

**MILLER
ISAR** INC.
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FCC Mail Room

ANDREW O. ISAR

4423 POINT FOSDICK DRIVE, NW
SUITE 306
GIG HARBOR, WA 98335
TELEPHONE: 253.851.6700
FACSIMILE: 866.474.3630
WWW.MILLERISAR.COM

Via ECFS and Overnight Delivery

March 10, 2011

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

RE: 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 Video Relay Service and IP Relay Services, Docket No. 03-123

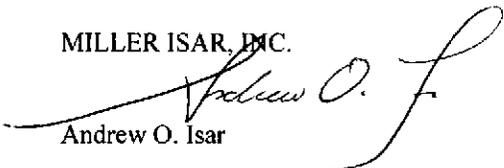
Dear Secretary Dortch:

Healinc Telecom, LLC's ("Healinc"), by its regulatory consultants and pursuant to Section 64.606(a)(2) of the Commission's rules, is pleased to submit this *VRS and IP Relay Certification Application* ("Application"), in the above-referenced matter. Healinc's Application clearly demonstrates the Company's continued compliance with the Commission's Mandatory Minimum Standards, waived Mandatory Minimum Standards, and Commission Orders and policies for the provision of video relay services and IP-Relay services. Further, Healinc's Application also demonstrates that its implementation of significant operational, service, and outreach program enhancements together with its ongoing compliance, warrant renewed Commission certification of federal Telecommunications Relay Service fund compensation eligibility for video relay services, and now too for Internet Protocol relay services. Healinc respectfully requests that such certification be granted on or before June 9, 2011 to ensure a seamless continuation of Healinc's services to the public.

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

Sincerely,

MILLER ISAR, INC.


Andrew O. Isar

Regulatory Consultants to
Healinc Telecom, LLC

Enclosure

cc: Ms. Karen Peltz Strauss (via electronic delivery, Karen.Strauss@fcc.gov)
Mr. Mark Stone (via electronic delivery, Mark.Stone@fcc.gov)
Mr. Greg Hlibok (via electronic delivery, Gregory.Hlibok@fcc.gov)

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

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Interstate Telecommunications Relay Service)	
Fund for the Provision of Video Relay Service)	
and IP Relay Services)	

VRS AND IP RELAY CERTIFICATION APPLICATION

**ANDREW O. ISAR
Miller Isar, Inc.
7901 Skansie Avenue, Suite 240
Gig Harbor, WA 98335**

**Regulatory Consultants to
Healinc Telecom, LLC**

March 7, 2011

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Interstate Telecommunications Relay Service)
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and IP Relay Services)

VRS AND IP RELAY CERTIFICATION APPLICATION

Healinc Telecom, LLC (“Healinc,” “Applicant,” or “Company”), by its regulatory consultants, and pursuant to Section 64.606(a)(2) of the Commission’s rules,¹ hereby respectfully applies to the Commission for continued certification of the Company’s eligibility to draw from the federal Telecommunications Relay Service Fund (the “Fund”) for the provision of video relay services (“VRS”). And, to the extent possible, Healinc renews its request for certification the Company’s eligibility to draw from the Fund for the provision of Internet Protocol (“IP”) relay services.²

Since first demonstrating compliance with the Commission’s mandatory minimum standards (“MMS”)³ for the provision of VRS service, Applicant has maintained, routinely exceeded, and annually demonstrated compliance with the MMS and waived VRS MMS, to be deemed eligible for compensation from the Fund for the provision of VRS. As the fifth year anniversary of the Company’s initial eligibility draws to a close, Healinc now re-

¹ 47 C.F.R. §64.606(a)(2).

² Applicant incorporates herein by reference its pending IP Relay Certification Application; *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*, Docket No 03-123 (November 18, 2008)[“IP Relay Application”]. To the extent that Commission action on the Company’s pending IP Relay Application is not ripe for consolidation with the instant Application, Healinc limits its Application to the provision of VRS exclusively.

³ 47 C.F.R. §64.604.

applies to the Commission for continued eligibility to drawing from the Fund for the provision of VRS and IP-Relay services, so that it may and continue serving the Deaf Community and public without interruption.

Though continually meeting and exceeding MMS and waived MMS and complying with Commission orders and policy, Applicant has made significant technical enhancements to its service platform in its relentless pursuit of improving customers' calling experience and coming ever closer to meeting full functional equivalency for the provision of VRS services. Applicant has also worked tirelessly to build a team of experienced, certified interpreters, support staff, and management dedicated to serving the needs of its subscribers and the public. And Applicant has pursued initiatives aimed at outreach and further integration and responsiveness to the Deaf Community.

As demonstrated herein, Applicant continues to meet and exceed the MMS, waived MMS, Commission orders and policy, continues to provide exceptional service, strives to surpass caller expectations, and warrants Commission recertification as eligible to continue drawing from the federal Fund for the provision of VRS and now IP-Relay services. Applicant seeks Commission recertification on or before the fifth year anniversary of its initial Fund eligibility period set to expire on June 9, 2011, to ensure the seamless continuation of its services to the public. In support of its Application, Applicant states as follows.

I. INTRODUCTION.

On June 9, 2006, Healinc was granted authority to receive compensation from the Fund independent from any certified state TRS program.⁴ Pursuant to Section 64.606(c)(2),

⁴ *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). At that time, Healinc withdrew its request for IP-Relay certification prior to FCC grant of certification, in anticipation of applying for Fund eligibility at a subsequent date.

“Certification granted under this section shall remain in effect for five years. A VRS or IP Relay provider may apply for renewal of its certification by filing documentation with the Commission, at least 90 days prior to expiration of certification, containing the information described in paragraph (a)(2) of this section.” Healinc now submits this Application within the 90th day prior to the expiration of its current certification.

Section 64.606(a)(2) governing certification of VRS or IP Relay service providers independent from any certified state TRS program, ostensibly requires applicants to describe: the services to be provided; how the applicant will meet all non-waived MMS; how the applicant’s procedures will ensure compliance with the Commission’s TRS rules; the applicant’s complaint procedures; how applicant’s service will differ from the applicable MMS; how services that differ from the mandatory minimum standards do not violate applicable mandatory minimum standards; and to demonstration of the applicant’s status as a common carrier and provide a statement that the provider will file annual compliance reports demonstrating continued compliance with these rules. The instant Application addresses each of these specific requirements.

The instant Application further addresses significant technical, operational, organizational, and outreach initiatives that Healinc has undertaken since first certified as eligible for Fund compensation to distinguish itself as a premier VRS provider of desirable and compliant VRS and IP relay services to the public.

Further, as Healinc has recently reported,⁵ the Company currently works with thirteen independent partners who provide VRS through their relationship with Healinc. Healinc has implemented procedures to ensure that all Healinc partners are compliant with the entirety of

⁵ See, Healinc Telecom, LLC 2011 Relay Services Data Request Submission to the National Exchange Carriers Association TRS Fund Administration.

the MMS, either directly or through capabilities made available to partners by Healinc. Attached hereto at **Exhibit 1** is an overview of Healinc's *Partner Program*, demonstrating the procedures Healinc has implemented to ensure ongoing partner compliance with MMS and waived MMS, for which Healinc is ultimately responsible.

Taken together, Healinc maintains that the following demonstration of compliance and public service warrant the Company's continued certification of eligibility to draw from the Fund for the provision of VRS and now for the provision of IP-Relay services.

II. HEALINC VIDEO RELAY SERVICES AND PROPOSED INTERNET PROTOCOL RELAY SERVICES (47 C.F.R. §64.606(a)(2)(i))

Healinc continues to provide advanced VRS solutions to the public. These solutions utilize a combination of a proprietary software-based applications, specialized open architecture IP-enabled telephone equipment, now exclusively over the AuPix VRS platform using Voice over Internet Protocol ("VoIP") transmission over broadband facilities. The Company's platform supports ten-digit telephone number assignment, full 911 access, and support of default carrier selection. The Company's VRS platform is interoperable with all other VRS and TRS applications, including, but not limited to, D-Link equipment, Ojo, and V-Pad, and will continue callers to access other TRS/VRS providers.

Since its inception, the Company has continually refined its policies and procedures to maximize the efficiency of its operations, while providing the public with the best possible calling experience possible. An overview of the Company's operational functions – its operational "Blueprint" - is attached hereto at **Exhibit 2**.

Healinc maintains that it is exceptionally well positioned to continue providing desirable, high-quality VRS and now IP-Relay services to the Public.⁶

III. HEALINC'S VRS CONTINUES TO COMPLY WITH THE NON-WAIVED MANDATORY MINIMUM STANDARDS FOR THE PROVISION OF FEDERALLY FUNDED VRS (47 C.F.R. §64.606(a)(2)(ii))

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 demonstrates that it continues to meet federal MMS applicable to the provision of VRS, 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)).⁷

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."⁸

⁶ Though the following explicitly makes reference to Applicant's compliance with MMS with respect to VRS, such compliance is equally applicable to its provision of IP-Relay services.

⁷ Standard vii governing TTY services has been intentionally deleted from the list as effectively inapplicable.

⁸Speech-to-Speech. (" STS") calling requirements has been waived indefinitely. *2004 TRS Report and Order*, para 138 and 139.

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.⁹

Healinc Compliance: Healinc remains in compliance with each of the foregoing requirements. Healinc continues to focus on developing a highly professional competent CA staff. This focus includes an emphasis on training, ongoing development or refinement of policies and procedures to improve responsiveness and maintain service consistency, and in hiring of qualified CAs, while terminating a minority of CAs who do not meet Healinc’s professional service standards.

As in years past, Senior Healinc CAs and experienced management team continue to rigorously screen new CA applicants, to verify American Sign Language proficiency, to ensure that CA applicants meet and are fully trained on the MMS, and are generally 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 be 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 complaints, 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.

⁹ Healinc has not received any TTY calls since receiving certification.

Healinc's VRS and pending IP Relay service platform enables callers to select interpreters by gender. All CAs receive thorough training on the MMS including minimum call service times and fully supervised to ensure compliance.

The Company continues to rely upon performance surveys, quality assurance test calls, subscriber surveys, and direct supervision, 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 in all CA work locations. All CAs must comply with Healinc's confidentiality policy, which has been refined 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 calls for quality assurance and training, and then, only with the express approval of the caller. CA receive calls in work areas that are physically isolated and preclude inadvertent call viewing by other individuals, regardless of work location. All CAs work from secured premises. All 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 caller when accessing Healinc's VRS platform.¹⁰

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, as well as through Healinc's own established policies. 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. A compliance checklist is provided to all CAs and is verified through Healinc's Quality Assurance Program, a summary of which is attached hereto at **Exhibit 3**. The appearance of an interpreter on the user's computer screen indicates the CAs availability; the CA may not refuse to interpret

¹⁰ See, <http://www.lifelinks.net/privacy.html>.

or limit the number or length of legitimate calls.¹¹ Any confirmed intentional premature call termination is subject to disciplinary action, up to and including termination.

Standard (ii): “Relay services shall be capable of handling any type of call normally provided by telecommunications carriers unless the Commission determines that it is not technologically feasible to do so. Relay service providers have the burden of proving the infeasibility of handling any type of call.”¹²

Healinc Compliance: Applicant’s platform is 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.¹³

¹¹ Healinc CAs on occasion experience 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 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 advise the caller that the call cannot be interpreted. 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.

¹² 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)

¹³ 47 C.F.R. § 64.604(b)(3). Waived for IP-Relay. Waived through July 1, 2011. *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, WC Docket No. 05-196, *Order*, DA 10-1235 (June 30, 2010) [“*2010 MMS Waiver Extension Order*”].

Standard (iv): “Relay services shall be capable of handling pay-per-call calls.”¹⁴

Healinc Compliance: Applicant has the ability of accepting pay-per-call calls though CAs will simply convey credit or debit card information on behalf of the caller. Such information is translated only and never recorded.

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.”¹⁵

Healinc Compliance: Applicant’s platform maintains the capability of supporting all types of calls. Healinc’s AuPix 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 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;¹⁶ (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

¹⁴ Waived through July 1, 2011. *2010 MMS Waiver Extension Order*.

¹⁵ *Id.*

¹⁶ *Id.*

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 has been 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. Healinc anticipates deployment on or before April 1, 2011. 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 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.

“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 promulgated under 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 Proposed Rulemaking*, addressed further below. Healinc’s calling platform

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 *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.

has been designed to comply with section 64.605(b) for emergency call handling in conjunction with its Voxitas 911 emergency routing service. In 2010, Healinc handled ten emergency 911 calls without incident.

The platform coupled with the Voxitas 911 emergency routing service has the capability to determine callers' physical location through access to the Neustar Registered Location database and verified independently by the Voxitas 911 emergency routing service,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 receives ten digit North American Number Plan telephone number assignments for subscribers through its arrangement with a numbering partner, pursuant to 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. Further, Healinc confirms that any entity seeking to become a Healinc partner strictly complies with all 911 requirements through verification of prospective partner platforms and CA training.²⁸

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

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

²⁸ Please also refer to Exhibit 1.

§64.605 Emergency Calling Requirements

(a) Pursuant to 47 C.F.R. §64.605(a)(1), “(a) Additional Emergency Calling Requirements Applicable to Internet-based TRS Providers. (1) As of December 31, 2008, the requirements of paragraphs (a)(2)(i) and (a)(2)(iv) of this section shall not apply to providers of VRS and IP Relay to which §64.605(b) applies.

(2) Each provider of Internet-based TRS shall:

(ii) Implement a system that ensures that the provider answers an incoming emergency call before other non-emergency calls (i.e., prioritize emergency calls and move them to the top of the queue);

Healinc Compliance: Healinc’s Au Pix VRS platform detects “911” dialed emergency calls and directs these calls to the 911 call queue for immediate processing.

(iii) Request, at the beginning of each emergency call, the caller's name and location information, unless the Internet-based TRS provider already has, or has access to, a Registered Location for the caller;

Healinc Compliance: Healinc has implemented procedures for ensuring that CAs obtain emergency caller name, verify contact information from its registered subscribers, and verify the caller’s registered location.²⁹ When “911” is dialed by the caller, the CA implements the verification procedures, and forwards the caller’s ANI to the Voxitas ERS for routing to the caller’s serving PSAP. Voxitas’s ERS includes a national automatic location information database that provides an additional verification of the user’s location to the appropriate PSAP when 911 is dialed.

²⁹ Please also refer to Exhibit 3.

(v) 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;

Healinc Compliance: Although all required information will be transmitted under the Voxitas ERS 911 platform, Healinc's standard operating procedure directs CAs to obtain PSAP contact information immediately, verify location, and establish the CAs identity to ensure that in the event that the call is disconnected, the call can immediately be reestablished.

(vi) 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.*³⁰

(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;

³⁰ 47 C.F.R §64.2001 *et seq.*

(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 coordinates with other industry representatives in developing procedures for population of Neustar, Inc.'s Registered 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 is registered with Neustar, Inc. for access to the numbering database.

Registered location information is requested as part of the subscriber registration process.³¹ CAs confirm the registered location on each 911 emergency call before directing the call to the appropriate PSAP through via the Voxitas 911 ERS as a matter of policy.

As noted, the Voxitas 911 ERS automatically transmits 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 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 dedicated 911 routing facilities via the Au Pix, LTD VRS platform, Voxitas 911 ERS's arrangements with interconnecting carriers.

³¹ See, <http://www.lifelinks.net/account.html>.

(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, via the Voxitas 911 ERS.

(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 has incorporated this requirement into its policies and CA training procedures.³²

(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.

³² Please refer to Exhibit 4.

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, as noted *supra*. Healinc provides users with specific information on the use of customer proprietary network information to be collected for complying with 911 access requirements.

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.”³³

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.

³³ The requirement has been waived indefinitely for VRS. See *2004 TRS Report & Order*, 19 FCC Rcd at 12594 (Appendix E: Summary of IP Relay and VRS waivers) and *2010 MMS Waiver Extension Order* at para. 1.

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 caused the Company to reevaluate staffing per call volume ratios. Engagement of experienced supervisory personnel and enhancements to call processing data analysis enabled Healinc to recalibrate staffing levels to more accurately 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. Further, Healinc’s partner relationships enable the Company to engage partner CAs to further augment and enhance CA availability as needed during periods of heavy calling volumes. 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 is in current compliance of the speed of answer requirements for VRS providers, and has adopted procedures to ensure that it remains compliant on a going forward basis.

In 2010 average speed of answer metrics reflected that 88 percent of all calls were answered within 10 seconds including abandoned calls. Speed of answer time is projected to go to average under seven seconds in 2011 and under five seconds in 2012. Healinc has had to contend with external challenges outside of its control that at times did result in limited call delays and in some instances, abandonment. In early 2010 Healinc experienced several “SIP Attacks” from computer hackers. These attacks raised the Company’s abandoned called ratio to

36 percent for a limited period of time. The attacks were quickly traced to several specific locations. Healinc immediately installed preventative measures to preclude such attacks in the future. In late 2010, Healinc implemented a Quality Assurance Program to specifically deal with call abandonment, despite significant improvements in call abandonment abatement. As of February 2011 abandoned calls dropped to 5.41 percent of calls received. Healinc continues pursue a zero call abandonment metric.

3. Equal access to interexchange carriers. (47 C.F.R. §64.604(b)(3)).³⁴

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.”

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

³⁴ Waived through July 1, 2011. *2010 MMS Waiver Extension Order*

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.”³⁵

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

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, regardless of location. 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 corporate relay centers are housed in commercial buildings that meet applicable codes for fire suppression. Multiple broadband facilities are used to provide diversity routing. Independent broadband facilities are connected directly to all CAs, supporting continued operations in the event of facility outages to any singular location.

Healinc maintains a checklist of items to ensure that each CA is properly equipped to provide compliant support. CAs must *inter alia* have the capability to physically secure work sites exclusively through a pass code locking device. Remote location CAs check in with the Manager on Duty who first verifies that the CA’s computer and the web cam positioning and photo-back ground will enable callers to receive quality video, and to ensure that each CA maintains a professional appearance and is prepared to begin serving callers. Healinc takes pride

³⁵ 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.