

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

In the Matter of: )  
)  
Telecommunications Relay Services and )  
Speech-to-Speech Services for ) CG Docket 03-123  
Individuals with Hearing and )  
Speech Disabilities )  
)  
Certification Application )  
\_\_\_\_\_ )

**Application of CSDVRS, LLC for Certification  
As a Provider of  
IP Captioned Telephone and IP Relay Service**

I. Introduction and Background

CSDVRS, LLC (CSDVRS), by its counsel, hereby submits its application for certification to operate as a provider of Internet Protocol Captioned Telephone Service (“CapTel”) and Internet Protocol Relay Service (“IP Relay”) that is eligible for compensation from the Interstate Telecommunications Relay Service (TRS) Fund. This application is being submitted pursuant to the Federal Communications Commission (FCC) Certification Order, released on December 12, 2005, by which common carriers wishing to provide only Internet Protocol (IP) relay may seek certification from the Commission to become eligible for compensation from the Interstate TRS Fund.<sup>1</sup> CSDVRS is a Delaware limited liability corporation with permanent headquarters located at 600 Cleveland Street, Suite 1000, Clearwater, Florida, 33755. A copy of CSDVRS’ articles of incorporation (Exhibit 1 and Exhibit 2) and a list of individuals holding executive management positions in CSDVRS (Exhibit 3) are attached. CSDVRS is

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<sup>1</sup> *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Order on Reconsideration, CG Dkt. No. 03-123, FCC 05-203 (December 12, 2005) (FCC Certification Order), amending 64 C.F.R. §64.605(2).

financed by MC Venture Partners, located at 75 State Street, Suite 2500, Boston, MA 02109, and Providence Equity Partners, located at 50 Kennedy Plaza, 18th Floor, Providence, RI 02903. Communication Service for the Deaf (CSD), the original parent of CSDVRS, also has a minority interest in the company. CSD is located at 102 North Krohn Place, Sioux Falls, SD 57103.

CSDVRS has been certified as a video relay service (“VRS”) provider since 2007, having spun off from CSD in 2006. From its inception, the VRS offering of CSDVRS has been fully interoperable with those of all other VRS providers. CSDVRS has been instrumental in introducing a wide array of innovative VRS features as part of its overarching efforts to achieve functional equivalency in the delivery of telecommunications services to deaf and hard-of-hearing consumers. CSDVRS was the first to provide the following VRS innovations and services:

- web-page enabled access
- voice carry over (VCO)
- stringent interpreter qualifications requiring minimum levels of national or state certification and interpreting experience
- extensive training and quality assurance standards to ensure the highest level of professionalism and confidentiality
- text based interaction with users if the video connection is unable to work or if the customer wishes to communicate information in text to the agent
- video mail
- Spanish-to-ASL VRS
- Personal 800 number to allow near seamless communication between deaf and hearing consumers

- Redundant, high volume, on-demand video conference system that routes VRS calls to the next available agent and enables detailed automated reporting for billing, FCC reporting, and quality assurance purposes
- VRS calls on the Apple Facetime application
- Mobile video calling

Finally, CSDVRS has consistently been actively involved in virtually all FCC proceedings affecting VRS since its certification, offering extensive feedback on ways to improve this service for consumers. CSDVRS intends to be equally active in CapTel and IP Relay.

An expeditious grant of additional certification for CapTel and IP Relay will be highly beneficial to the user community that has come to rely on CSDVRS for its communication needs. A grant of this petition is in the public interest because CSDVRS (1) meets or exceeds all non-waived operational, technical, and functional mandatory minimum standards contained in the Commission's rules; (2) makes available adequate procedures and remedies for ensuring ongoing compliance with the Commission's rules, including informational materials to TRS users on complaint procedures sufficient for these users to know the proper procedures for filing complaints; and (3) does not differ from the mandatory minimum standards (and therefore does not violate any applicable mandatory minimum standards).<sup>2</sup>

## II. Qualifications for Certification

Section 47 C.F.R. §64.606(a)(2) sets out the specific documentation required by the FCC to be awarded a grant of certification. In response thereto, CSDVRS provides the following information:

### **1. A description of the forms of TRS to be provided**

By this application, CSDVRS seeks certification for the purpose of providing

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<sup>2</sup> FCC Certification Order at ¶23.

CapTel and IP Relay that will be compensated directly by the Interstate TRS Fund. CSDVRS is already certified as a VRS provider and offers VRS twenty-four hours a day, seven days a week, offering English-speaking sign language interpreters for deaf customers, tri-lingual interpreters for Spanish users, and voice carryover technologies for hard of hearing users. For those occasions when deaf users are not available to receive incoming calls, CSDVRS also offers video mail, which allows hearing callers to leave messages that are delivered to the recipient by a CSDVRS interpreter in sign language, via a video format that is e-mailed to the deaf and hard of hearing users.

All of CSDVRS' relay calls are currently conducted with the use of the Internet, a high-bandwidth redundant private network, standards-based signaling, an automatic call distributor and interactive text and voice response unit, and quality hardware and software. This applies equally to the current VRS offering, and shall apply to the CapTel and IP Relay offerings upon certification. Additionally, CSDVRS has installed a high speed redundant private network interconnecting its call centers to conduct multiple concurrent relay calls simultaneously. CSDVRS' centers are designed for the video call to be transmitted at speeds up to 512 kb per station. CSDVRS users can make relay calls through any of the following access points:

- Video Telephones (Hardware and Software)
- Mobile Video Telephones such as the Apple iPhone
- The ZVRS CapTel Application for IP Captioned Telephone Service.

CSDVRS has developed an extensive database system that allows our personnel to track calls for billing, FCC reporting, and quality assurance. This system automatically generates start time and end time reporting for call session, duration, agent work time,

etc. This allows us to accurately and effectively track the length of calls, as well as the number of calls at any time of the day, the number of calls waiting in queue and the number of dropped or unanswered calls.

**2. A description of how the provider will meet all non-waived mandatory minimum standards application to each form of TRS offered.**

CSDVRS explains below how it currently meets or exceeds and will continue to meet all non-waived mandatory minimum standards for VRS pursuant to 47 C.F.R. §64.604.

*a. Communication Assistants (“CAs”)*

CSDVRS utilizes a combination of employees, and qualified third party interpreting agencies to fill its interpreting staffing needs. All of CSDVRS’ CAs must have one of the following certifications: RID: CSC/CI/CT; NAD level IV /V; or NIC, NIC Advanced, and NIC Master; or BEI III and higher. CSDVRS also prefers that its CAs have at least three to five years of community-based interpreting experience. All CSDVRS CAs to be utilized in CapTel and IP Relay capacities are required to have competent skills in typing (at least 60 words per minute), grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette pursuant to Commission rules.<sup>3</sup> Further, all CapTel and IP Relay CAs will be subject to an oral-type test, as required, to ensure they possess the ability to adequately provide relay pursuant to applicable regulations.<sup>4</sup> Finally, all CSDVRS CAs are required to pass internal skill level assessments, prior to being hired or subcontracted.

These assessments are intended to ensure that all of the CAs at CSDVRS are capable of meeting the specialized communication needs of deaf and hard of hearing

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<sup>3</sup> 47 C.F.R. §64.604(a)(1)(ii).

<sup>4</sup> 47 C.F.R. §64.604(a)(1)(iii).

individuals. CSDVRS CAs must interpret effectively, accurately and impartially, both receptively and expressively, using any required specialized vocabulary,<sup>5</sup> and seamlessly relay oral-to-type messages to ensure maximum efficiency and adherence to the functional equivalency standard. They must also be sensitive to customer needs and be able to work well under pressure. The failure to meet these skill levels will result in a CA being deemed unqualified to work at CSDVRS.

Once hired but before being assigned calls, new CAs receive training literature containing basic information about CSDVRS and its origins, a TRS timeline/history, a description of TRS and its various manifestations, and the basics of the technology involved. After being given an opportunity to review these materials, all new CAs receive thirty-two hours of hands-on training (which follow a specific training syllabus) provided by an experienced interpreter. The “training” environment utilized by CSDVRS provides the CA with the identical platform and tools that he or she will utilize once he or she goes “live.” This ensures a safe learning environment that does not jeopardize or degrade any customer’s individual CSDVRS experience, yet enhances the CA’s skills. Once the trainer determines that the CA is ready to take calls, he or she is moved to the “live” environment.

CSDVRS is dedicated to maintaining the highest level of service through the provision of on-going CA training, competitive compensation, and measures designed to maintain high employee morale. CA workstations are designed to deliver performance and flexibility, and provide our CAs with an ergonomic environment that can enhance the quality of TRS. For example, the chair and the desk at each CA’s workstation have flexibility to allow the interpreter to adjust his or her height from a range of sitting to standing modes.

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<sup>5</sup> 47 C.F.R. §64.604(a)(1)(iv).

Finally, CSDVRS staffs its call centers with floor supervisors, or lead CAs that are available to assist or relieve interpreters when the physical or mental demands of interpreting so require, or when clarification is needed during a conversation. This support person is also available to offer employees breaks throughout their shifts, subject to the rules concerning in-call replacement of CAs. CSDVRS confirms its intent to comply with the Commission's rule requiring CAs to stay on each call for a minimum of ten minutes.

***b. Confidentiality and Conversation Content***

Under the FCC's mandatory minimum standards, CAs are prohibited from disclosing the contents of any relayed conversation, keeping records of the content of calls beyond their duration, and intentionally altering a relayed conversation.<sup>6</sup> Since its inception, CSDVRS has complied with these minimum standards in its VRS offering and will continue to do so in the future with CapTel and IP Relay. CSDVRS will also ensure that all conversations are translated verbatim unless directed otherwise by the callers, as is required by the Commission's rules.<sup>7</sup>

One way that CSDVRS ensures the confidentiality of all calls is to strictly limit access to its call centers. Access to all centers is controlled via a secured door system that requires either an access code or magnetic key card. Where access codes are used, the codes are changed on a monthly basis to further ensure a secure environment. Additionally, each interpreter station consists of a private cubicle that utilizes a unique walled structure to ensure private communication between the interpreter and the customer.

***c. Types of calls***

In accordance with the FCC's rules, CSDVRS does not impose, nor will it impose any

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<sup>6</sup> 47 C.F.R. §§64.604(a)(2).

<sup>7</sup> *Id.*

limits on the type, length, number or content of calls.<sup>8</sup> CSDVRS handles all types of calls that have not been waived by the FCC.

***d. Voice mail and interactive menus.***

FCC rules require CAs handling text-based TRS calls to use a hot key that sends text to the consumer to alert callers when they have dialed a number answered by a recorded message and interactive menu.<sup>9</sup> The CSDVRS system allows for this as well as electronically capturing recorded messages and retaining them for the length of the call pursuant to Commission rules.<sup>10</sup> CSDVRS does 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. When requested to do so, CSDVRS interpreters can also leave voice messages on voice mail systems and retrieve voice messages for callers. CSDVRS commits to continuing all of these practices in the future in its CapTel and IP Relay offerings.

***e. Emergency Call Handling***

In light of the implementation of local ten-digit numbering for TRS users, CSDVRS can process emergency and enhanced 911 (e911) calls through its platform. In the event that an inbound emergency call is received by a CSDVRS interpreter, he or she processes the call and immediately contacts the floor supervisor, asks the caller about the type of emergency services needed (e.g., fire, medical, police), and verifying the caller's phone number and location in order to direct the call to the proper public safety access point ("PSAP"). The interpreter next places an outbound voice call to the PSAP and stays on the line with both the consumer and the emergency center, acting as both an interpreter

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<sup>8</sup> 47 C.F.R. §§64.604(a)(3).

<sup>9</sup> 47 C.F.R. §§64.604(a)(3)(vii).

<sup>10</sup> *Id.*

and liaison, until the call ends. CSDVRS commits to full compliance with any and all additional emergency call handling procedures that may be required by future FCC orders.

***f. Speed of Answer***

The Commission rules require at least 85 percent of all TRS calls to be answered within 10 seconds, calculated on a monthly basis.<sup>11</sup> CSDVRS has always met or exceeded the speed of answer mandate in its VRS offering,<sup>12</sup> and commits to meeting this standard in CapTel and IP Relay as well.

***g. Twenty-four Hour/Seven Day a Week Operation***

CSDVRS operates, and will continue to operate its services twenty-four hours a day, seven days a week.<sup>13</sup>

***h. Operations and Uninterruptible Power***

The CSDVRS network incorporates redundancy in every single aspect, throughout its data processing and storage facilities, hardware, software, public and private networks, and connections, to ensure reliable and continuous service for the deaf and hard of hearing community. All redundancy features are functionally equivalent to the equipment in local exchange central offices, including uninterruptible power for emergency use.<sup>14</sup>

CSDVRS uses multiple points to the public Internet and provides each VRS center with redundant connections to all access points. These access points are connected to the Internet through two ISPs. If any of these ISPs experience an outage, service is automatically routed around the outage. In addition, automated monitoring can detect a

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<sup>11</sup> 47 C.F.R. §§64.604(b)(2)(ii).

<sup>12</sup> 47 C.F.R. §64.604(b)(2)(iii)

<sup>13</sup> 47 C.F.R. §§64.604(b)(4)(i).

<sup>14</sup> 47 C.F.R. §§64.604(b)(4)(ii).

partial or total loss of network at any of the TRS centers at all times. In the event of a network loss, CAs on the affected call center will be logged out of the platform and traffic will route to the next available interpreter located in a different call center.

CSDVRS also has adequate network facilities so that under projected calling volume, the probability of a busy response due to loop trunk congestion is functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.

***i. Access to Long Distance Calling***

In lieu of providing equal access to interexchange carriers, CSDVRS has handled and will continue to handle domestic long distance calls at no charge to its users.

***j. Public access to information***

FCC rules require providers to ensure that callers in their service areas are aware of the availability and use of relay services.<sup>15</sup> Efforts to educate the public in this regard are supposed to extend to all segments of the public, including people who are deaf, hard of hearing, speech disabled, senior citizens, and the general public. CSDVRS conducts outreach and education to ensure that the deaf community is informed about TRS in a number of ways. A primary method is through personal contact: CSDVRS employs a number of individuals who actively participate at a wide variety of deaf meetings, conferences and gatherings regularly scheduled in communities across the United States. In addition to the people CSDVRS directly employs, the company often contracts with local individuals who both assist in providing knowledge about and participate in these local events.

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<sup>15</sup> 47 C.F.R. §§64.604(c)(3).

***k. Rates.***

FCC rules prohibit relay providers from charging consumers rates that are any greater than rates paid for functionally equivalent voice communications services with respect to the duration of the call, the time of day, and the distance from the point of origination and point of termination.<sup>16</sup> CSDVRS is in compliance with this mandatory minimum standard in that all of its domestic calls are free to all users. CSDVRS will continue complying with this standard whether or not the FCC decides to separate jurisdiction.

***l. Jurisdictional Separation of Costs***

Section 64.604(5) explains that where appropriate, the costs of providing TRS will be separated by intra- and interstate jurisdiction, pursuant to section 410 of the Communications Act. Because CSDVRS has provided VRS since the inception of this service, CSDVRS is already well-acquainted with the cost recovery process administered by the Interstate Fund Administrator, and has in place comprehensive procedures for tracking and reporting call data needed for its annual cost and data submissions. CSDVRS will continue to provide the Administrator with true and accurate data necessary to determine TRS fund payments for CapTel and IP Relay as well, and will comply with all associated obligations with respect to the delivery of such data as contained in the Commission's rules at 47 C.F.R. §64.604(c)(5)(iii)(C).

In the event that the FCC separates TRS by jurisdiction and directs compensation from the Interstate Fund for interstate TRS only, CSDVRS will similarly comply with orders pertaining to the jurisdictional separation of the costs of providing these services.

***m. End-User Information***

While FCC rules governing the treatment of TRS customer information are

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<sup>16</sup> 47 C.F.R. §§64.604(c)(4).

primarily directed to the transfer of TRS customer profile data from one TRS vendor to another when a state relay program changes vendors, CSDVRS wishes to assure the Commission that any TRS customer information it acquires will similarly be used only for the purpose of connecting TRS users with called parties, and shall not be sold, distributed, shared or revealed in any other way, unless compelled to do so by lawful order.<sup>17</sup>

***n. Notification of Substantive Changes***

FCC rules require certified relay providers to notify the Commission of substantive changes in their TRS programs, services, and features within 60 days of the time such changes occur, and to certify that they will continue to meet federal minimum standards after implementing any substantive changes.<sup>18</sup> CSDVRS hereby confirms its intent to so notify the Commission of substantive changes within the time period specified by this rule, and to certify continued compliance with the FCC's minimum standards after such changes are implemented.

**3. A description of the provider's procedures for ensuring compliance with all applicable TRS rules**

In order to ensure compliance with all of the FCC's rules governing CSDVRS, all CSDVRS employees receive training when they are hired and when rule changes are adopted. In addition, CSDVRS is consistently apprised of FCC decisions, actions and policies by its legal department.

**4. A description of the provider's complaint procedures**

CSDVRS is committed to providing the highest quality customer service for all its service offerings. CSDVRS's users can contact customer service live and directly via the web ([www.zvrs.com](http://www.zvrs.com)), videophone ([help.zvrs.tv](http://help.zvrs.tv)), voice, e-mail, or be transferred from a

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<sup>17</sup> 47 C.F.R. § 64.604(c)(7).

<sup>18</sup> 47 C.F.R. § 64.605(f)(2).

CSDVRS call center to customer service. Voice callers can reach customer service by dialing 800-216-9293. When a user has a complaint, CSDVRS' Customer Service Division identifies the nature of the complaint and documents the issue on a Customer Contact Form. If Customer Service is unable to resolve the issue live, the Customer Contact Form is forwarded to the appropriate CSDVRS department for further assistance. CSDVRS is committed to providing resolution on all issues within 24 hours, if not sooner, depending on the severity of the issue. If the user making the complaint has included an e-mail address, a follow-up message is sent providing results of the complaint investigation and the actions taken to solve the problem at issue.

CSDVRS maintains a log of all consumer complaints received. These logs contain the date and time of the complaint, the problem raised, the resolution, and the date that the resolution has been reached. CSDVRS submits to the Commission an annual summary of its complaint log for the 12 month period preceding May 31 of that year for VRS and will do so for CapTel and IP Relay as well.

CSDVRS also understands that the FCC may receive either informal or formal complaints about its relay service.<sup>19</sup> CSDVRS is prepared to comply with all procedures and time frames specified in the Commission's rules for the resolution of consumer complaints filed against CSDVRS.

Commission rules require every TRS provider to designate an agent who is principally responsible for receiving complaints, inquiries, orders, decisions and notices from the Commission. CSDVRS' designated agent for this purpose is Aaron Wegehaupt, 600 Cleveland St., Suite 1000, Clearwater, Florida 33755, telephone 888-9CSDVRS, (888-927-3877) (voice), 727-443-1537 (fax), e-mail [awegehaupt@zvrs.com](mailto:awegehaupt@zvrs.com).

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<sup>19</sup> 47 C.F.R. §§64.604(c)(6).

**5. A narrative describing any areas in which the provider's service will differ from the applicable mandatory minimum standards**

CSDVRS meets all unwaived mandatory minimum standards for TRS and does not differ from these standards in any manner.

**6. A narrative establishing that services that differ from the mandatory minimum standards do not violate applicable mandatory minimum standards**

Insofar as CSDVRS meets all unwaived mandatory minimum standards, this section does not apply.

**7. Demonstration of status as a common carrier**

CSDVRS has attached a certificate granting it authority to provide common carrier service in the state of South Dakota (Exhibit 4).

**8. Statement on annual compliance reports.**

CSDVRS commits to filing annual compliance reports with the Commission that demonstrate the company's continued compliance with these rules. CSDVRS has filed this report annually for its VRS offering and will do so for its CapTel and IP Relay offerings as well.

**9. NECA Notification**

After receiving the certification requested herein, CSDVRS will notify the National Exchange Carriers Administration (NECA) of its intent to provide CapTel and IP Relay and to receive compensation from the Interstate TRS Fund thirty (30) days prior to submitting reports of interstate minutes.<sup>20</sup>

**III. Conclusion**

It is in the public interest to grant CSDVRS's application for federal certification to receive direct compensation from the Interstate TRS Fund for the provision of CapTel and

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<sup>20</sup> 47 C.F.R. §§64.604 (c)(5)(iii)(g).

IP Relay services. CSDVRS' considerable experience and expertise in VRS will seamlessly carry over into the provision of CapTel and IP Relay, and its commitment to providing superior service that best meets the needs of the deaf and hard of hearing community make it eminently qualified to expand its scope of TRS services. CSDVRS stands ready to supplement any of the answers provided in this application should the Commission so request.

Respectfully submitted,

Sean Belanger  
CEO  
CSDVRS, LLC  
600 Cleveland Street -Suite 1000  
Clearwater, FL 33755  
Toll Free (888) 9CSDVRS (888-927-3877)  
Local (727) 254-5600

By:

William Banks  
General Counsel  
600 Cleveland Street – Suite 1000  
Clearwater, FL 33755  
(727) 354-5600  
[wbanks@zvrs.com](mailto:wbanks@zvrs.com)

February 1, 2011

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "CSDVRS, LLC", FILED IN THIS OFFICE ON THE TWENTY-SECOND DAY OF NOVEMBER, A.D. 2006, AT 2:49 O'CLOCK P.M.



4256382 8100  
061075128

*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 5219923

DATE: 11-22-06

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 02:56 PM 11/22/2006  
FILED 02:49 PM 11/22/2006  
SRV 061075128 - 4256382 FILE

**CERTIFICATE OF FORMATION  
OF  
CSDVRS, LLC**

This Certificate of Formation of CSDVRS, LLC (the "Company"), dated as of November ~~22~~, 2006, has been duly executed and is being filed by the undersigned for the purpose of forming a limited liability company pursuant to the Delaware Limited Liability Company Act, Del. Code Ann. tit. 6, § 18-201.

1. Name of Company. The name of the Company is CSDVRS, LLC.
2. Registered Agent for Service of Process; Registered Office of the Company. The name and address of the agent for service of process of the Company in Delaware is The Corporation Trust Company, c/o Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.
3. This Certificate of Formation shall become effective upon filing with the Secretary of State of Delaware.

IN WITNESS WHEREOF, the undersigned has signed this Certificate of Formation as of the date first written above.

  
\_\_\_\_\_  
Leonard J. Stip, Duly Authorized Person

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF INCORPORATION OF "CSDVRS MANAGEMENT SERVICES, INC.", FILED IN THIS OFFICE ON THE TWENTY-SECOND DAY OF NOVEMBER, A.D. 2006, AT 2:47 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

4256380 8100  
061075122



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 5219908

DATE: 11-22-06

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 02:55 PM 11/22/2006  
FILED 02:47 PM 11/22/2006  
SRV 061075122 - 4256380 FILE

**CERTIFICATE OF INCORPORATION**

**OF**

**CSDVRS MANAGEMENT SERVICES, INC.**

The undersigned, for the purpose of forming a corporation under the laws of the State of Delaware hereby certifies as follows:

FIRST. The name of the corporation is CSDVRS Management Services, Inc. (the "Corporation").

SECOND. The address of the Corporation's registered office in the State of Delaware is 1209 Orange Street, City of Wilmington, County of New Castle, State of Delaware. The name of its registered agent at such address is The Corporation Trust Company.

THIRD. The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware (the "DGCL").

FOURTH. The total number of shares of stock which the Corporation shall have authority to issue is: 100 shares of Common Stock, \$0.01 par value per share (the "Common Stock").

FIFTH. The name and mailing address of the incorporator are as follows:

Leonard Q. Slap, Esq.  
Edwards Angell Palmer & Dodge LLP  
111 Huntington Avenue  
Boston, Massachusetts 02199

SIXTH. The following provisions are inserted for the management of the business and for the conduct of the affairs of the Corporation:

1. The Board of Directors of the Corporation is expressly authorized to adopt, amend or repeal the bylaws of the Corporation.
2. The number of directors that shall constitute the whole Board shall be fixed by resolution of the Board of Directors but in no event shall be less than one or more than six.
3. Elections of directors need not be by ballot.

SEVENTH. A director of the Corporation shall not be personally liable to the Corporation or its stockholders for monetary damages for breach of fiduciary duty as a director, except for liability (i) for any breach of the director's duty of loyalty to the Corporation or its stockholders, (ii) for any acts or omissions not in good faith or which involve intentional misconduct or knowing violation of law, (iii) under Section 174 of Title 8 of the DGCL, as amended from time to time, or (iv) for any transaction from which the director derived an

### **Exhibit 3**

#### **Sean Belanger – President and Chief Executive Officer**

Mr. Belanger is the Chief Executive Officer (CEO) of CSDVRS, LLP. He received his B.S. in Management from Virginia Institute of Technology and has 30 years experience in the technology industry. Mr. Belanger was most recently the CEO of the Paradyne Networks firm and was the driving force behind the unveiling of technology which resulted in increasing internet access to millions of customers, including major telephone companies. Prior to Paradyne Networks, he was the general manager of 3Coms Network Service Provider division.

#### **Stacy Wagner – Chief Financial Officer**

Stacy Wagner is the Chief Financial Officer (CFO) of CSDVRS, LLP. She received her B.S. in Accounting from Florida Southern College in Florida. She is also a Certified Public Accountant in the State of Florida. Ms. Wagner was the CFO and Treasurer of Oerlikon USA, Inc. for over 14 years. Oerlikon USA is engaged in the design and production of capital equipment for coating and etching processes that are crucial in the front-end area of semiconductor production. Prior to joining Oerlikon, Ms. Wagner had over 6 years of audit and tax experience in diverse industries with public accounting firms, including the "Big 4".

#### **Timothy Rarus –Vice President of Sales**

Tim Rarus is the Vice President of Sales of CSDVRS, LLP. Mr. Rarus began his career in 1989 by working for U.S. Senator John McCain in Washington, D.C., after receiving a B.A. in Government from Gallaudet University. After relocating to Overland Park, KS, Mr. Rarus became the Assistant Director of the Gallaudet University Regional Center to the midwestern region. In 1994, Mr. Rarus relocated to Austin, Texas, to become the executive director of Vaughn House, Inc. In 1997, he began working for CSD in Austin, focusing his efforts on interpreting and captioning issues in the Austin area. From the beginning Mr. Rarus has played a key role in the development of CSD's Video Interpreting department.

#### **Chris Wagner – Vice President of Business Video Solutions**

Chris Wagner serves as the Vice President of Business Video Solutions for CSDVRS, LLP. He received his Bachelor's degree from the Rochester Institute of Technology in Rochester, New York. Prior to assuming his current role, Mr. Wagner served as a consultant and as executive director of the Community Center for the Deaf and Hard of Hearing of Manatee and Sarasota Counties and the Deaf and Hard of Hearing Service of Pasco and Hernando Counties. With a background in healthcare administration, he was responsible for the implementation of the first deaf-assisted living facility and nursing facility for the deaf and hard of hearing in Florida. Largely responsible for the creation of the Florida Coordinating Council for the Deaf and Hard of Hearing, Mr. Wagner was appointed by Governor Jeb Bush as the first member and chairperson of the Coordinating Council. He also serves on numerous boards, which include stints as the president of the Florida Association of the Deaf (FAD), vice president of the National Association of the Deaf (NAD), vice chair of the Governor's American with Disabilities Act Working Group, member of the Florida Telecommunications Access System Act Advisory Board, member of the Florida Disability Task Force for Emergency Preparedness and most recently, member of the Board of Trustees of the Florida School for the Deaf and the Blind. Prior to his election as FAD President, he served as the first president of the Florida Coalition for Disability Rights. In 2004, Mr. Wagner received several awards for his outstanding leadership and advocacy on both state and national levels, including the first Claude Seale Advocate Award from the Florida Independent Living Council, the Robert Greenmun Award for State Leadership Excellence, and the Knights of the Flying Fingers Award from the NAD.

#### **Aaron Wegehaupt – Vice President of Operations**

Aaron Wegehaupt is the Vice President of Operations for CSDVRS, LLP. Mr. Wegehaupt has over 15 years of experience as an interpreting professional and has been involved in the video relay service industry since its inception, prior to which he spent time working in traditional telecommunications relay services. Mr. Wegehaupt holds an NAD V national interpreting

certification and is a member of the Registry of Interpreters for the Deaf (RID). He has worked in legal, educational, corporate, and community settings as both an interpreter and manager. Along with his work as an interpreter, Mr. Wegehaupt has contributed to the profession in several different capacities, including his work as an adjunct professor and chairperson of the Interpreter Training Program in Sioux Falls, SD. Mr. Wegehaupt has also served on the boards of professional interpreting organizations in the state of South Dakota. Another area of expertise for Mr. Wegehaupt is Workforce Management; in 2004 he was named one of the finalists for the 2004 Summit Award for "Workforce Manager of the Year" sponsored by the Society of Workforce Planning Professionals (SWPP).

#### **William Cobb – Vice President of Marketing**

William Cobb is the Vice President of Marketing CSDVRS, LLC. He received his B.S Degree in Business Administration from Alfred University. He has over 25 years experience in the telecommunications industry. During his career, Mr. Cobb has held various positions in product development, technical support and sales management. He has worked at both large telephone companies, including Sprint (1985-1994) and several start-up companies, which has given him in-depth knowledge on developing, launching and supporting data communication products. He has been at the forefront of telecommunication technology his entire career. He aided in developing the 1st nationwide financial transaction processing network in the 1980s, the 1st wireless data product using the cellular network in the early 1990s and as a pioneer in the development and advancement of Digital Subscriber Loop (DSL) technology for the past 11 years. In the last 4 years he developed a highly successful \$25M worldwide CPE business, successfully establishing and leveraging off-shore development and manufacturing. He brings a unique set of technical, product, business development and senior management skills to CSDVRS.

#### **Lydia Runnels – Vice President of Product Development and Product Management**

Lydia Runnels is Vice President of Product Development and Product Management at CSDVRS. Lydia has over 20 years of data communications experience. Prior to joining CSDVRS, Ms. Runnels was Vice President of Research and Development at Paradyne Networks where she managed a \$20 million budget and over 100 engineers. She was instrumental in the rollout of DSL and holds a B.S.E.S from the University of South Florida.

#### **William Banks – General Counsel**

William Banks is the General Counsel for CSDVRS. Mr. Banks has several years experience in numerous facets of the law including administrative, employment, and corporate law as well as general litigation. Prior to joining CSDVRS, Mr. Banks was in private solo practice, and prior to that he worked for one of the largest law firms in Florida. He is admitted to practice law before the Florida Supreme Court, the U.S. District Court for the Middle District of Florida, the U.S. Eleventh Circuit Court of Appeals, and the U.S. Supreme Court. Mr. Banks received his Bachelor of Arts and Juris Doctorate from Stetson University.

#### **Ken McCann – Vice President of Customer Care and Logistics**

Ken McCann is the Vice President of Customer Care and Logistics for CSDVRS. In this role, he is responsible for developing and delivering world class customer experience for CSDVRS customers throughout the world. He is also responsible for the consumer inside sales division for the company and direction of the logistics department. Mr. McCann has over 20 years of overseeing call center sales and customer support activities. He earned his Bachelor's degree in Business Administration from Columbia College and his Masters of Business Administration from the University of Phoenix.

#### **John Harris – Vice President of Technology**

John Harris is the Vice President Technology for CSDVRS. In this role, he is responsible for the ongoing analysis of technologies and provide strategic direction for product and service platform development. Mr. Harris has over 30 years of technology experience. Prior to joining CSDVRS,

Mr. Harris was Chairman and CTO of Viseon, a Video Conferencing Telephone and Equipment Developer. Viseon was the first to fully integrate hi definition audio, web and video communications into a single device.



## PUBLIC UTILITIES COMMISSION

[www.puc.sd.gov](http://www.puc.sd.gov)

The enclosed *Order Granting Certificate of Authority* indicates your company has been approved by the South Dakota Public Utilities Commission (Commission) to provide telecommunications services in the state of South Dakota. This order will serve as your Certificate of Authority and describes the type of service you are authorized to provide and any conditions applicable to your authority.

Company officials are advised to be familiar with South Dakota Codified Laws and Administrative Rules applicable to the regulation of telecommunications services in South Dakota, including our slamming and cramming laws and rules. These statutes and rules describe the required reporting and corresponding deadlines for your company's business in South Dakota. Links to the laws, rules and reporting forms are accessible from the Commission's Web site at the above address.

Annual Report and Gross Receipts Tax Fund Assessment forms must be submitted to the Commission annually. **Please be advised that the failure to remit the Annual Report or Gross Receipts Tax Fund Assessment forms or to pay the gross receipts tax may result in the revocation of your Certificate of Authority.**

It is important the Commission have current contact information for your company as well as a list of current company administrators and customer service representatives. When updates occur, please relay the information to the Commission via its Web site.

Commission Orders and Dockets can be accessed from the Commission's Web site. Further, you may subscribe, on the Commission's Web site, to electronic mailings of the Commission's Agendas, Minutes, Weekly Filing Reports, Rules Information and News Releases.

500 E. Capitol Ave. • Pierre, SD 57501 • (605) 773-3201

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE APPLICATION OF )</b>	<b>ORDER GRANTING</b>
<b>CSDVRS, LLC FOR A CERTIFICATE OF )</b>	<b>CERTIFICATE OF</b>
<b>AUTHORITY TO PROVIDE INTEREXCHANGE )</b>	<b>AUTHORITY</b>
<b>TELECOMMUNICATIONS SERVICES IN )</b>	
<b>SOUTH DAKOTA )</b>	<b>TC07-073</b>

On June 1, 2007, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, received an application for a certificate of authority from CSDVRS, LLC (CSDVRS). CSDVRS intends to provide Video Relay Services through the use of high speed internet and the PSTN. The Commission has classified long distance service as fully competitive.

On June 7, 2007, the Commission electronically transmitted notice of the filing and the intervention deadline of June 22, 2007, to interested individuals and entities. No petitions to intervene or comments were filed and at its June 26, 2007, meeting, the Commission considered CSDVRS' request for a certificate of authority. Commission Staff recommended granting an interexchange certificate of authority, subject to the condition that CSDVRS not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments and not provide end-user services that require end-user billings without prior approval of the Commission. Commission Staff further recommended a waiver of ARSD 20:10:24:02(8).

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:24:03. The Commission finds that CSDVRS has met the legal requirements established for the granting of a certificate of authority. CSDVRS, in accordance with SDCL 49-31-3, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Further, the Commission finds that there is good cause to waive ARSD 20:10:24:02(8).

The Commission approves CSDVRS' application for a certificate of authority, subject to the condition that CSDVRS not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments and subject to CSDVRS not providing end-user services that require end-user billings without prior approval of the Commission. In the future, should CSDVRS choose to provide prepaid services (including prepaid calling cards) or accept or require any deposits or advance payments or provide end-user services that require end-user billings, CSDVRS will have to come before the Commission in another proceeding before being able to provide those services. As the Commission's final decision in this matter, it is therefore

ORDERED, that CSDVRS' application for an interexchange certificate of authority to provide Video Relay Services through the use of high speed internet and the PSTN or other future FCC approved TRS services is hereby granted, subject to the condition that CSDVRS not offer any prepaid services (including prepaid calling cards) and not accept or require any deposits or advance payments or provide end-user services that require end-user billings without prior approval of the Commission. It is

FURTHER ORDERED, that the Commission waives ARSD 20:10:24:02(8). It is

FURTHER ORDERED, that this order constitutes your Certificate of Authority as described above.

Dated at Pierre, South Dakota, this 2nd day of July, 2007.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Delaine Kolbe</u>
Date:	<u>7/5/07</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Dustin M. Johnson  
DUSTIN M. JOHNSON, Chairman

Gary Hanson  
GARY HANSON, Commissioner

Steve Kolbeck  
STEVE KOLBECK, Commissioner