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November 20, 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 PAH! VRS Support Services, LLC, for Eligibility to be Compensation From the Interstate Telecommunications Relay Service Fund for the Provision of Video Relay Services, Docket No. 03-123

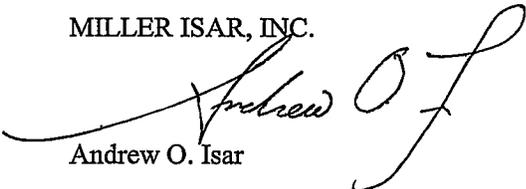
Dear Secretary Dortch:

Enclosed for filing with the Federal Communications Commission ("Commission") in the above-referenced proceeding, is the *Application of PAH! VRS Support Services, LLC, for Eligibility to be Compensation From the Interstate Telecommunications Relay Service Fund for the Provision of Video Relay Services*. By this Application, PAH! VRS Support Services, LLC applies to the Commission for a finding that PAH! VRS Support Services, LLC meets the requirements is for compensation eligibility from the federal Telecommunications Relay Service Fund for the provision of Internet-based Video 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
PAH! VRS Support Services, 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 PAH! VRS Support Services,)
LLC for Eligibility to be Compensated From the)
Interstate Telecommunications Relay Service)
Fund For the Provision of Video Relay Services)

CG Docket No. 03-123

**PAH! VRS SUPPORT SERVICES, LLC
VIDEO RELAY SERVICE CERTIFICATION APPLICATION**

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November 20, 2008

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**Before the
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Washington, D.C. 20554**

In the Matter of)
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Application of PAH! VRS Support Services,)
LLC for Eligibility to be Compensated From the) CG Docket No. 03-123
Interstate Telecommunications Relay Service)
Fund For the Provision of Video Relay Services)

**PAH! VRS SUPPORT SERVICES, LLC
VIDEO RELAY SERVICE CERTIFICATION APPLICATION**

PAH! VRS Support Services, LLC (“Applicant” or “PAH! VRS”), pursuant to section 64.606(a)(2) of the Commission’s rules,¹ Requirements for VRS and Internet Protocol (“IP”) Relay Provider FCC Certification, respectfully applies to the Commission for a finding that PAH! VRS is eligible for compensation from the federal Telecommunications Relay Service (“TRS”) Fund for the provision of advanced-technology Video Relay Services (“VRS”).² By the instant Application, PAH! VRS demonstrate that it 1) meets, or has the capability to meet and exceed, the Commission’s Mandatory Minimum Standards, for the provision of telecommunications (and video) relay services set forth in sections 64.604 and 64.605, 64.606, 64.611 and 52.34 of the Commission’s rules, as amended; 2) that it meets or is working to meet Commission-waived Mandatory Minimum Standards for the provision of VRS; 3) that it is complying

¹ 47 C.F.R. §64.606(a)(2); formerly 47 C.F.R. §64.605(a)(2).

² Applicant does not currently propose to provide Internet Protocol (“IP”) Relay Services, and does seek TRS Fund eligibility for IP Relay, accordingly.

with recent Commission orders governing emergency 911 access for subscribers and ten digit dialing capabilities of the provision of VRS; and 4) that it should be certified as eligible for compensation from federal TRS Fund for the provision of its advanced-technology IP-based VRS. In support of its Application, PAH! VRS states as follows.

I. INTRODUCTION

By the instant Application, PAH! VRS seeks Commission certification that the Company currently complies with, and can demonstrate compliance with, applicable FCC operational, technical, and functional Mandatory Minimum Standards (“MMS”) for the provision of VRS to all subscribers and users of its VRS as set forth in section 64.604(a) and (b) and applicable provisions of sections 64.605, 64.606, 64.611 and 52.34 of FCC regulations. PAH! VRS seeks Commission certification of compliance for purposes of drawing upon federal Telecommunications Relay Service program funding for the provision of VRS services, pursuant to section 64.604 (c)(5)(ii), Cost Recovery, of FCC regulation.

Applicant is a recently-organized provider of video relay services. Applicant is owned by members of, and stakeholders in, the Deaf Community. Although PAH! VRS is recently-organized, the Company’s senior management team represents more than thirty (30) years of managerial and senior VRS/TRS call center management and operational experience that is exceptionally well suited to support the Company’s successful provision of VRS. An overview of PAH! VRS’s senior management team is attached hereto at **Exhibit A**. PAH! VRS further employs and contracts with certified Communications Assistants (“CAs”) having extensive interpreting skills and experience, typified by the individual whose *curriculum vitae* is also included at **Exhibit A**. PAH!

VRS's management and CA teams maintain long-standing associations with the Deaf Community. Several managers and CAs are Children of Deaf Adults ("CODA") and are exceptionally qualified to serve the Deaf community through the provision of VRS.

PAH! VRS's senior management team founded the Company to address shortcomings they experienced in the provision of VRS with other providers. Such shortcomings have included an inflexible application of technology, company-driven rather than caller-driven features and services, and a seeming disenfranchisement between service providers and their customers. In recognizing these shortcomings, and with the advent of a more competitive environment for the provision of VRS services, PAH! VRS's founders drew on their extensive technical, managerial, and Deaf Community experience in organizing the Company to deliver reliable, flexible, and inclusive services to the Deaf Community; *e.g.* to give the Deaf Community a meaningful choice of VRS providers.

Applicant has also assembled a team of certified, American Sign Language CA professionals, each with years of experience in serving the Deaf Community. CAs are given broad authority to meet client needs. The Company's mandate is to strive to exceed the MMS and provide an exceptional, personalized client calling experience. Although the Company is recently organized, the management and CA team's long-standing experience and strong desire to provide the Deaf Community with service that far surpasses the "functionally equivalent" standard, translate into an effective, compliant organization that is eager and prepared to "hit the ground running" with the grant of the instant Application

Applicant engaged in extensive research to identify and deploy a proven, advanced, "state of the art," interoperable, Internet Protocol ("IP")-based VRS calling *platform technology that provides maximum flexibility to its users when placing VRS calls*. PAH! VRS's selected as its VRS platform, a platform designed and developed by URrelay, Inc.³ URrelay is an established provider of proven VRS, IP Relay, TRS and other types of call platforms, utilizing a technologically-advanced software application "client" and IP transmission medium, over broadband facilities. The URrelay, Inc. VRS platform specifically, has been customized and tested to ensure the highest level of quality and flexibility of VRS possible. The VRS platform has also been designed to incorporate extensive automated reporting capabilities to enable effective corporate management and meet regulatory compliance obligations. The VRS platform is scalable to accommodate the Company's anticipated growth, and can be continually updated to incorporate additional features as deemed desirable or necessary in the future. Applicant's VRS platform is interoperable with other VRS and telecommunications relay service ("TRS") applications, including other VRS provider-specific equipment, and does not preclude callers from accessing other TRS/VRS providers.

PAH! VRS now seeks to draw from federal TRS program Fund to provide its VRS to and for the Deaf Community pursuant to section 64.606 (a)(2) of Commission rules. As demonstrated below, PAH! VRS meets or exceeds federal Mandatory Minimum operational, technical, and functional Standards for the provision VRS to the public, is meeting or has met waived Mandatory Minimum Standards for VRS, and

³ <http://www.urrelay.com/>

should be deemed eligible for purposes of qualifying for federal funding of the Company's direct VRS costs through the TRS program fund.

Approval of the instant Application and certification of PAH! VRS furthers the objectives of section 225 and the stated goals of this Commission. Certification of PAH! VRS will enhance competition, giving consumers greater choice and bringing innovation to VRS and IP relay.⁴ Certification of PAH! VRS will indeed introduce an innovative, technologically-advanced competitor to these markets. Certification of PAH! VRS will also stimulate greater broadband deployment,⁵ as broadband connectivity is an integral component of PAH! VRS's service, and will bring the provision of VRS a quantum step closer to "functional equivalency" to voice services. PAH! VRS respectfully requests that the Commission certify PAH! VRS's compliance with federal Mandatory Minimum Standards and eligible for compensation from the federal Telecommunications Relay Service program Fund, accordingly.

II. BACKGROUND

According to a 1994 National Center for Health Statistics, National Health Interview Survey, more than 20 million Americans, or 8.6 percent of the U.S. population over the age of three were reported as having an inability to hear properly.⁶ Gallaudet University more recently reported that:

⁴ See, e.g., *Report and Order* at para.21; 47 U.S.C. 225.

⁵ See, e.g., *Report and Order* at para. 21, and footnote 81.

⁶ Center for Assessment and Demographic Studies, Gallaudet University, *Demographic Aspects of Hearing Impairment: Questions and Answers*, Third Edition (1994)
<http://gri.gallaudet.edu/Demographics/factsheet.html#Q1>

About 2 to 4 of every 1,000 people in the United States are "functionally deaf," though more than half became deaf relatively late in life; fewer than 1 out of every 1,000 people in the United States became deaf before 18 years of age.

However, if people with a severe hearing impairment are included with those who are deaf, then the number is 4 to 10 times higher. That is, anywhere from 9 to 22 out of every 1,000 people have a severe hearing impairment or are deaf. Again, at least half of these people reported their hearing loss after 64 years of age.

Finally, if everyone who has any kind of "trouble" with their hearing is included then anywhere from 37 to 140 out of every 1,000 people in the United States have some kind of hearing loss, with a large share being at least 65 years old.⁷

Title IV of the Americans with Disabilities Act of 1990⁸ 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.⁹ Congress recognized that persons with hearing and speech disabilities have long experienced barriers to their ability to access, utilize, and benefit from telecommunications services.¹⁰ Attendant federal regulations implementing the provisions of Title IV and section 225 of the Act have been codified in Part 64, Subpart

⁷ See Gallaudet University, Demographics, <http://gri.gallaudet.edu/Demographics/deaf-US.php>.

⁸ 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 1 [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).

⁹ See, e.g., 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).

¹⁰ See, e.g., *House Report* at 129.

F, Telecommunications Relay Services and Related Customer Premises Equipment for Persons With Disabilities as subsequently amended.¹¹

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.¹² 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.¹³ The FCC did not at that time mandate the provision of VRS, given its technological nascence.¹⁴ Yet the FCC encouraged the use and development of VRS and established that all VRS calls would be eligible for cost recovery from the Interstate TRS Fund on an interim basis.¹⁵

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 Commission 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

¹¹ 47 C.F.R. §64.601 *et. seq.*

¹² *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).

¹³ *Id.* 15 FCC Rcd at 5152-5153, para. 23.

¹⁴ *Id.*, 15 FCC Rcd at 5152, para. 22.

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

increase in IP Relay usage and more than a 2,000 percent increase in VRS in the past two years.¹⁶

The Commission's 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.

¹⁶ *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).

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).

Also 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

Until recently, the Deaf and hard of hearing could avail themselves of a limited number of TRS/VRS alternatives to communicate. Such alternatives, including existing VRS applications, historically relied on bulky specialized communications equipment that limited user mobility and potentially restricts accessibility to alternative TRS/VRS applications. These solutions have in some respects not yet fully reached the technological "functional equivalency" standard contemplated by Congress and the Commission, to enable the Deaf, speech and hearing impaired individuals to communicate with the facility, flexibility, and mobility which non-disabled individuals often take for granted.

PAH! VRS has deployed a proven, technologically-advanced VRS solution, which approximates the "functional equivalency" standard set forth in the Act. By providing a simplified, VRS solution, coupled with a highly-dedicated, motivated, professional and experienced team of CAs and managers, PAH! VRS is capable of providing a VRS calling experience that approximates "functional equivalency." PAH!

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

VRS seeks to bring the tangible benefits of its VRS solutions to the Deaf Community as a *new technologically-advanced VRS provider.*

PAH! VRS respectfully requests Commission certification of PAH! VRS's compliance with federal Mandatory Minimum Standards pursuant to sections 64.604 and 64.605, 64.606, 64.611 and 52.34 of the Commission's rules for purposes of drawing compensation from the federal Telecommunications Relay Service program Fund, in order to begin serving the Deaf Community, speech and hearing disabled, and those who contact them subject to federal funding, and to bring subscribers one step closer to "functional equivalency."

III. PAH! VRS SUPPORT SERVICES , LLC

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

PAH! VRS Support Services, LLC
1 Waterfall Way
Cataula, Georgia 31804

Call Center

PAH! VRS Support Services, LLC 5915 South Emerson Ave. Suite 100
Indianapolis, Indiana 46237
Telephone: 317.966.2718

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

Andrew O. Isar
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IV. PAH! VRS IS ELIGIBLE FOR COMPENSATION FROM THE FEDERAL TRS FUND FOR THE PROVISION OF VIDEO RELAY SERVICES AS IT MEETS, AND WILL CONTINUE TO MEET, APPLICABLE MANDATORY MINIMUM STANDARDS FOR THE PROVISION OF VIDEO RELAY SERVICES.

The Commission's *Report and Order* created for the first time an opportunity for federal certification of VRS 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, and who are not otherwise able to seek certification through a state program, to qualify for compensation from the federal TRS Fund through a Commission certification process.²⁰ This Commission certification process, now codified at section 64.606(a)(2) of the Commission's rules, establishes the basis for Commission certification that that the VRS and/or IP Relay provider meets the Commission's Mandatory Minimum Standards for the provision of VRS and IP relay services, and is therefore eligible for compensation from the federal TRS Fund.

The information provided in the instant Application is intended to provide the Commission with detailed evidence that PAH! VRS's currently meets or exceeds all non-waived operational, technical, and functional Mandatory Minimum Standards contained in the Commission's rules, that the Company has adopted adequate procedures and remedies for ensuring ongoing compliance with the Commission's rules, including reporting requirements to the Commission and Fund Administrator and availability of informational materials regarding complaint procedures sufficient for users to know the proper procedures for filing complaints; that the Company acknowledges its future

²⁰ *Report and Order* at para.19.

obligation to meet and exceed currently waived Mandatory Minimum Standards applicable to VRS and is working toward compliance; that the Company has met more recently established obligations which include *inter alia* VRS 911 access and ten digit number assignment; and that its services in no way violate applicable Mandatory Minimum Standards 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. PAH! VRS has expended considerable effort and resources in meeting the Commission's Mandatory Minimum Standards and currently waived Mandatory Minimum Standards for VRS providers, 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. §64.606(a)(2)(i).

PAH! VRS proposes to provide video relay services to the public.²¹ Applicant's VRS will be supported by a technologically-advanced, software-based, proven VRS platform, utilizing IP over broadband facilities, which PAH! VRS has deployed. Through this advanced VRS platform, PAH! VRS provides VRS with virtually immediate interpreter access, and a multitude of features and reporting data, supported by an established and recognized communications platform solution developer, URrelay,

²¹ PAH! VRS will also have the capability to provide access to other communications media for the public, although it will focus its services exclusively on the provision of VRS.

Inc.²² PAH! VRS's VRS platform is also designed to support all call types, including Instant Messaging, Text calling, and IP relay text messaging.

Applicant's VRS will be provided to end users via URrelay, Inc.'s Nextlink VRS software "client," and hosted call distribution, management, and analysis platform through a virtual private network. The URrelay, Inc. VRS platform intelligently routes multi-media communications to CAs anywhere, while quickly processing calls in a manner that is entirely transparent to callers. The platform provides extensive management oversight capabilities; capabilities that have been demonstrated effective in meeting Commission TRS Fund administrator reporting obligations, and tools supporting CA productivity enhancements and retention.

The platform software includes an enterprise-grade automatic call distribution system. The platform also includes CA performance optimization features including customer experience survey capabilities, CA scoring analysis, call monitoring, call recording, workforce scheduling and forecasting tools to reduce CA attrition, and targeted training delivered to the CA desktop. Further, the VRS platform is an all-in-one on-demand platform that delivers rapid application development tools for information technology control, and a perpetually managed network with carrier-grade redundancy.

Software Enabled. As a software-based solution, URrelay's VRS platform is scalable, reliable, and is automatically upgraded as new versions become available. The platform consists of several applications modules, each designed to perform specific

²²URrelay, Inc.'s VRS platform has already been proven to provide reliable, exceptional quality VRS to the Deaf community through competing providers of VRS already deemed eligible for compensation from the federal TRS Fund.

functions including call management and CA distribution, management reporting, call and CA performance analysis, among others. URrelay's VRS platform is constantly being updated and can be customized to add new applications and features consistent with client requests and Company experience.

VRS user clients will access PAH! VRS at any location with broadband Internet access, and at no cost. Users will be able to access PAH! VRS through a Nextalk platform software "client" available through the Company's website. Applicant will utilize a specially designed IP gateway that supports H323 devices, including existing videophones, to access Applicant's services without a requirement that users acquire new equipment. Users will also be able to access Applicant's VRS through a variety of devices currently used by consumers, including existing videophones that consumers use with a standard television set.²³

IP Enabled. Applicant's VRS platform and VRS client application utilizes IP as a transmission medium. Coupled with broadband connectivity and software, Applicant's VRS provides reliable, high-quality video and audio transmission capabilities that approximate in-person communications between the caller, interpreter, and called party.

Broadband Connectivity. Applicant's VRS relies on broadband connection with the Internet. The provided broadband facilities are capable of supporting uploading speeds in upwards of 768 kbs and download speeds of 4 to 6 mbs, ensuring high-quality

²³ 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>.

communications. And, with the advent of Wi-Fi and Wi-Max wireless broadband connectivity now becoming increasingly available to the public, clients may utilize laptop computers to place calls from any location having high-speed Internet access, when away from their PAH! VRS registered location, according users additional communications mobility.

Virtually Instant Interpreter Access. Callers have the capability to connect to an interpreter, typically in less than eight seconds, 24 hours per day, seven days per week. Callers will be able to identify the desired interpreter to meet the particular needs of each call by accessing separate “skill set determinations” and individual interpreter availability displays via the VRS Platform. Callers may select individual interpreters by gender, language capabilities, skill sets interpreting capabilities, or simply by personal preference.

Unlimited Access and Interoperability. No limitations are imposed on subscribers’ VRS usage or access to alternative providers. Subscribers may place as many or as few VRS calls utilizing Applicant’s VRS platform as desired. Subscribers’ use of Applicant’s VRS in no way limits the subscriber’s access to alternative VRS or TRS providers. PAH! VRS does not block access to other providers, and is fully interoperable with other TRS/VRS equipment, including legacy D-Link VRS equipment.

Enhanced Security. Applicant’s VRS platform utilizes encryption software to ensure the complete confidentiality of all communications processed through the platform. Such encryption provides added security protection for subscribers against illegal monitoring of communications.

Enhanced Features. Applicant's VRS enables subscribers to create and maintain a list of frequently called numbers via the software client, facilitating call setup for those individuals with whom the subscriber communicates most often at the click of a computer screen icon.

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 PAH! VRS 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. Sample call detail and conversation minute reports are attached hereto at **Exhibit B**.

PAH! VRS's comprehensive VRS platform, functions and features, offer several advantages over other TRS and VRS applications, that simplify communications for disabled users.

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. §64.606(a)(2)(ii).**

PAH! VRS currently meets all non-waived Mandatory Minimum Standards applicable to the provision of VRS, as follows.

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. Pursuant to section 64.606(a)(2) of the Commission's rules, a TRS/VRS provider may draw upon federal TRS program funding to recoup its costs of providing

TRS/VRS, when demonstrating that the provider fully complies with the Mandatory Minimum Standards contained in federal regulation.²⁴ As set forth below, PAH! VRS maintains that it meets or exceeds federal Mandatory Minimum Standards applicable to the provision of its VRS,²⁵ ²⁶and merits Commission certification of compliance for purposes of recouping costs from federal TRS program funds.

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.”

PAH! VRS Compliance: Qualified CAs are essential to the successful provision of Applicant’s VRS, its ability to meet its clients’ specialized and varied communications needs, and as the company’s “face” to the public. To qualify for employment, CAs must

²⁴ 47 C.F.R. §64.604(a)(2).

²⁵ For purposes of demonstrating MMS compliance, Applicant interprets the acronym and term “TRS” as synonymous with “VRS” unless the requirement is clearly inapplicable with the provision of VRS services

²⁶ On June 30, 2004, the FCC released a *Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking* in its ongoing TRS proceeding, adopting *inter alia* waivers of the Mandatory Minimum Standards in 47 C.F.R. §64.604 for IP Relay and VRS providers for a specified period of time. Citations to these waivers as set forth therein, are addressed under each Mandatory Minimum Standard to which they apply. See e.g. *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities* CC Docket No. 90-571, CC Docket No. 98-67, CG Docket No. 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 04-137 (June 30, 2004) [hereinafter “2004 TRS Report and Order”] Amended further by *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); 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).

first meet Applicant's minimum qualifications for employment, and then demonstrate complete understanding of Applicant's operating standards, before the CA can begin interpreting.

CA candidates are then screened for typing ability, ASL skills and skill certification,²⁷ and then judged for attitude and orientation toward helping the speech and hearing impaired.²⁸ As part of the initial qualifying process, a team of CAs headed by a senior CA, 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 utilizing tools such as the Sign Language Proficiency Index ("SLPI")²⁹ as well as a comprehensive analysis of ASL to voice skills

²⁷ Prospective CAs must maintain one or more of the following certifications Registry of Interpreters for the Deaf (RID), SCS, National Interpreter Certificate, CI or CT, or National Association of the Deaf.

²⁸ PAH! VRS's minimum CA standards are consistent with those set forth by the Commission in its TRS re-certification application, *In the Matter of Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, DA-02-1006, *TRS State Re-Certification Application, Request of the New York State Public Service Commission for Re-Certification of its Telephone Relay Service* (September 30, 2002), "Telecommunication Relay Service (TRS) CAs must, at a minimum, possess the following qualifications: (1) spelling skills at a 12th grade level and the ability to exercise proper telephone etiquette; (2) basic skills in English grammar at a minimum of a 12th grade level; (3) minimum typing speed of 60 words per minute; (4) the ability to understand ASL users as they borrow English, and to translate such communication into English; and, (5) the ability to convey the full content, context, and intent of relay communication they translate. CAs must strive to maintain functional equivalence for both TTY relay users and the non-TTY relay users when a communication is relayed."

²⁹ The Sign Language Proficiency Index ("SLPI") is an established conversational interview technique used to assess sign language communication skills. SLPI enables the interviewer to evaluate individual sign language communication skills (see Caccamise & Newell 1995, 1999a; Newell *et al* (1983)). The SLPI is based on, and adapted from, the Language Proficiency Interview ("LPI")/Oral Proficiency Interview ("OPI"), which was developed to assess the communicative competence in a foreign or second language. The SLPI assesses sign language proficiency as used among skilled sign language communicators in the United States, and includes pure, linguistic descriptions of ASL to English influenced meaning based signing. Proficiency is characterized by: (a) meaning-based sign language vocabulary selection consistent with standardized signs in current use by skilled language users, and (b) a variety of grammatical features that are consistent with effective use of gestural/visual language for communication. Grammatical features include: (a) space, indexing, eye gaze, sign movement directionality, and body shifts to separate ideas and to identify and discuss persons, places, and objects and their movements (for example, use of the index finger to represent a person); (b) sign-word order

that is critical to conveying the deaf users 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. Employees may be subject to drug screening. 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. New CAs 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 for a minimum of one week, until standards of performance are exceeded. Ongoing monitoring of performance is maintained with identified areas for improvement given a training plan.

On an ongoing basis, CA's participate in weekly meetings and periodic focus group meetings with volunteer users to discuss operations, share experiences, and provide practical education. A mentor is assigned to the new CA to assist in the CA's development and to serve as an ongoing resource. Each CA is evaluated semi-annually

which facilitates effective communication in gestural-visual language; and (c) facial expressions and other body movements (non-manual signals) to support and add to information communicated (for example, affirmative and negative head movements). In addition to vocabulary and grammatical features, clarity of sign production, fluency, and comprehension are important considerations in effective communication when using a gestural-visual language, and therefore are considered in SLPI ratings. The SLPI was developed at the National Technical Institute for the Deaf (NTID), Rochester Institute of Technology, USA.

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

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. PAH! VRS conducts scheduled "refresher courses" and frequent seminars to address topics of particular importance to CAs, to include changes in operating standards and issues affecting PAH! VRS's subscribers. Guest speakers are invited to address issues of concern to the speech and hearing impaired community. CAs are encouraged to engage in continuing education.

CAs are required to sign a statement agreeing to be bound by the Registry of Interpreters for the Deaf or National Association of the Deaf Code of Professional Conduct through the course of their employment with PAH! VRS.

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."

PAH! VRS Compliance: CA professional accreditation is a prerequisite 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 hearing and speech disability cultures, 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, PAH! VRS's 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.”

PAH! VRS Compliance: As Applicant offers VRS, primary skill set focus is placed upon the CA’s ability to interpret from ASL. Applicant’s VRS platform further utilizes pre-programmed macros and auto-correcting software to facilitate text interpretation. Nevertheless, because Applicant’s VRS supports instant text messaging, candidates and CAs are expected to meet the minimum 60 words per minute standard, which is incorporated into initial screening tests and subsequent evaluation of CAs.

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.”

PAH! VRS Compliance: Employee candidates must maintain 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, ensures that employed CAs are effective in understanding and meeting the communications needs of Applicant’s clients.