FCC Rcd at 5152-5153, para. 23.

nascence.¹⁵ Yet the FCC encouraged the use and development of VRS and established that all VRS calls would be eligible for cost recovery from the TRS Fund.¹⁶

The Commission's mid-2005 TRS *Report and Order*¹⁷ underscored the importance of VRS as a significant advancement toward achieving "functional equivalency."

The advent of VRS as a form of TRS has been one of the most important developments in the short history of TRS. VRS allows a deaf person whose primary language is ASL to communicate in ASL with the CA, who is a qualified interpreter, through a video link; the CA, in turn, places an outbound telephone call to a hearing person. During the call, the CA communicates in ASL with the deaf person and by voice with the hearing person. As a result, the conversation between the two end users, deaf and hearing, flows in near real time and in a faster and more articulate manner than with a TTY or text-based TRS call. As a result, VRS calls reflect a degree of "functional equivalency" unimaginable in a solely text-based TRS world. The use of VRS reflects this reality: in April 2005 the monthly minutes of use were approximately 1.8 million, a ten-fold increase in the past two years, and more than the number of interstate traditional TRS minutes.¹⁸

To promote "functional equivalency," Congress further sought to ensure that attendant FCC TRS regulation would in no way stifle technological advancement.

Pursuant to section 225(d)(2) of the Act,

The Commission shall ensure that regulations prescribed to implement this section encourage, consistent with section 157(a) of this title, the use of existing technology and do not discourage or impair the development of improved technology.

¹⁵ *Id.*, 15 FCC Rcd at 5152, para. 22.

¹⁶ *Id.*, 15 FCC Rcd at 5152-5154, paras. 23-27.

¹⁷ *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, CG Docket No. 03-123, CC Docket No. 98-67, FCC 05-140 (July 19, 2005).

¹⁸ *Report and Order* at 3. See TRS Fund Performance Status Report as of May 31, 2005, www.neca.org (under Resources, then TRS Fund).

In 2005, Commissioner Michael J. Copps addressed the critical importance of technologic advancement in communications for those with speech and hearing disabilities, noting that

Americans with disabilities spend much of their time fighting for the opportunities for advancement that others of us just take for granted.... Advances in technology have already made a huge difference for many people with visual, auditory, and ambulatory challenges, and technology can do far more.¹⁹

The desirability of technologically advanced VRS by the Deaf Community is well documented. In its 2004 Report to Congress, *Availability of Advanced Telecommunications Capability in the United States*, the FCC addressed the growing importance of VRS and IP relay as tools for the hearing and speech impaired,

Broadband-based Internet services have also become a critical communications tool for the deaf and hard-of-hearing, through the use of Internet Protocol Relay (IP Relay) and Video Relay Service (VRS), two forms of telecommunications relay services (TRS) that rely on the Internet. This report shows that there has been more than a 640 percent increase in IP Relay usage and more than a 2,000 percent increase in VRS in the past two years.²⁰

Until recently, the Deaf and hard of hearing could avail themselves of a limited number of TRS/VRS and IP Relay alternatives to communicate. Such alternatives historically relied on bulky specialized communications equipment that limited user mobility and potentially restricts accessibility to alternative TRS/VRS applications.

¹⁹ Remarks of FCC Commissioner Michael J. Copps, Cellular Telecommunications and Internet Association Wireless Accessibility Workshop, New Orleans, LA March 14, 2005.

²⁰ *Availability of Advanced Telecommunications Capability in the United State*, (FCC Fourth Report to Congress (September 9, 2004) (http://www.neca.org/wawatch/wwpdf/091004_1.pdf) at 9. The FCC's *Fourth Report to Congress* notes specifically that in June 2002, consumers used 35,443 VRS minutes. In May 2004, consumers used 733,040 VRS minutes; a more than 2,000 percent increase in VRS in the past two years (*Fourth Report to Congress* at 37.

These solutions have in some respects not yet fully reached the technological “functional equivalency” standard contemplated by Congress and the FCC, to enable speech and hearing impaired individuals to communicate with the facility, flexibility, and mobility which non-disabled individuals often take for granted.

The entry of new competitors has contributed not only to the proliferation of competitive alternatives, but to the introduction of new technology and innovation that have greatly enhanced the provision of relay services, approximating the “functional equivalency” standard. Healinc has drawn upon its IP-based VRS experience to develop a technologically-advanced IP Relay service offering that provides users with an additional communications medium that approximates the ease of communications media available to the general public. Healinc now requests that the Commission find that the Company meets the eligibility criteria set forth in Sections 64.604, 64.605, 64.606, 64.611 and 52.34 of the Commission’s rules for the provision of compensable IP Relay services. In support of its request, Healinc states as follows.

III. HEALINC TELECOM, LLC

Applicant’s name, address and telephone number are as follows:

Healinc Telecom, LLC
450 Seventh Avenue, Suite 3303
New York, N.Y. 10123
Telephone (Relay): 212.563.5000
Telephone: 212.714-2940

Correspondence regarding the instant Petition should be addressed to Applicant's regulatory consultant,

Andrew O. Isar
Miller Isar, Inc.
7901 Skansie Avenue, Suite 240 (until December 15, 2008)
4423 Pt. Fosdick Dr. NW, Ste. 306 (beginning December 15, 2008)
Gig Harbor, WA 98335
Telephone: 253.851.6700
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An overview of Healinc's senior management team is attached hereto at **Exhibit A**.

IV. HEALINC IS ELIGIBLE FOR COMPENSATION FROM THE FEDERAL TRS FUND FOR THE PROVISION OF IP RELAY SERVICES AS IT MEETS, AND WILL CONTINUE TO MEET, APPLICABLE MANDATORY MINIMUM STANDARDS FOR THE PROVISION OF IP RELAY SERVICES.

The Commission's *Report and Order* created for the first time an opportunity for federal certification of VRS and IP Relay provider compliance with the mandatory minimum standards for purposes of drawing from the federal TRS fund. The Commission's *Report and Order* specifically allowed common carriers seeking to offer VRS or IP Relay, such as Healinc, and who were not otherwise able to seek certification through a state program, to qualify for compensation from the Interstate TRS Fund through a Commission certification process.²¹ This Commission certification process, now codified at section 64.606(a)(2)²² of the Commission's rules, establishes the basis for Commission certification that that the VRS and IP Relay providers meet the Commission's MMS for the provision of VRS and IP relay services, and are therefore eligible for compensation from the federal TRS Fund.

²¹ *Report and Order* at para.19.

²² Formerly 47 C.F.R. §64.605(a)(2).

The following demonstrates to the Commission that Healinc currently meets or exceeds all non-waived operational, technical, and functional MMS for the provision of IP Relay, that the Company has adopted adequate procedures and remedies for ensuring ongoing compliance with the Commission's MMS, including availability of informational materials regarding complaint procedures sufficient for users to know the proper procedures for filing complaints; that the Company acknowledges its obligations to meet and exceed currently waived MMS applicable to VRS and now IP Relay, and that its service offerings will remain in compliance with applicable MMS and related Commission orders governing those standards.

A. Documentation for VRS Provider Pursuant to 47 C.F.R. §64.606(a)(2).

Section 64.606(a)(2) of the Commission's rules establish the requisite documentation to be submitted by a VRS and IP Relay provider seeking Commission certification independent from any certified state program. Healinc has expended considerable effort and resources in meeting the Commission's mandatory minimum standards and currently waived MMS for VRS providers, and now for IP Relay, as documented below.

1. A description of the forms of TRS to be provided (i.e., VRS and/or IP Relay), 47 C.F.R. §64.605(a)(2)(i).

Applicant proposes to provide IP Relay services to the public, as an extension of its VRS. Applicant's IP Relay service will be supported by a technologically-advanced, software-based, IP Relay "Text Relay" application developed by URrelay, Inc.²³ through

²³ See http://www.urrelay.com/text_relay.html.

a licensing agreement with NexTalk, Inc., and its NexTalk® Direct™ product.²⁴ Through URrelay, Inc.'s platform, Applicant will provide its own IP Relay service with virtually immediate interpreter access, and a multitude of service and operational features and reporting capabilities.²⁵

IP Relay users will be provided with Healinc-branded "Text Relay" software "client," which can be easily downloaded by the user.²⁶ Users will simply enter the called party's number and any special directives to the Communications Assistant ("CA"). Users will also be able to select interpreters by individual, gender, or specialized skill set, consistent with the CA selection capabilities currently available through Healinc's VRS. Upon selecting the "connect" feature, the caller is almost instantaneously connected to the selected available interpreter, who completes the call.

Applicant's IP Relay platform will provide extensive management oversight capabilities; automated reporting capabilities that will further meet Commission TRS Fund administrator reporting obligations, and tools that support CA productivity enhancements and retention. Among the more salient features of Healinc's IP Relay platform:

- **Healinc's IP Relay platform is software-based.** As a software-based application, Healinc's IP Relay service is available to any caller having a computer and Internet connection. The software is constantly updated, scalable to

²⁴ See <http://www.nextalk.com/>; http://www.nextalk.com/products/nextalk_direct.php. Healinc is pursuing a unified IP Relay and VRS platform offering with NexTalk that will enable callers to utilize the same software functionality to place calls using IP Relay, VRS, and new video phone VRS media.

²⁵ URrelay, Inc.'s platform and NexTalk "client" will be deployed by Healinc as a unified IP Relay and VRS platform to replace Healinc's existing VRS platforms.

²⁶ See http://www.urrelay.com/text_relay.html.

meet growing demand, and is capable of recording and processing data for call management and TRS Fund reporting requirements. Users will be able to access Applicant's IP relay through a custom software client or through existing legacy or a variety of devices currently used by consumers including existing videophones that consumers use with a standard television set.²⁷

- **Virtually Instant CA Access.** Healinc's IP Relay software enables virtually instant access to available CAs. Healinc plans to offer unified IP Relay and VRS through its IP Relay platform to enable access to Healinc's experienced CAs for IP Relay calls or VRS calls, further maximizing user call options and preferred CA availability.
- **Enhanced Security.** All IP Relay communications are encrypted by the platform software to ensure the strictest of communications between callers and CAs.
- **Unlimited Access and Interoperability.** No limitations are imposed on users' usage or access to alternative providers. Healinc does not block access to other providers, and its services are fully interoperable with other equipment.
- **Call Tracking and Other Data Collection.** A variety of call and usage data are captured and can be organized and made available in real time, historical, and custom formatted management and TRS Fund management reports via Applicant's VRS platform. The flexibility of the platform's call detail accounting and data retrieval capability has enabled Healinc to structure detailed conversation minute, call detail, and *ad hoc* reports that will be used to provide annual and periodic reporting to the Commission and National Exchange Carriers Association, the TRS Fund Administrator.

Healinc's comprehensive IP platform, functions and features, offer several advantages over other applications that simplify communications for disabled users.

²⁷ Minimum system requirement specifications are Windows-based personal computer using Windows 2000 or higher operating system; Minimum ten megabyte hard drive to store the VRS application software; Stable, high-speed Internet connection with a minimum 256 kilobits per second or higher modem; and standard telephone instrument with an assigned ten-digit telephone number that the URrelay VRS application can dial. See, <http://www.urrelay.com/vrs.html> .

2. A description of how the provider will meet all non-waived mandatory minimum standards applicable to each form of TRS offered), 47 C.F.R. §64.605(a)(2)(ii).

Section 64.604(a) of the FCC's rules, as amended, establishes Mandatory Minimum operational, technical, and functional Standards governing the provision of TRS/VRS and IP Relay. Pursuant to section 64.606(c)(5)(ii), a TRS/VRS and IP Relay provider may draw upon federal TRS program funding to recoup its costs of providing TRS/VRS and IP Relay, when demonstrating that the provider fully complies with the MMS contained in federal regulation.²⁸ As set forth below, Healinc maintains that it meets or exceeds federal MMS applicable to the provision of IP Relay, consistent with its provision of VRS, as recently demonstrated to the Commission,²⁹ and merits Commission certification of compliance for purposes of recouping costs from federal TRS program funds, now for the provision of IP Relay services.

Operational Standards

1. Communications Assistant ("CA") – Training (47 C.F.R. §64.604(a)(1)).

Standard (i): "TRS providers are responsible for requiring that all CAs be sufficiently trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities."

Healinc Compliance: Qualified CAs are essential to the successful provision of Applicant's VRS, its ability to meet its clients' specialized and varied communications

²⁸ 47 C.F.R. §64.604(c)(5)(ii) Cost recovery.

²⁹ See, e.g. *Application of Healinc Telecom, LLC, for Certification of Eligibility for Compensation From the Interstate TRS Fund for Video Relay Services and IP Relay*, Docket No. 03-123, *2008 Annual Report Mandatory Minimum Standards Compliance* (June 6, 2008). Healinc reiterates its MMS compliance as originally presented in the Company's 2006 application for TRS Fund eligibility for VRS and updated from the Company's 2008 (MMS) *Annual Report*.

needs, and as the company's "face" to the public. To qualify for employment, CAs must first meet Applicant's minimum qualifications for employment, and demonstrate complete understanding of Applicant's operating standards, before the CA can begin interpreting.

Healinc promotes Registry of Interpreters for the Deaf (RID), SCS, CI or CT, or National Association of the Deaf certification. Certified CAs are given priority for employment or engagement. CA candidates are screened for typing ability, American Sign Language ("ASL") skills and skill certification, and then judged for attitude and orientation.

As part of the initial qualifying process, a team of CAs and supervisory management performs candidate screening. Each candidate CA's stated qualifications are reviewed and tested, and the individual's orientation to the position is judged. Screening also includes in depth ASL performance evaluation as well as a comprehensive analysis of ASL to voice skills that is critical to conveying the deaf user's message accurately. Candidates are then tested in mock calls to determine operating capabilities. If the candidate passes initial testing and is recommended for employment, security/references are verified. Only then do candidates qualify for employment at a relay center.³⁰

Each newly hired CA undergoes an initial orientation with presentations from senior management regarding company mission, objectives, obligations, and compliance. New hires receive detailed orientation from experienced CAs, and are provided reference materials, including a listing of compliance requirements and metrics. Newly hired CAs

³⁰ Contract CA's must also qualify to meet minimum employment standards, even if engaged under contract.

receive training on each type of call that may be received, and are given an opportunity to engage in mock practice calls to gain confidence in equipment usage and procedures. The new hire is then monitored closely, until standards of performance are exceeded. Ongoing monitoring of performance is maintained with identified areas for improvement given a training plan.

Each CA is evaluated periodically by a supervisor, to ensure that the CA maintains proficiency and meets operational standards. Those CAs who are found substandard are required to engage in remedial training subject to more frequent evaluation, and ultimately dismissal if performance fails to meet minimum standards. CAs are encouraged to engage in continuing education.

Standard (ii): “CAs must have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette. CAs must possess clear and articulate voice communications.”

Healinc Compliance: CA professional accreditation is a priority for employment, as noted *supra*. A CA’s typing, grammar, and spelling skills, as well as the CA’s ability to interpret ASL, and familiarity with Deaf culture, languages and etiquette, and ability to communicate articulately, are judged as part of the initial screening process, and ongoing post-hire evaluations. Only candidates who qualify based on the determination of the initial CA screening team are considered for employment or engagement. Although many new hires or contractors will have practical interpreting experience, the CA screening team will also consider educational experience and teacher evaluations for candidates who recently graduated from accredited colleges or training courses.

Standard (iii): “CAs must provide a typing speed of a minimum of 60 words per minute. Technological aids may be used to reach the required typing speed. Providers must give oral-to-type tests of CA speed.”

Healinc Compliance: Typing skill becomes critical in the provision of IP Relay. While all CAs are expected to meet this standard, only those CAs with exceptional typing proficiency will be assigned to respond to IP Relay calls.

Standard (iv): “TRS providers are responsible for requiring that VRS CAs are qualified interpreters. A “qualified interpreter” is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.”

Healinc Compliance: Employee candidates must maintain, or be demonstrated to be working toward professional accreditation through the Registry of Interpreters for the Deaf (RID), SCS, National Interpreter Certificate, CI or CT, or National Association of the Deaf, have demonstrated practical experience as an ASL interpreter and/or be a graduate of an accredited institution’s ASL interpreter program. These minimum requirements, coupled with the extensive screening, ensure that employed CAs are effective in understanding and meeting the communications needs of Applicant’s clients.

Standard (v): “CAs answering and placing a TTY-based TRS or VRS call must stay with the call for a minimum of ten minutes. CAs answering and placing an STS call must stay with the call for a minimum of fifteen minutes.”³¹

Healinc Compliance: Applicant has adopted this standard to the extent applicable to IP Relay calls and includes the requirement in training and in performance evaluations. Healinc considers the standard in planning for interpreter staffing requirements. As a general matter, CAs are instructed to remain on each call until the call is terminated, even

³¹ STS calling requirements are waived indefinitely. *2004 TRS Report and Order*, para 138 and 139.

if the call extends beyond the CA's shift, unless a change in CAs is expressly authorized by the subscriber.

Standard (vi): "TRS providers must make best efforts to accommodate a TRS user's requested CA gender when a call is initiated and, if a transfer occurs, at the time the call is transferred to another CA."

Healinc Compliance: The ability to select a CA by gender, skill set, or simply because of familiarity to the calling through an established relationship, is an inherent function of Healinc's URrelay platform. CA gender and language capabilities appear on the subscriber's computer screen, enabling the subscriber to see available interpreters, and select an interpreter at the click of a button, as demonstrated at **Exhibit B**.

Standard (vii): "TRS shall transmit conversations between TTY and voice callers in real time."

Healinc Compliance: Real time transmission is an inherent component of Healinc's IP Relay. Conversations will be transmitted in real time, consistent with CA VRS interpretation today.

2. Communications Assistant- Confidentiality and conversation content. (47 C.F.R. §64.604(a)(2)).

Standard (i): "Except as authorized by section 605 of the Communications Act, 47 U.S.C. 605, CAs are prohibited from disclosing the content of any relayed conversation regardless of content, and with a limited exception for STS CAs, from keeping records of the content of any conversation beyond the duration of a call, even if to do so would be inconsistent with state or local law. STS CAs may retain information from a particular call in order to facilitate the completion of consecutive calls, at the request of the user. The caller may request the STS CA to retain such information, or the CA may ask the caller if he wants the CA to repeat the same information during subsequent calls. The CA may retain the information only for as long as it takes to complete the subsequent calls."

Healinc Compliance: Healinc continues to maintain strict privacy standards regarding communications content and subscriber data adopted from the MMS, and remains in compliance with this confidentiality standard. All CAs must comply with Healinc's confidentiality policy. CA's found to have violated this policy are subject to immediate disciplinary action, up to and including termination following a full investigation. CAs retain access to call data and the identity of the caller (collectively "call set up data") only so long as the caller is connected to the CA. Following disconnection of a call, the CA does not maintain any ability to review or retain call set up data. Call detail is stored in a separate server and is not accessible to any CA. Only supervisory staff may monitor a calls for quality assurance and training, and then, only with the express approval of the caller. CAs receive calls in work areas that are physically isolated and preclude inadvertent call viewing by other individuals. CA's work from secured premises. CAs utilize hands-free headsets which preclude others from hearing call content. Healinc has posted information regarding protection of confidential customer proprietary network information and other customer information on its web site.³²

Standard (ii): "CAs are prohibited from intentionally altering a relayed conversation and, to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes, must relay all conversation verbatim unless the relay user specifically requests summarization, or if the user requests interpretation of an ASL call. An STS³³ CA may facilitate the call of an STS user with a speech disability so long as the CA does not interfere with the independence of the user, the user maintains control of the conversation, and the user does not object. Appropriate measures must be taken by relay providers to ensure that confidentiality of VRS users is maintained."

³² See, <http://www.lifelinksvrs.com/privacy.html> .

³³ Speech-to-Speech.

Healinc Compliance: CAs are bound to this standard through compliance with national interpreter association codes of ethics, adopted and enforced by Healinc. Consistent with Healinc's policies regarding call content security, prohibitions against altering or summarizing a relayed conversation without the expressed direction of the subscriber are incorporated into Healinc's training program and compliance. CA's found to have violated such prohibition may be subject to immediate termination of employment, following investigation.

3. Types of Calls (47 C.F.R. §64.604(a)(3)).

Standard (i): "Consistent with the obligations of telecommunications carrier operators, CAs are prohibited from refusing single or sequential calls or limiting the length of calls utilizing relay services."

Healinc Compliance: This standard is incorporated into Healinc's training program and compliance checklist provided to all CAs, and is verified through Healinc's Quality Assurance. CAs are trained, and acknowledge that they may never refuse to interpret a call, or limit the number or length of calls. Any confirmed intentional premature call termination is subject to disciplinary action, up to and including termination.

Standard (ii): “Relay services shall be capable of handling any type of call normally provided by telecommunications carriers unless the Commission determines that it is not technologically feasible to do so. Relay service providers have the burden of proving the infeasibility of handling any type of call.”³⁴

Healinc Compliance: Applicant’s URrelay platform is designed to process IP Relay calls, although VRS, TTY and other non-VRS calls are also supported. Healinc does not bill subscribers or called parties for calls, alternative-billing calls such as person-to-person, reverse bill, or third-party billed typically placed as operator-assisted calls are not supported and inapplicable. Additional discussion appears under waived MMS compliance section, *infra*.

Standard (iii): “Relay service providers are permitted to decline to complete a call because credit authorization is denied.”

Healinc Compliance: This standard is inapplicable as Healinc does not charge users for any call, and therefore does not conduct credit authorizations or checks, as part of its

³⁴ Types of Calls requirements are waived through January 1, 2009. *2004 TRS Report and Order*, para 113 through 115. “We agree with the parties that it remains technologically infeasible for VRS providers to offer operator assisted calls and to bill for certain types of long distance calls because one leg of the VRS call is transmitted over the Internet.³⁴ We therefore grant VRS providers a waiver of this TRS requirement until January 1, 2008, conditioned on the filing of an annual report with the Commission as indicated above. We will also continue to require VRS providers to allow calls to be placed using calling cards and/or to provide free long distance calls during the waiver period.” “The waivers of certain TRS mandatory minimum standards for VRS and IP Relay will expire on January 1, 2009, except the waiver of the speed dialing requirement for VRS, which will expire on April 30, 2008.” *See, e.g. Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, DA 07-5098 (Dec. 26, 2007) [“*Extension Order*”]; *See also Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities*, CG Docket 03-123, DA 07-098; DA 08-45; *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers*, CG Docket 03-123 and WC Docket No. 05-196, *Report and Order*, FCC 08-78 (March 19, 2008)

obligations to retain the Equal Access to Interexchange Carrier waivers for VRS providers.³⁵

Standard (iv): “Relay services shall be capable of handling pay-per-call calls.”³⁶

Healinc Compliance: Healinc avers compliance to the extent ultimately required by the Commission. Additional discussion appears under waived MMS compliance section, *infra*.

Standard (v): “TRS providers are required to provide the following types of TRS calls: (1) Text-to-voice and voice-to-text; (2) VCO, two-line VCO, VCO-to-TTY, and VCO-to-VCO; (3) HCO, two-line HCO, HCO-to-TTY, HCO-to-HCO.”³⁷

Healinc Compliance: Healinc has the capability of supporting all types of calls, although the focus remains on the provision of VRS and for purposes of the instant Application, on IP Relay. Healinc’s VRS has the capability of supporting Voice Carry Over (VCO), allowing a user to speak directly to the person he or she is calling and receiving responses through the CA and vice-versa. Healinc has the capability to support VCO-VCO calls, VCO-HCO calls, VCO-TTY, and Two-Line VCO calls. Healinc’s VRS is also capable of supporting Hearing Carry Over (HCO) that allows an individual to listen to the called party and respond in text to be voiced by the CA and vice-versa. HCO users are able to

³⁵ 47 C.F.R. § 64.604(b)(3).

³⁶ Pay-per-call Service requirements are waived for IP Relay and VRS providers through January 1, 2009. *2004 TRS Report and Order*, para 130 through 132. “We agree with the parties that VRS providers do not have the technology to complete pay-per-call (900 number) calls, and therefore we waive this TRS requirement until January 1, 2008. We believe that technology will be developed to allow VRS providers to handle these types of calls, and will require VRS providers to submit a report annually to the Commission as indicated above and detailing advancements that may enable VRS providers to comply with this requirement.” Amended by *Extension Order*.

³⁷ Types of Calls requirements are waived for IP Relay and VRS providers through January 1, 2009. *2004 TRS Report and Order*, paras. 134, 135. “This waiver is conditioned on the annual submission of a report to the Commission [FCC] as detailed above.” Amended by *Extension Order*.