

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

PAH! VRS Compliance: Applicant has adopted this standard to the extent applicable to VRS calls and includes the requirement in training and in performance evaluations. PAH! VRS has incorporated the standard in planning for interpreter staffing requirements, as a function of subscribers served and the probability of TTY-based and STS calls. Call detail record report data appears at **Exhibit B**. As a general matter, CA’s are instructed to remain on each call until the call is terminated, even if the call extends beyond the CA’s shift, unless a change in CA’s 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.”

PAH! VRS Compliance: An inherent function of Applicant’s VRS platform is the ability of subscribers to select interpreter gender, language skills, and even individual interpreters. Interpreter gender, language capabilities, and skill set descriptions appear on the subscriber’s VRS platform client access screen, enabling the subscriber to review available interpreters, and select an interpreter at the click of a button. Subscribers may also make special requests. A sample VRS subscriber screen appears at **Exhibit C**.³²

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

³² The URrelay, Inc. Nextlink VRS software client to be used by Applicant’s VRS users has been customized for Applicant, and is to be branded with Applicant’s logo.

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

PAH! VRS Compliance: Although only a minority of calls are anticipated to be TTY calls in light of the fact that Applicant’s service is intended specifically to provide VRS, CAs are required to support text messaging, including TTY calls, as noted *supra* at “Standard (v).”

To evaluate ongoing CA operational standard compliance, Applicant has adopted a Quality Assurance Program comprised of three key functions:

1. **Monthly CA Surveys** – PAH! VRS conducts formal monthly surveys of CA performance to evaluate work performance, personal effectiveness, and attendance. Survey results are used to provide CAs with objective performance measures.
2. **Quality Assurance Test Calls** – Frequent test calls are placed to CAs to evaluate call-processing capabilities. Each CA is given immediate critiques and areas for improvement are underscored.
3. **Subscriber Surveys** - Subscribers are requested to provide feedback on their calling experience on an ongoing basis. Additionally, *ad hoc* surveys are made by CA supervisors to solicit specific observations from subscribers. Anonymous survey responses are provided to all CAs and to specific CAs if subscriber responses pertain to an individual CA.

Applicant’s Quality Assurance Program ensures that standards are met, and moreover, that subscribers’ calling experience is exceptional, and that CAs remain proficient in serving subscribers.

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.”

PAH! VRS Compliance: Applicant has adopted strict privacy standards, not only regarding communications content, but also with regard to subscriber data. Communications contact standards pursuant to 47 U.S.C. 605 and generally, are incorporated into PAH! VRS’s policies, training program, Code of Professional Conduct compliance, and compliance checklist provided to all CAs. CAs are bound to comply with Applicant’s confidentiality policy. CA’s found to have violated prohibition regarding the disclosure of call content and any relayed conversation regardless of content, will be subject to immediate disciplinary action, up to and including termination of employment, following a full investigation of claims of a breach of confidentiality.

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. Call set up data remains confidential and cannot be used for any other purposes, unless in the case of an emergency situation. 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

available exclusively for management reporting purposes in aggregate, and is not accessible to any CA.

Only supervisory staff may monitor a calls for quality assurance and training, and then, only with the expressed approval of the caller. CAs receive calls in work centers, which are physically isolated and preclude inadvertent viewing of a call by other individuals. CA's work from secured premises. CAs work in fully secured and enclosed offices as opposed to not cubicles, further ensuring privacy of content. CAs utilize hands-free headsets which preclude others from hearing call content.

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."

PAH! VRS Compliance: CA's are generally bound to this standard through compliance with national interpreter association codes of professional conduct, adopted by PAH! VRS. Consistent with Applicant's policies regarding call content security, prohibitions against altering or summarizing a relayed conversation without the expressed direction of the subscriber are incorporated into PAH! VRS's training program and compliance checklist provided to all CAs. CA's found to have violated such prohibition may be

³³ Speech-to-Speech.

subject to immediate termination of employment following investigation. No call information is retained by the CA once the inbound call is released from the CA position.

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.”

PAH! VRS Compliance: This standard is incorporated into Applicant’s training program and compliance checklist provided to all CAs, and is verified through PAH! VRS’s Quality Assurance Program. Operationally, the inherent nature of Applicant’s VRS precludes any CA who is on duty at an interpreting station to refuse any VRS call that has been directed to the CA’s station. Any confirmed intentional premature call termination is subject to disciplinary action, up to and including termination of employment.

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

³⁴ Types of Calls requirements are waived through January 1, 2009, originally January 1, 2008 per the 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. 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)

PAH! VRS Compliance: Applicant's VRS is designed specifically to process VRS calls, *although other calls including text and other non-VRS calls are supported through the Applicant's VRS platform, as discussed *infra*. As PAH! VRS 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 inapplicable to PAH! VRS's offerings, and not supported, accordingly.*

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

PAH! VRS Compliance: No PAH! VRS subscriber will be denied access to place calls for financial reasons, as VRS is in any event, provided to subscribers at no cost.

Standard (iv): "Relay services shall be capable of handling pay-per-call calls."³⁵

PAH! VRS Compliance: PAH! VRS avers to comply to the extent ultimately required by the FCC. PAH! VRS's CA do have the capability of placing pay-per-call calls utilizing a subscriber's calling card or credit card if so directed by the subscriber.

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."³⁶

³⁵ 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*.

PAH! VRS Compliance: Applicant has the capability of supporting all types of calls, although the focus remains on the provision of VRS. Applicant's VRS platform 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. Applicant has the capability to support VCO-VCO calls, VCO-HCO calls, VCO-TTY, and Two-Line VCO calls. Applicant'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 hear the call set-up, ringing, and the called party answering the telephone. PAH! VRS supports HCO-HCO calls, HCO-VCO calls, HCO-TTY calls, and Two-Line HCO calls.

Standard (vi): "TRS providers are required to provide the following features: (1) Call release functionality; (2) speed dialing functionality; and (3) three-way calling functionality."

PAH! VRS Compliance: Applicant's VRS platform has built-in subscriber termination capabilities and a frequently called number listing accessible by clicking the appropriate function on the subscriber's computer screen, as shown in **Exhibit C**. PAH! VRS VRS platform supports, and CA's are trained to perform, three-way calling.

³⁶ 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*.

Standard (vii): "Voice mail and interactive menus. CAs must alert the TRS user to the presence of a recorded message and interactive menu through a hot key on the CA's terminal. The hot key will send text from the CA to the consumer's TTY indicating that a recording or interactive menu has been encountered. Relay providers shall electronically capture recorded messages and retain them for the length of the call. Relay providers may not impose any charges for additional calls, which must be made by the relay user in order to complete calls involving recorded or interactive messages."

PAH! VRS Compliance: Applicant will record voice mail messages for subscribers who currently use voice mail devices, as requested by the subscriber. Applicant is working with URrelay, Inc. to establish a process for recording video mail and informing subscribers of new messages, which can be accessed directly by the subscriber. This function will be technologically possible following full deployment of ten digit dialing later this year. Subscribers may also request that the CA assist in recording a video or voice mail message when the subscriber encounters a busy or do-not-answer call.

Standard (viii): "TRS providers shall provide, as TRS features, answering machine and voice mail retrieval."

PAH! VRS Compliance: As noted *supra*, voice mail will be made available to requesting subscribers.

4. Handling of emergency calls. (47 C.F.R. §64.604(a)(4)) and amended Section 64.605.

Standard: "(4) Emergency call handling requirements for TTY-based TRS providers. TTY-based TRS providers must use a system for incoming emergency calls that, at a minimum, automatically and immediately transfers the caller to an appropriate Public Safety Answering Point (PSAP). An appropriate PSAP is either a PSAP that the caller would have reached if he had dialed 911 directly, or a PSAP

that is capable of enabling the dispatch of emergency services to the caller in an expeditious manner.”³⁷

“Our rules require TRS providers to automatically and immediately transfer emergency calls to an appropriate public safety answering point (PSAP).³⁸ The *VRS Waiver Order* granted VRS providers a two-year waiver of this requirement, but also required VRS providers to clearly explain on their website and in any VRS promotional materials “the shortcomings and potential dangers of using VRS to place an emergency call using 911.”³⁹ ⁴⁰ “In the *Interim Emergency Call Handling Order*, the Commission terminated the temporary waivers of the emergency call handling rule, effective May 21, 2008, for VRS, IP Relay, and IP CTS in light of the “present imperative to provide Internet-based TRS users a reliable means of accessing emergency services.”⁴¹ The Commission required Internet-based TRS providers to “accept and handle emergency calls” and to access, either directly or via a third party, a commercially available database that will allow the provider to determine an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority that corresponds to the caller’s location, and to relay the call to that entity. Further, the Commission promulgated the following Standards under Section 64.605, as amended by the Commission’s June 2008 *Report and Order and Further Notice of Proposed Rulemaking*.⁴² ⁴³

PAH! VRS Compliance: Applicant does not propose to provide TTY-based TRS, although maintains the ability to support TTY-based TRS. The provisions of amended

³⁷ See *Telecommunications Relay Services And Speech-to-Speech Services For Individuals With Hearing And Speech Disabilities, E911 Requirements For IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, *Report and Order*, 23 FCC Rcd 5255 (Mar. 19, 2008) (“*Interim Emergency Call Handling Order*”), [FCC 08-78], amended *Telecommunications Relay Services And Speech-to-Speech Services For Individuals With Hearing And Speech Disabilities, E911 Requirements For IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, *Order*, FCC 08-210, (rel. September 19, 2008), Appendix B.

³⁸ See 47 C.F.R. § 64.604(a)(4); see also *Second Improved TRS Order & NPRM* at ¶¶ 37-42.

³⁹ *VRS Waiver Order* at ¶ 14.

⁴⁰ 2004 *TRS Report and Order*, ¶ 116, footnotes from original.

⁴¹ *Interim Emergency Call Handling Order*, para. 16.

⁴² See *id.*; 47 C.F.R. § 64.605 (setting forth additional operational standards applicable to Internet-based TRS).

⁴³ See, e.g. *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 No. 03-123 and WC Docket No. 05-196, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 08-151 (Rel. June 24, 2008) [“*Report and Order and Further Notice of Proposed Rulemaking*”].

Section 64.604(a)(4) governing TTY services are inapplicable, accordingly.⁴⁴ As Applicant proposes to provide Internet-based VRS, Applicant's compliance focuses on the amended provisions of Section 64.605(b) governing emergency call handling requirements for VRS providers, and related requirements for Internet-based TRS Registration in new Section 64.611⁴⁵ and Section 52.34⁴⁶ applicable to Internet-Based TRS providers adopted under the *Interim Emergency Call Handling Order and Report and Order and Further Notice of Proposed Rulemaking*, addressed further below. Applicant's URrelay, Inc. VRS platform has been designed to comply with amended section 64.605 for emergency call handling, and is currently compliant, as demonstrated in **Exhibit D**. The platform has the capability to determine callers' physical locations through access to the Neustar Registered Location database, and route emergency 911 calls to the Public Safety Answering Point responsible for serving each caller; through arrangements with other carriers, including incumbent local exchange carriers. Applicant will receive ten digit North American Number Plan telephone number assignments for subscribers through its arrangement with URrelay, Inc. as a "numbering partner," pursuant to new Section 64.611 promulgated under the Commission's June 24, 2008 *Report and Order and Further Notice of Proposed Rulemaking* governing assignment of

⁴⁴ "We note that, as amended by the *Interim Emergency Call Handling Order*, section 64.604(a)(4) now applies exclusively to TTY-based TRS providers. The emergency call handling requirements applicable to Internet-based TRS providers are now set forth in section 64.605 of the Commission's rules." See *Interim Emergency Call Handling Order*, 23 FCC Rcd at 5275-76, Appendix B." *Report and Order and Further Notice of Proposed Rulemaking* footnote 36.

⁴⁵ 47 C.F.R. §64.611.

⁴⁶ 47 C.F.R. §52.34.

uniform, conventional ten-digit telephone numbers by all Internet based telecommunications relay service providers, as discussed further *infra*.

Further, PAH! VRS avers to prominently inform subscribers of the process for placing emergency VRS 911 calls in promotional materials, PAH! VRS's website, and when users access PAH! VRS's VRS platform via the Internet. Text of this notice is attached hereto at **Exhibit E**.

With respect to the specific requirements set forth in amended Section 64.605, Applicant provides the following statement of compliance.

§64.605 Emergency Calling Requirements

(b) E911 Service for VRS and IP Relay

(1) Scope. The following requirements are only applicable to providers of VRS or IP Relay. Further, the following requirements apply only to 911 calls placed by users whose Registered Location is in a geographic area served by a Wireline E911 Network.

(2) E911 Service. As of December 31, 2008:

(i) VRS or IP Relay providers must, as a condition of providing service to a user, provide that user with E911 service as described in this section;

(ii) VRS or IP Relay providers must transmit all 911 calls, as well as ANI, the caller's Registered Location, the name of the VRS or IP Relay provider, and the CA's identification number for each call, to the PSAP, designated statewide default answering point, or appropriate local emergency authority that serves the caller's Registered Location and that has been designated for telecommunications carriers pursuant to §64.3001 of this chapter, provided that "all 911 calls" is defined as "any communication initiated by a VRS or IP Relay user dialing 911";

PAH! VRS Compliance: PAH! VRS will access Neustar, Inc.'s, Registered Location numbering assignment administrator's database and populate user data with assigned ten digit numbers that reflect the user's physical location for use in proper routing of

emergency calls to the local public safety access point emergency authority that corresponds to the caller's location, and to relay the call to that entity. Applicant has learned that it is currently precluded for registering with Neustar, Inc. for access to the Registered Location Database until certified by the Commission as eligible for compensation from the federal TRS Fund. Applicant's compliance therefore is predicated on Commission certification. Applicant avers compliance immediately upon certification.⁴⁷

As applicant will begin maintaining the caller's registered location from the onset of its operations, the Registered Location will be a matter of record for all subscribers. Nevertheless, in an abundance of caution, CAs will be directed to confirm the registered location on each 911 emergency call before directing the call to the appropriate PSAP through the URrelay VRS platform.

Applicant's VRS Platform will automatically transmit both the caller's name and Registered Location. The Platform will also identify Applicant as the VRS provider and the CA's identification and call back numbers with the data transmitted to the PSAP.

(iii) All 911 calls must be routed through the use of ANI and, if necessary, pseudo-ANI, via the dedicated Wireline E911 Network; and

PAH! VRS Compliance: URrelay VRS Platform will transmit automatic number identification ("ANI") based on the assigned ten-digit number established in the Registered Location database for Applicant's subscribers. ANI data will be transmitted

⁴⁷ Applicant has attempted to register with Neustar, Inc. for access to the Registered Location Database. See, e.g., Exhibit F.

to the serving PSAP through URrelay's dedicated 911 routing facilities and arrangements with interconnecting carriers.

(iv) The Registered Location, the name of the VRS or IP Relay provider, and the CA's identification number must be available to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority from or through the appropriate automatic location information (ALI) database.

PAH! VRS Compliance: Applicant's VRS Platform is configured to automatically identify Applicant and the CA's identification number to the PSAP, in conjunction with ANI information obtained through Neustar's Registered Location database.

(3) Service Level Obligation. Notwithstanding the provisions in paragraph (b)(2) of this section, if a PSAP, designated statewide default answering point, or appropriate local emergency authority is not capable of receiving and processing either ANI or location information, a VRS or IP Relay provider need not provide such ANI or location information; however, nothing in this paragraph affects the obligation under paragraph (c) of this section of a VRS or IP Relay provider to transmit via the Wireline E911 Network all 911 calls to the PSAP, designated statewide default answering point, or appropriate local emergency authority that serves the caller's Registered Location and that has been designated for telecommunications carriers pursuant to §64.3001 of this chapter.

PAH! VRS Compliance: Applicant so acknowledges.

(4) Registered Location Requirement. As of December 31, 2008, VRS and IP Relay providers must:

(i) Obtain from each Registered Internet-based TRS User, prior to the initiation of service, the physical location at which the service will first be utilized; and

(ii) If the VRS or IP Relay is capable of being used from more than one location, provide their Registered Internet-based TRS Users one or more methods of updating their Registered Location, including at least one option that requires use only of the CPE necessary to access the VRS or IP Relay. Any method utilized must allow a Registered Internet-based TRS User to update the Registered Location at will and in a timely manner.

PAH! VRS Compliance: In order for subscribers to select Applicant as a preferred provider and download the software client for placing VRS calls via Applicant's VRS, subscribers will be required to register with PAH! VRS. Through this registration process, subscribers will be asked to provide necessary contact information, including physical location, needed to populate the Registered Location database. Subscribers will be able to register and update information over a secure Internet web site, via email, or by contacting Applicant's customer service in writing or telephonically, with proper verification of identity. Further Applicant's operating procedures dictate that CA's verify Registered Location information on all emergency calls. Applicant will provide background information on the use of customer proprietary network information to be collected and in its use specifically for complying with 911 access requirements.

(c) Deliver to the PSAP, designated statewide default answering point, or appropriate local emergency authority, at the outset of the outbound leg of an emergency call, at a minimum, the name of the relay user and location of the emergency, as well as the name of the relay provider, the CA's callback number, and the CA's identification number, thereby enabling the PSAP, designated statewide default answering point, or appropriate local emergency authority to re-establish contact with the CA in the event the call is disconnected; and

(d) In the event one or both legs of an emergency call are disconnected (i.e., either the call between the TRS user and the CA, or the outbound voice telephone call between the CA and the PSAP, designated statewide default answering point, or appropriate local emergency authority), immediately re-establish contact with the TRS user and/or the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority and resume handling the call, when feasible;

PAH! VRS Compliance: Although all required information will transmitted under Applicant's URrelay platform, Applicant's standard operating procedure directs CAs to obtain PSAP contact information immediately, and establish the CA's identify to ensure that in the event that the call is disconnected, the call can immediately be reestablished.

(e) Ensure that information obtained as a result of this section is limited to that needed to facilitate 911 services, is made available only to emergency call handlers and emergency response or law enforcement personnel, and is used for the sole purpose of ascertaining a customer's location in an emergency situation or for other emergency or law enforcement purposes.

PAH! VRS Compliance: Applicant avers to strictly protect the confidentiality of all customer proprietary information pursuant the requirements set forth in this section, Section 64.604(a)(2)(i), and to be voluntarily bound by the provisions of the Commission's Customer Proprietary Network Information rules, at Section 64.2001 *et seq.*⁴⁸

5. STS Called Numbers (47 C.F.R. §64.604(a)(5)).

Standard: "Relay providers must offer STS users the option to maintain at the relay center a list of names and telephone numbers which the STS user calls. When the STS user requests one of these names, the CA must repeat the name and state the telephone number to the STS user. This information must be transferred to any new STS provider."⁴⁹

PAH! VRS Compliance: Applicant's VRS platform has the ability to process STS calls, but does not currently have the capability of maintaining a list of names and telephone numbers which STS users might call. PAH! VRS's VRS platform does enable subscribers to maintain a list of frequently contacted individuals and telephone numbers which enable the subscriber to initiate a call to the individual by clicking the option on the user's screen. The subscriber's personal list is maintained on the VRS Platform

⁴⁸ 47 C.F.R §64.2001 *et seq.*

⁴⁹ STS calling requirements are waived indefinitely. *2004 TRS Report and Order*, paras. 138 and 139.

obviates the need for maintaining a list at the relay center, and creates an additional level of security for the user.

Technical Standards

1. ASCII and Baudot. (47 C.F.R. §64.604(b)(1)).

Standard: “TRS shall be capable of communicating with ASCII and Baudot format, at any speed generally in use.”

PAH! VRS Compliance: Applicant’s VRS supports text messaging, and may be accessible through other forms of conventional text/data transmissions including ASCII and Baudot format, generated through most TRS equipment.

2. Speed of Answer. (47 C.F.R. §64.604(b)(2)).⁵⁰

Standard (i): “TRS providers shall ensure adequate TRS facility staffing to provide callers with efficient access under projected calling volumes, so that the probability of a busy response due to CA unavailability shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.”

PAH! VRS Compliance: PAH! VRS has developed an algorithm that enables accurate calculation of the number of CAs needed to support registered subscribers in order to maintain a P.01 voice grade of service equivalency and Commission answer time standards, based on anticipated call volumes by time of day. This algorithm has been tested and has been demonstrated effective in ensuring proper staffing. The algorithm generally calls for 40 CAs to support the first 1,000 subscribers, and 30 CAs per each additional 1,000 users, based on standard usage data available to the Company. PAH! VRS further engages in active usage monitoring to determine staffing adjustments by

⁵⁰ Speed of Answer calling requirement waiver for VRS providers expired on April 30, 2008. *Extension Order.*

time of day, in accordance with actual calling volumes by time, which will be used to refine the algorithm. The relay center supervisor will monitor available interpreters both directly and through real time VRS platform call management reports. If call volumes appear particularly high, the supervisor will be able to contact "on-call" CAs and bring them online within minutes. This flexibility ensures that PAH! VRS maintains sufficient staffing to exceed service quality standards, even under exceptional instances of heavy call volumes.

Standard (ii): "TRS facilities shall, except during network failure, answer 85% of all calls within 10 seconds by any method which results in the caller's call immediately being placed, not put in a queue or on hold. The ten seconds begins at the time the call is delivered to the TRS facility's network. A TRS facility shall ensure that adequate network facilities shall be used in conjunction with TRS so that under projected calling volume the probability of a busy response due to loop trunk congestion shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.

- (A) **The call is considered delivered when the TRS facility's equipment accepts the call from the local exchange carrier (LEC) and the public switched network actually delivers the call to the TRS facility.**
- (B) **Abandoned calls shall be included in the speed-of-answer calculation.**
- (C) **A TRS provider's compliance with this rule shall be measured on a daily basis.**
- (D) **The system shall be designed to a P.01 standard.**
- (E) **A LEC shall provide the call attempt rates and the rates of calls blocked between the LEC and the TRS facility to relay administrators and TRS providers upon request."**

PAH! VRS Compliance: Initial trial data results indicate that subscribers are able to reach interpreters within eight (8), and typically five (5) seconds from the time a call is connected under initial tested call volumes. The ability to actively monitor call volumes and assign CAs to support Applicant's VRS service in real time noted *supra*, ensures that

the minimum service quality standards are met and exceeded on a daily and ongoing basis as projected call volumes are expected to increase. Broadband facility capacity is constantly monitored by PAH! VRS's technical staff to gauge usage and anticipate the need to augment facilities. PAH! VRS avers to submit to the FCC annual MMS compliance report, which summarizes the provider's speed of answer data for the prior twelve-month period, set forth in the *2004 TRS Report and Order*, as amended.

Standard (iii) "Speed of answer requirements for VRS providers are phased-in as follows: by January 1, 2006, VRS providers must answer 80% of all calls within 180 seconds, measured on a monthly basis; by July 1, 2006, VRS providers must answer 80% of all calls within 150 seconds, measured on a monthly basis; and by January 1, 2007, VRS providers must answer 80% of all calls within 120 seconds, measured on a monthly basis. Abandoned calls shall be included in the VRS speed of answer calculation."

PAH! VRS Compliance: Applicant's VRS platform is designed to enable virtual immediate call answering, as most users are able to identify which CAs are available and directly connect to them. Applicant has instituted a daily, weekly, and monthly call data review to verify ongoing compliance, and will make such data available to the Commission and Fund Administrator upon request.

3. Equal access to interexchange carriers. (47 C.F.R. §64.604(b)(3)).

Standard: "TRS users shall have access to their chosen interexchange carrier through the TRS, and to all other operator services, to the same extent that such access is provided to voice users."⁵¹

PAH! VRS Compliance: Applicant's VRS is a supplement to, but does not replace existing subscriber interexchange services if the subscriber is presubscribed to a telecommunications provider. Subscribers retain access to their presubscribed interexchange (and local) carriers. To the extent that a subscriber relies exclusively on Applicant as the subscriber's *de facto* communications service provider, as envisioned under the Commission's *Report and Order* governing assignment of uniform ten digit telephone numbers, subscribers will not, as a practical matter, require access to a wireline interexchange carrier. As Applicant's VRS is accessed through the Internet, interexchange calls placed through Applicant are billed to PAH! VRS, rather than to the subscriber, obviating the need for a subscriber to require access to a particular carrier. Applicant intends to provide domestic interstate and international long distance services, as required by the Commission, at no cost callers. Nevertheless, PAH! VRS has the technical capability to route interexchange calls to the subscriber's interexchange carrier

⁵¹ On December 31, 2001, the FCC granted a temporary waiver of the requirement for VRS providers in response to a request by Hamilton Telephone Company. "Accordingly, we grant Hamilton's request for a temporary waiver of the requirement to offer operator assisted calls and billing for certain types of long distances calls. VRS providers must, however, allow VRS calls to be placed using calling cards and/or provide free long distance calls during the wavier period." The waiver period remains in effect. *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. 98-67, Order, DA 01-3029 (December 31, 2001) at para. 10 Extended indefinitely for IP Relay providers and until January 1, 2008 for VRS providers by the 2004 TRS *Report and Order* at para 124 through 129. "Until such time, however, we will require VRS providers to provide free long distance service to their VRS customers. We also condition this waiver on VRS providers submitting an annual report to the Commission [FCC] ..." para. 127.

of choice and place calling card calls to carriers using the subscriber's calling card, should the subscriber so request.

4. TRS facilities. (47 C.F.R. §64.604(b)(4)).

Standard (i): "TRS shall operate every day, 24 hours a day. Relay services that are not mandated by this Commission need not to be provided every day, 24 hours a day."⁵²

PAH! VRS Compliance: Applicant's relay center will operate 24 hours per day, 7 days per week, and will be supplemented by remote call centers throughout the U.S.

Standard (ii): "TRS shall have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use."

PAH! VRS Compliance: PAH! VRS system utilizes an uninterruptible power supply ("UPS"), to supply emergency backup power to maintain its servers and infrastructure of the system for up to 24 hours after a power failure . During a power outage, the UPS will provide a seamless power transition. Emergency generators are used in the event of a catastrophic emergency at the Company's primary call center location. Emergency power is maintained to all CA equipment, servers, and facilities that support the relay center. Call and other support data are backed up no less than daily and copies are backed up off site, to ensure that data cannot be lost. In exceptional cases of extreme service affecting outages, PAH! VRS also has the capability to route VRS calls to other

⁵² Amended by the FCC's *Report and Order* in CG Docket No. 03-123 and CC Docket No. 98-67, as discussed below. The *2004 TRS Report and Order* notes that pursuant to 47 C.F.R. §64.604(b)(4), "Relay services that are not mandated by this Commission are not required to be provided every day, 24 hours a day." The FCC goes on to state that "VRS is not a mandatory TRS service" and therefore not subject to perpetual staffing requirements.

call centers that are prepared to support users. PAH! VRS's relay center is housed in a commercial building that meets applicable codes for fire suppression. PAH! VRS has further installed portable fire extinguishers throughout the relay center to enable immediate fire suppression in the event of containable fires.

5. Technology. (47 C.F.R. §64.604(b)(5)).

Standard: "No regulation set forth in this subpart is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to person with disabilities. TRS facilities are permitted to use SS7 technology or any other type of similar technology to enhance the functional equivalency and quality of TRS. TRS facilities that utilize SS7 technology shall be subject to the Calling Party Telephone Number rules set forth at 47 CFR 64.1600 *et seq.*"

PAH! VRS Compliance: Applicant's VRS platform is designed and built by URrelay, Inc., and represents one of the most technologically advanced VRS solutions available today. PAH! VRS's system draws on the power of computer processing, Voice over Internet Protocol transmission, wireless technology, the Internet, and relay center call distribution and management technology, to provide reliable VRS communications for the speech and hearing impaired. Applicant's VRS is provided utilizing Internet Protocol, although SS7 technology may be used.

6. Caller ID. (47 C.F.R. §64.604(b)(6)).

Standard: “When a TRS facility is able to transmit any calling party identifying information to the public network, the TRS facility must pass through, to the called party, at least one of the following: the number of the TRS facility, 711, or the 10-digit number of the calling party.”

PAH! VRS Compliance: Applicant’s VRS platform passes through the number of the center from which the CA is placing the call. With the advent of ten digit telephone number assignments discussed *infra*, PAH! VRS’s platform will also have the capability of passing through the called party’s assigned ten digit telephone number.

Functional Standards

1. Consumer Complaint Logs. (47 C.F.R. §64.604(c)(1)).

Standard (i): “States and interstate providers must maintain a log of consumer complaints including all complaints about TRS in the state, whether filed with the TRS provider or the State, and must retain the log until the next application for certification is granted. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.”

PAH! VRS Compliance: Applicant avers to maintain and annually submit a complaint log consistent with the format established by the Commission. Subscribers have the ability to initiate complaints to the CA, a CA supervisor, via electronic mail, and via the Company’s web site. The complaint is logged into PAH! VRS’s complaint tracking system. The CA who received the complaint, or an assigned CA in instances where complaints are not directed to an individual CA, will assign a complaint tracking number, will investigate the issue, and will respond to the complainant in no more than 48 hours. The response is recorded in PAH! VRS’s complaint log. A supervisor will monitor complaint status and will ensure that action is taken within the specified period.

If the complaint entails a technical issue, then a trouble ticket is prepared, documents, and the trouble investigated and resolved by an on-site technician. The technician is responsible for responding to the assigned CA who then communicates with the complainant, and the result is documented.

Standard (ii): “Beginning July 1, 2002, states and TRS providers shall submit summaries of logs indicating the number of complaints received for the 12-month period ending May 31 to the Commission by July 1 of each year. Summaries of logs submitted to the Commission on July 1, 2001 shall indicate the number of complaints received from the date of OMB approval through May 31, 2001.

PAH! VRS Compliance: PAH! VRS avers to comply. PAH! VRS will submit complaint logs to the FCC and Commission annually and upon request.

2. Contact Persons. (47 C.F.R. §64.604(c)(2)).

“Contact persons. Beginning on June 30, 2000, State TRS Programs, interstate TRS providers, and TRS providers that have state contracts must submit to the Commission a contact person and/or office for TRS consumer information and complaints about a certified State TRS Program's provision of intrastate TRS, or, as appropriate, about the TRS provider's service. This submission must include, at a minimum, the following:”

Standard(i): “The name and address of the office that receives complaints, grievances, inquiries, and suggestions.”

PAH! VRS Compliance: The senior individual responsible to receive complaints, grievances, inquiries, and suggestions for PAH! VRS is:

Mr. Bert Pickell
PAH! VRS Support Services, LLC
5915 South Emerson Ave. Suite 100
Indianapolis, IN 46237
Telephone: 317.966.2718
Email: bert [at] PAH!vrs [dot] com

All CAs are immediately responsible for receipt of complaints they receive, pursuing timely resolution, responding to the complainant, and for documentation, subject to

supervisory review. Applicant avers to inform the Commission of the name and address *of the senior individual responsible for complaints, grievances, inquiries, and suggestions* within one business day of the date of a change in designated individual.

Standard(ii): “Voice and TTY telephone numbers, fax number, e-mail address, and web address;”

PAH! VRS Compliance: Voice and TTY telephone numbers, fax number, e-mail address, and web address are:

Voice telephone: 317.534.2474
Fax number: 317.534.2070
E-Mail Address: customerservice@pahvrs.com
Web Address: <http://www.pahvrs.com>
PAH! VRS Access: callpahvrs.tv

Standard(iii): “The physical address to which correspondence should be sent.”

PAH! VRS Compliance: Correspondence should be sent to:

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

Commission inquiries should also be addressed to:

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
E-Mail Address: [aisar \[at\] millerisar \[dot\] com](mailto:aisar@millerisar.com)

3. **Public Access to Information.** (47 C.F.R. §64.604(c)(2)).

Standard: "Public access to information. Carriers, through publication in their directories, periodic billing inserts, placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TTY numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and use of all forms of TRS. Efforts to educate the public about TRS should extend to all segments of the public, including individuals who are hard of hearing, speech disabled, and senior citizens as well as members of the general population. In addition, each common carrier providing telephone voice transmission services shall conduct, not later than October 1, 2001, ongoing education and outreach programs that publicize the availability of 711 access to TRS in a manner reasonably designed to reach the largest number of consumers possible."

PAH! VRS Compliance: Applicant will engage in an aggressive outreach program entailing active marketing and targeted educational services targeted to the Deaf Community:

Advertising. Applicant's experience has shown that "grass roots" referrals and contact are the most effective means of education and advertising for the Deaf Community. Applicant encourages its CAs to remain active in the Deaf Community, to participate in events, maintain contact with community service organizations, and serve as ambassadors for the Company to the Deaf Community. Applicant will also explore effective use of Internet advertising and outreach through its web site.

Partnerships and Affiliations. PAH! VRS will also broaden partnerships and affiliations primarily with local service organizations devoted to serving the Deaf community to make information concerning the Company's VRS services widely available. Additionally, PAH! VRS will engage in corporate marketing and educational programs, and consider sponsorship opportunities to broaden company name and service