



ANDREW O. ISAR

Via Electronic Comment Filing Submission (ECFS)

June 5, 2009

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

RE: 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

Dear Secretary Dortch:

Attached for filing with the Federal Communications Commission is Healinc Telecom, LLC's ("Healinc") *Annual Compliance Report*, in the above-referenced matter. This Report demonstrates the Company's continued compliance with the Commission's Mandatory Minimum Standards¹ applicable to the provision of competitive advanced-technology video relay services to the Deaf Community, following the third anniversary of Healinc's Commission certification for federal Telecommunications Relay Service fund compensation eligibility.

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

Attachment

cc: Thomas Chandler, Greg Hlibok, Susan Kimmel, Disability Rights Office, FCC (via electronic delivery)
Dr. Stanley Schoenbach, Wesley Waite, Sr., Healinc Telecom, LLC

¹ Pursuant to 47 C.F.R. §§64.604 and 64.605.

Healinc Telecom, LLC
2009 Annual Report
Mandatory Minimum Standards Compliance

I. INTRODUCTION

Healinc Telecom, LLC (“Healinc” or “Company”) is a provider of advanced technology video relay services (“VRS”) to the Deaf Community. Healinc’s VRS primarily relies upon, and was one of the first VRS providers to offer, innovative Voice over Internet Protocol (“VoIP”)-based VRS technology. Healinc’s VRS is supported by a cadre of professional communications assistants (“CAs”), dedicated to the provision of high quality of VRS. Healinc continues striving to provide VRS that exceeds the Commission’s Mandatory Minimum Standards (“MMS”)² and functional equivalency service requirements.

On June 9, 2006, the Federal Communications Commission (“Commission”) granted Healinc certification for eligibility to receive compensation from the federal Telecommunications Relay Service fund.³ Healinc was one of the first competitive VRS providers to receive Commission certification, following adoption of the Commission’s *Certification Report and Order*.⁴ Healinc is representative of a new breed of competitive VRS provider envisioned by the Commission, as noted in its *Certification Report and Order*.

... 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.⁵

On November 18, 2008, Healinc submitted an application for eligibility to be compensated from the Interstate Telecommunications Relay Service Fund, now for

² 47 C.F.R. §64.604.

³ *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.

⁴ *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 Reconsideration*, FCC 05-203 (adopted December 8, 2005, released December 12, 2005) [“*Certification Report and Order*”].

⁵ *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”).

Internet Protocol relay services.⁶ Healinc's recent Application demonstrates, as does the instant Annual Report, that now in the third year of compensable operation, the Company continues to innovate, expand its offerings and enhance its level of service to the Deaf Community, consistent with the Commission's pro-competitive policies, and in full compliance with the Commission's MMS, as set forth below.⁷

This Annual Report addresses Healinc's current MMS compliance, while drawing from discussion from previous annual reports that remain accurate and relevant.

⁶ See, *In the Matter of Application of Healinc Telecom, LLC for Eligibility to be Compensated From the Interstate Telecommunications Relay Service Fund For the Provision of Internet Protocol Relay Services*, CG Docket No. 03-123, Healinc Telecom IP Certification Application (November 18, 2008) ["Application"].

⁷ This *Annual Report* focuses exclusively on compliance with existing, non-waived MMS, following submission of Healinc's recent 2008 Annual Report regarding compliance status with MMS VRS waivers.

II. HEALINC VIDEO RELAY SERVICES

Since its inception, Healinc has offered a technologically-advanced VRS solutions to the Deaf community. These solutions utilize a combination of a proprietary software-based applications, specialized open architecture IP-enabled telephone equipment, and Voice over Internet Protocol (“VoIP”) transmission over broadband facilities. Healinc continues to enhance its calling platforms to provide more robust features, while pursuing a unified platform capable of supporting advanced mobile applications. The Company’s platform development also focuses on implementation of ten-digit dialing assignment, full 911 access, and support of default carrier selection; key technology imperatives for 2009. Further, the Company is prepared to launch its IP Relay service upon Commission grant of the Company’s pending Application, as a further enhancement of Healinc’s offerings to the public, and soon to subscribers. The Company’s VRS platform will maintain interoperable with all other VRS and TRS applications, including D-Link equipment, Ojo, and V-Pad, and will continue callers to access other TRS/VRS providers.

Since submission of its 2008 Annual Report , Healinc has experienced significant growth, and developed an infrastructure capable of supporting this growth, with an eye toward the future. In addition to engaging many highly-skilled and accredited American Sign Language (“ASL”) communications assistants, the Company has hired a Chief Operations Officer and Chief Financial Officer to direct the Company’s day-to-day operations at a senior level. Additional mid-level managers have been engaged in supervisory and customer service capacities. The Company has made significant progress in enhancing training, and further development of policies and procedures geared to ensure that callers, and now subscribers, receive the best possible, functionally equivalent service.

Healinc is pleased to present this annual update on current compliance with the entirety of the MMS.

III. HEALINC’S VRS CONTINUES TO COMPLY WITH FEDERAL MANDATORY MINIMUM STANDARDS FOR THE PROVISION OF FEDERALLY FUNDED VRS PURSUANT TO 47 C.F.R. §64.604.

Section 64.604(a) of the FCC’s rules, as amended, establish operational, technical, and functional MMS governing the provision of VRS. As set forth below, Healinc maintains that it continues to meet and exceed federal MMS applicable to the provision of its VRS and now IP Relay services, and merits continued Commission certification to draw compensation from the federal TRS Fund.

A. Operational Standards

1. Communications Assistant (“CA”) – Training (47 C.F.R. §64.604(a)(1)).⁸

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.”

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

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.”

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.”

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.”⁹

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.”

Standard (vii) TRS shall transmit conversations between TTY and voice callers in real time.¹⁰

Healinc Compliance: Healinc remains in compliance with each of the foregoing requirements. Over the course of the past year, and with the added benefit of newly hired and promoted experienced supervisory personnel, Healinc has focused on developing a highly professional competent CA staff that exceeds the CA MMS requirements. This focus has included increased training emphasis, development or refinement of policies and procedures to improve responsiveness and maintain service consistency, and in hiring

⁸ Standard vii governing TTY services has been intentionally deleted from the list as effectively inapplicable.

⁹Speech-to-Speech. (“ STS”) calling requirements has been waived indefinitely. *2004 TRS Report and Order*, para 138 and 139.

¹⁰ Healinc has not received any TTY calls since receiving certification.

of qualified CAs, while terminating a minority of CAs who did not meet Healinc's professional service standards.

As in years past, Senior Healinc CAs and the management team continue to rigorously screen new CA applicants to verify American Sign Language proficiency, that each CA applicant meets and is fully trained on the applicable MMS, and is well suited to interact with callers in a professional and courteous manner. Beyond promoting Registry of Interpreters for the Deaf (RID), SCS, CI or CT, or National Association of the Deaf certification, Healinc now requires that new interpreters either maintain such certification or are actively working toward certification. Certified CAs are given priority for employment or engagement. CAs are routinely monitored and critiqued. Healinc further reviews user comments and incorporates recommendations or addresses concerns through changes in procedures. CAs undergo ongoing coaching and formalized training, where necessary, to ensure MMS and Company policy compliance. Healinc communicates with CAs frequently to address issues of general concern. Any CA demonstrating a pattern of failing to meet MMS and company standards, despite corrective action, is dismissed.

Healinc's VRS and pending IP Relay service platforms enable callers to select interpreters by gender.

The Company continues to rely upon performance surveys, quality assurance test calls, and subscriber surveys as part of Healinc's Quality Assurance Program to ensure CA support remains compliant and provides users with a gratifying call experience.

2. Communications Assistant ("CA") – 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 ... 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. 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 the above standard. All CAs must comply with Healinc's confidentiality policy, which has been expanded to account for unique circumstances that have arisen over the past year. CAs 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. CAs 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, accessible to the user when accessing Healinc's VRS platform.¹¹

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 STS 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."

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 checklist provided to all CAs. CAs 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 Program. The appearance of an interpreter on the user's computer screen indicates the CAs availability; the CA may not refuse to interpret or limit the number or length of legitimate calls.¹² Any confirmed intentional premature call termination is subject to disciplinary action, up to and including termination.

¹¹ See, <http://www.lifelinks.net/privacy.html>.

¹² Over the course of the past year, Healinc CAs have experienced a limited number of calls involving pornography, calls entailing protracted silences for no apparent reason, and calls that cannot be interpreted, such as calls which connect to recorded music. In instances of calls entailing pornography, Healinc has determined that the CA should have the discretion to interpret such calls or transfer calls to the manager on duty, who has the discretion to transfer such calls to another interpreter or terminate the call. As to dubious calls, in addition to removal of such calling time from compensable calling time reported to the Fund administrator, Healinc has established policies that entail advising callers that absences must be limited and of the inability to process calls that do not entail interpretation, following consultation with the Commission.

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.”¹³

Healinc Compliance: Company’s platforms are designed to process a variety of relay calls, including non-VRS calls. 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 inapplicable, accordingly.

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 obligations to retain the Equal Access to Interexchange Carrier waivers for VRS providers.¹⁴

Standard (iv): “Relay services shall be capable of handling pay-per-call calls.”¹⁵

Healinc Compliance: Healinc avers compliance to the extent ultimately required by the Commission, though has not had occasion to process pay-per-call calls.

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.”¹⁶

Healinc Compliance: Healinc’s platforms have maintained the capability of supporting all types of calls. Healinc’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. 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

¹³ Types of Calls requirements was waived through January 1, 2009. *2004 TRS Report and Order*, para 113 through 115. “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)

¹⁴ 47 C.F.R. § 64.604(b)(3).

¹⁵ Pay-per-call Service requirements were waived for IP Relay and VRS providers through January 1, 2009. *2004 TRS Report and Order*, para 130 through 132. Amended by *Extension Order*.

¹⁶ Types of Calls requirements were waived for IP Relay and VRS providers through January 1, 2009. *2004 TRS Report and Order*, paras. 134, 135. Amended by *Extension Order*.

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. Healinc 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.”

Healinc Compliance: Both callers and CAs have the ability to release calls immediately when terminated through the VRS platform software application for users, and platform capabilities for CAs. The application software inherently allows for speed dialing once the called number is input into the calling screen. Healinc CAs retain the ability to initiate three-way calls through the platform.

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 CAs terminal. 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;” and

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

Healinc Compliance: Healinc will record voice mail messages for subscribers who currently use voice mail devices, as requested by the subscriber. Healinc is working with its platform developers 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 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.

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.”¹⁷

¹⁷ 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*”).

“Our rules require TRS providers to automatically and immediately transfer emergency calls to an appropriate public safety answering point (PSAP).¹⁸ 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.”¹⁹ ²⁰ “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.”²¹ 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*.²² ²³

Healinc Compliance: Healinc does not provide TTY-based TRS services, although it maintains the capability to process TTY calls if received. The provisions of Section 64.604(a)(4), as amended, governing TTY-based TRS services are inapplicable, accordingly.²⁴ Healinc’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 newly promulgated Sections 64.611²⁵ and 52.34²⁶ applicable to Internet-Based TRS providers adopted under the *Interim Emergency Call Handling Order and Report and Order and Further Notice of*

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.

¹⁸ See 47 C.F.R. § 64.604(a)(4); see also *Second Improved TRS Order & NPRM* at ¶¶ 37-42.

¹⁹ *VRS Waiver Order* at ¶ 14.

²⁰ 2004 *TRS Report and Order*, ¶ 116, footnotes from original.

²¹ *Interim Emergency Call Handling Order*, para. 16.

²² See *id.*; 47 C.F.R. § 64.605 (setting forth additional operational standards applicable to Internet-based TRS).

²³ 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*”].

²⁴ “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.

²⁵ 47 C.F.R. §64.611.

²⁶ 47 C.F.R. §52.34.

Proposed Rulemaking, addressed further below. Healinc's calling platform has been designed to comply with amended section 64.605 for emergency call handling, and is nearing finalization. The platform has the capability to determine callers' physical location through access to the Neustar Registered Location database,²⁷ 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. Healinc will receive ten digit North American Number Plan telephone number assignments for subscribers through its arrangement with 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 uniform, conventional ten-digit telephone numbers by all Internet based telecommunications relay service providers.

Further, Healinc is informing subscribers of the process for placing emergency VRS 911 calls through promotional materials, Healinc's website, and when users access Healinc's VRS and IP Relay platform via the Internet.

With respect to the specific requirements set forth in amended Section 64.605, Healinc 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 CAs 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";

Healinc Compliance: Healinc has been diligently working with other industry representatives in developing procedures for population of Neustar, Inc.'s, Registered

²⁷ The terms Registered Location database and TRS Numbering Directory are used synonymously herein.

Location numbering assignment administrator's database. The data base is being populated with assigned ten digit numbers that reflect the user's physical location in support of routing of emergency calls to the local public safety access point emergency authority that corresponds to the caller's location. Healinc has registered with Neustar, Inc. for access to the numbering database.

Healinc has already begun the process for maintaining the caller's registered location by informing users of the requirements and requesting users to subscribe to Healinc's service. Registered location information is being requested as part of the registration process.²⁸ CAs have also been directed to confirm the registered location on each 911 emergency call before directing the call to the appropriate PSAP through the calling platform as a matter of policy.

Healinc's platform will automatically transmit both the caller's name and Registered Location to the PSAP. The platform will also identify Healinc as the VRS provider and the CAs 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

Healinc Compliance: Healinc's platform will transmit automatic number identification ("ANI") based on the assigned ten-digit number established in the Registered Location database for Healinc's subscribers. ANI data will be transmitted to the serving PSAP through URrelay's dedicated 911 routing facilities and URrelay's arrangements with interconnecting carriers.

(iv) The Registered Location, the name of the VRS or IP Relay provider, and the CAs 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.

Healinc Compliance: Healinc's platform is configured to automatically identify Healinc and the CAs identification number to the PSAP, in conjunction with ANI information obtained through Neustar's Registered Location database.

²⁸ See, <http://www.lifelinks.net/account.html>.

(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.

Healinc Compliance: Healinc is incorporating this requirement into its policies and CA training procedures.

(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.

Healinc Compliance: In order for subscribers to select Healinc as a preferred (default) provider and access Healinc's platform, subscribers are required to affirmatively register with Healinc. Through this registration process, subscribers are required to provide necessary contact information, including physical location, needed to populate the Registered Location database. Subscribers are able to register and update information over a secure Internet web site, <http://www.lifelinks.net/account.html>, via email, or by contacting Healinc's customer service in writing or telephonically, with proper verification of identity. Further, Healinc's operating procedures dictate that CAs verify Registered Location information on all emergency calls. Healinc provides users with specific information on the use of customer proprietary network information to be collected 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 CAs callback number, and the CAs 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;

Healinc Compliance: Although all required information will be transmitted under Healinc's platform, Healinc's standard operating procedure directs CAs to obtain PSAP contact information immediately, and establish the CAs identity 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.

Healinc Compliance: Healinc 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.*²⁹

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."³⁰

Healinc Compliance: Healinc'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. Healinc's 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 screen. The subscriber's personal list is maintained through the platform's user software obviating the need for maintaining a separate listing at the relay center. This creates an additional level of security for the user.

²⁹ 47 C.F.R. §64.2001 *et seq.*

³⁰ STS calling requirements are waived indefinitely. *2004 TRS Report and Order*, paras. 138 and 139.

B. 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.”

Healinc Compliance: Healinc’s VRS platform 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. Nevertheless, Healinc has never processed a text call. The Company’s new VRS platform will have texting capabilities.

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

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.”

Healinc Compliance: Healinc’s growth has caused the Company to reevaluate staffing per call volume ratios. Engagement of experienced supervisory personnel and enhancements to call processing data analysis have enabled Healinc to recalibrate proper staffing levels to ensure full coverage and to stay within call answer time metrics. Healinc continues to closely monitor call levels to determine staffing adjustments by time of day, in accordance with actual calling volumes. The relay center supervisors maintain contact with on call CAs, and have the ability to contact all available CAs and bring them online within minutes, if unusually high call volumes are experienced. This flexibility ensures that Healinc 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.”

Standard (iii): “Speed of answer requirements for VRS providers are phased-in as follows: ...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.

Healinc Compliance: Healinc’s staffing levels in early 2008 enabled the Company to exceed answer time standards set forth in section 64.604(b)(2)³¹ through October 2008 based on projected demand volumes. Healinc’s speed of answer was within 2.5 percent of standard in November and December when Healinc experienced an unanticipated increase in demand over projections, as reported to the Fund Administrator through the Company’s monthly reports. As Healinc began experiencing significant demand increases in September, the Company pursued engaging, training, and deploying new qualified CAs as quickly as possible to maintain speed of answer time standards. Although demand increases are projected through 2010, Healinc continues to engage new interpreters to ensure answer time compliance, though the time needed to locate, train and bring qualified interpreters on line has been cause for Healinc’s response metrics to fall marginally below standard in first quarter 2009.

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.”³²

Healinc Compliance: To the extent that users will now rely exclusively on Healinc or other IP-based providers as their default service provider, subscribers will not, as a

³¹ 47 C.F.R. §64.604(b)(2).

³² 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. *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.

practical matter, require access to a wireline interexchange or local exchange carrier. Healinc continues to provide local, domestic intrastate, interstate and international long distance services at no cost callers. Nevertheless, Healinc retains the technical capability to route interexchange calls to the subscriber's interexchange carrier of choice and place calling card calls to carriers using the subscriber's calling card, in the unlikely event requested by callers.

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.”³³

Healinc Compliance: Healinc CAs are on duty 24 hours per day, 7 days per week.

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

Healinc Compliance: Healinc's basis for compliance remains unchanged. Uninterruptible power supplies (“UPS”) are available for CA work stations. Call and other support data are stored in Company servers and backed up daily in secure, off-site servers. Servers are also supported by UPS, which provide power for as much as seven days. Healinc's VoIP technology enables users to access CAs located in multiple locations in the event any single location is unavailable. Healinc's relay center is housed in a commercial building that meets applicable codes for fire suppression. Multiple broadband facilities are used to provide diversity routing. Independent broadband facilities are connected directly to several CAs, supporting continued operations in the event of facility outages to any singular location.

³³ 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.

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.*”

Healinc Compliance: Healinc has pursued development of an advanced, unified call processing VRS platform, robust in functionality, scalable, and capable of supporting mobile access. Future developments in Healinc’s VRS platform will maximize current video, voice, and transmission processing technology to provide an unequaled calling experience, consistent with Commission’s policy.

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.”

Healinc Compliance: Healinc’s Relay platform passes through the number of the center from which the CA is placing the call and will be passing through the user’s assigned ten digit telephone number, when assigned and operational.

C. **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.”

Healinc Compliance: Healinc currently maintains, and annually submits, a complaint log to the Commission associated with its VRS service.³⁴ This complaint log will be expanded to include complaints received regarding Healinc’s IP Relay services. Users have, and will continue to have, the ability to initiate complaints to a CA or CA supervisor, via electronic mail to the Company’s customer service address, and via the Company’s web site, www.lifelinksvrs.com. Complaints are logged into Healinc’s

³⁴ See, e.g. Healinc Telecom, LLC Annual Consumer Complaint Log Submission, Docket No. 03-123 (June 25, 2008), submitted via ECFS.

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 the 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, and the trouble investigated and resolved by a 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.

Healinc Compliance: Healinc avers to submit complaint logs annually in accordance with such direction as the Commission may provide.

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.”

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

Mr. David Rhodes
Healinc Telecom, LLC
3333 Henry Hudson Parkway, Suite 1A,
Riverdale, NY 10643
Telephone: 212.714.2939
E-Mail: drhodes@lifelinks.net

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. Healinc avers to timely inform the Commission any changes in contact information for the senior individual responsible for complaints.

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

Healinc Compliance: Healinc maintains multiple contact points based on the caller’s preference for communicating with the Company:

Voice telephone: 212.714.2940 or 1-VRS-744-6111 (1.877.744.6111)
TTY Telephone: 801.775.0654 or 212.714.9TTY (9889)
Spanish Speaking Callers: 1-VRS-SIGN-526 (1.877.744.6526)
Fax number: 360.326.1769
Deaf callers to video phone: 360.750.7412
Hearing Callers to video phone: 877.774.6111 Callers then give the interpreter the IP address 173.8.92.30
E-Mail Address: techsupport@lifelinks.net
Web Address: <http://www.lifelinksvrs.com>
Video Phone Access: LLVRS.tv
Text Pager: llvrstechsupport

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

Healinc Compliance: Correspondence should be sent to:

Wesley Waite, Sr.
Chief Operating Officer
Healinc Telecom, LLC
3333 Henry Hudson Parkway, Suite 1A,
Riverdale, NY 10643

Commission inquiries should be addressed to:

Andrew O. Isar
Miller Isar, Inc.
7901 Skansie Avenue, Suite 240
Gig Harbor, WA 98335
Telephone: 253.851.6700
E-mail: 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.”

Healinc Compliance: Healinc will continue to pursue its outreach program entailing active marketing and targeted educational services targeted to the Deaf community:

Advertising. Healinc’s outreach program strategy will continue to rely upon a combination of press releases, co-marketing with Deaf organizations via the Internet, as well as general and targeted advertising. The Company will engage in direct marketing to the Deaf Community, and through continued advertising in Deaf Community expositions, seminars, and trade conferences, and through sponsorship opportunities. Healinc will also advertise indirectly through the production of self-help video programs developed for the Deaf Community.

Partnerships and Affiliations. Healinc is working to broaden its partnerships and affiliations with state and national organizations devoted to serving the Deaf Community to make information concerning the Company's VRS services widely available. Additionally, Healinc will consider longer-term sponsorship opportunities to broaden company name and service recognition in the State. Further, Healinc will pursue contact with State relay program organizations to the extent that involvement in such groups is welcomed, and will evaluate active participation in educational institutions, which maintain – or are interested in developing – educational programs designed to expand the pool of certified CAs.

4. **Rates. (47 C.F.R. §64.604(c)(4)).**

Standard: “TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination.”

Healinc Compliance: Inapplicable. Healinc's subscribers will not be charged for Healinc's VRS service. See, Compliance with Types of Calls (47 C.F.R. §64.604(a)(3)), *supra*.

5. **Jurisdictional Separation of Costs. (47 C.F.R. §64.604(c)(5)).**

Standard(iii)(C): “Data Collection from TRS Providers. TRS providers shall provide the administrator with true and adequate data necessary to determine the TRS fund revenue requirements and payments....

Healinc Compliance: Healinc has submitted data collection forms to the National Exchange Carriers Association for the years 2006 through 2009, and responded to all applicable data requests.

V. CONCLUSION

Healinc continues to provide the very type of innovative, advanced-technology VRS envisioned by the Commission, consistent with the Commission's pro-competitive policy. As set forth above, Healinc continues to provide desirable, functionally equivalent, VRS that meets or exceeds the MMS for certification to draw compensation from the federal TRS fund. Healinc respectfully requests that its certification be maintained, accordingly.

Respectfully submitted this 6th day of June, 2009.

HEALINC TELECOM, LLC

By: Stanley F. Schoenbach MD

Stanley Schoenbach, MD
Managing Member
3333 Henry Hudson Parkway, Suite 1A
Riverdale, NY 10463
Telephone: 718.543.4100

STATE OF NEW YORK)
) ss.
COUNTY OF BRONX)

CERTIFICATION

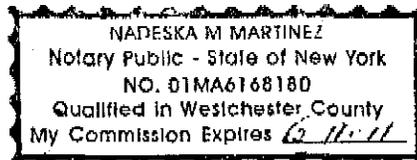
I, Stanley Schoenbach, do hereby certify and affirm under penalty of perjury, that I am a Managing Member of HealinC Telecom, LLC, that I have examined the foregoing *Annual Report*, and, to the best of my knowledge, information, and belief, all statements of fact contained in this *Annual Report*, are accurate and to those statements made on belief, I believe them to be accurate and true

Respectfully submitted this 6th day of June, 2009.

HEALINC TELECOM, I.L.C

By: Stanley F. Schoenbach MD

Stanley Schoenbach, MD
Managing Member
3333 Henry Hudson Parkway, Suite 1A
Riverdale, NY 10463
Telephone: 718.543.4100



Stanley Schoenbach MD