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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FILED/ACCEPTED

MAR 23 2011

Federal Communications Commission
Office of the Secretary

In the Matter of		
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CG Docket No. 03-123
Structure and Practices of the Video Relay Service Program	)	CG Docket No. 10-51

To: The Commission

CONVO COMMUNICATIONS, LLC PETITION FOR WAIVER

Pursuant to Section 1.3 of the Commission's Rules,[1] Convo Communications, LLC ("Convo") respectfully requests a limited waiver of the Federal Communications Commission ("Commission") rule that restricts direct access to the iTRS ENUM Database ("Database") to certified Internet-based TRS providers, 47 C.F.R. § 64.613(a)(3). Convo seeks this waiver to enable it to directly access the Database and benefit from guidance regarding the Database provided to certified providers by its administrator, thereby facilitating Convo's ability to continue to provide innovative video relay services ("VRS") and further the development of its VRS platform.[2]

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[1] 47 C.F.R. § 1.3.

[2] "Internet-based TRS" refers to both VRS and IP Relay. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Notice of Proposed Rulemaking, 25 FCC Rcd 13767, 13767 n.1 (2010).

I. BACKGROUND

Section 64.113(a)(3) of the Commission's Rules stipulates that "[o]nly the TRS Numbering Administrator and Internet-based TRS providers may access the TRS Numbering Directory."[3] The Database provides the critical translation between a VRS end user's 10-digit telephone number and the IP address of the end user's video device, enabling the VRS provider to initiate a connection with the appropriate video device.[4] Pursuant to Section 64.113(a)(3), the TRS Numbering Administrator, NeuStar, Inc. ("NeuStar"), restricts direct access to the Database to entities "authorized to receive compensation for VRS and/or IP Relay services from the Interstate TRS Fund."[5] Thus, NeuStar provides access to the Database to certified VRS providers, but does not provide access to non-certified VRS providers. Further, NeuStar has declined to discuss the operations of the Database with non-certified VRS providers or to issue non-certified VRS providers updates and other guidance regarding the Database that NeuStar provides to certified VRS companies in the normal course.

Convo is a company providing VRS that has applied for and is awaiting certification as a VRS provider eligible for direct reimbursement from the TRS Fund. Founded in March 2009, Convo is wholly owned by deaf individuals and has accepted no private equity or other institutional investment. Currently, Convo is the fifth largest provider of VRS services (including both certified and non-certified

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[3] 47 C.F.R. § 64.613(a)(3). The TRS Numbering Directory and the iTRS ENUM Database are the same database. *See* 47 C.F.R. § 64.601(25) ("TRS Numbering Directory" is "[t]he database administered by the TRS Numbering Administrator, the purpose of which is to map each Registered Internet-based TRS User's NANP telephone number to his or her end device.").

[4] NeuStar, Inc., iTRS ENUM Database, http://www.neustar.biz/services/other-numbering-services/itrs-enum-database (last visited Mar. 17, 2011) ("NeuStar iTRS ENUM Database"). More specifically, the Database links a Universal Resource Identifier ("URI") with an end-user's telephone number. The URI provides information regarding the protocol as well as the IP address of the end-user's video device. *Comments Sought on Purple Communications, Inc. Petition For Clarification or Waiver to Implement Call Forwarding Service for Internet-Based Telecommunications Relay Service Users*, Public Notice, 25 FCC Rcd 8578, 8578 & n.1 (2010).

[5] NeuStar iTRS ENUM Database, *supra* note 4.

providers) and provides VRS on a 24/7 basis, including FCC-compliant access to emergency services. It has more than 95 employees and operates call centers in Mobile, Alabama; Roseville and San Ramon, California; and Seattle, Washington. Convo also has developed industry leading fraud detection and prevention protocols, which resulted in significantly less than a tenth of one percent of its minutes being withheld from reimbursement between August and December 2010. It is committed to providing the hard-of-hearing impaired and deaf communities with the most efficient and convenient "natural VRS" experience, such that VRS calls that Convo facilitates are completely free of impediments from technology and/or the interpreter.

On October 30, 2009, Convo submitted to the Commission its application for certification as a VRS provider[6] to enable Convo to receive compensation directly from the interstate TRS Fund and directly to access the Database. Convo's application has been pending for nearly 17 months. Consequently, Convo presently receives compensation through Snap Telecommunications, Inc. ("Snap"), a certified VRS provider, and receives Database access through URrelay, a subcontractor of Communication Access Center for the Deaf and Hard of Hearing ("CAC"), a certified VRS provider. Using an intermediary such as URrelay, however, imposes substantial administrative and financial costs on Convo and hampers its ability to further develop differentiated and innovative VRS services and improve its automatic call distribution platform ("ACD").

II. REQUEST FOR WAIVER

Convo hereby requests a temporary waiver of Section 64.613(a)(3) of the Commission's rules, which limits direct access to the Database to certified VRS providers. Convo requests for such waiver to remain in place until the Commission acts on Convo's pending VRS certification application. Without a

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[6] Application of Convo Communications LLC for Certification as a Video Relay Service Provider, *Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123 (filed Oct. 29, 2009).

waiver of this rule, NeuStar will not provide Convo with direct access to the Database or technical guidance regarding its implementation. By waiving the rule, the Commission can relieve Convo of a portion of the extra expense and administrative burden, as well as the concomitant competitive disadvantage, caused by the fact that its VRS certification application has remained pending for an extended period of time. Further, such a waiver will enable the deaf and hard-of-hearing communities to benefit from the improved VRS offerings that Convo will be able to provide if Convo has access to the Database and related NeuStar resources, as well as the increased competition within the VRS industry that Convo will cause.

For "good cause," the Commission may waive "[a]ny provision of the rules."[7] To show good cause, a petitioner must demonstrate that (1) there are special circumstances warranting deviation from the general rule and (2) the waiver will serve the public interest.[8] For the reasons set forth below, Convo believes there is good cause for the Commission to grant the requested relief.

Convo's strong track record as a VRS provider along with the extended period in which its application has been pending qualifies as a special circumstance that warrants a deviation from the general application of Section 64.613(a)(3). As explained above, Convo quickly grew from a start-up company to an established and reputable provider of VRS services with a strong history of preventing fraud and abuse. It is now the fifth largest provider of VRS services and is larger than many certified VRS providers. In fact, the only significant difference between Convo and many of the VRS providers that have been certified by the Commission is that the Commission has not yet acted on Convo's VRS

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[7] 47 C.F.R. § 1.3.

[8] *See, e.g., Northeast Cellular Tel. Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *see also AT&T Corp. v. FCC*, 448 F.3d 426, 433 (D.C. Cir. 2006) ("A waiver is permissible 'where particular facts would make strict compliance inconsistent with the public interest.'" (quoting *Northeast Cellular Tel. Co.*, 897 F.2d at 1166)).

certification application even though it has been pending for nearly 17 months. By contrast, the Commission has historically acted on VRS certification applications in three to four months.[9]

Moreover, in limiting direct access to the Database, the Commission sought to maintain the "security" of the Database and to protect "the privacy of Internet-based TRS users."[10] Providing Convo with direct access to the Database will not undermine these objectives. Convo has the necessary processes and controls in place to address potential threats to the security of the Database and the privacy of end-user data. Moreover, Convo is committed to reviewing and updating its security procedures and technical safeguards to ensure the continued protection of such data.

In addition, providing Convo with direct access to the Database also will serve the public interest. Convo's direct access will benefit all VRS users by allowing Convo to further differentiate and improve its VRS service offerings through, for example, development of a proprietary ACD and thereby increase facilities-based competition in the VRS services market. Currently, without direct access and

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[9] *See, e.g., Notice of Certification of CSDVRS, LLC as a Provider of Video Relay Service (VRS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund,* Public Notice, 22 FCC Rcd 17014 (CGB 2007) (granting on September 21, 2007 a VRS certification application filed on July 16, 2007); *Notice of Certification of Hands on Video Relay Services, Inc., as a Provider of Internet Protocol Relay (IP Relay) and Video Relay Service (VRS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, Public Notice, 21 FCC Rcd 14766 (CGB 2006) (granting on December 22, 2006 a VRS certification application filed on October 4, 2006); *Notice of Certification of Healinc Telecom, LLC as a Provider of Video Relay Service (VRS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund,* Public Notice, 21 FCC Rcd 6486 (CGB 2006) (granting on June 9, 2006 a VRS certification application filed on February 22, 2006); *Notice of Certification of GoAmerica, Inc. as a Provider of Internet Protocol Relay (IP Relay) and Video Relay Service (VRS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, Public Notice, 21 FCC Rcd 6489 (CGB 2006) (granting on June 9, 2006 a VRS certification application filed on March 16, 2006); *Notice of Certification of SNAP Telecommunications, Inc. as a Provider of Video Relay Service (VRS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund,* Public Notice, 21 FCC Rcd 5511 (CGB 2006) (granting on May 8, 2006 a VRS certification application filed on January 25, 2006).

[10] *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591, 11616 ¶ 66 (2008).

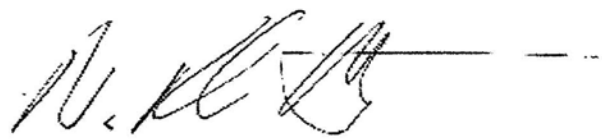
NeuStar's technical guidance, Convo is substantially hampered in its ability to further the development of its own ACD and therefore is forced to continue to license an ACD from a third party.

In light of the special circumstances surrounding Convo's pending VRS certification application and the public interest benefits of providing Convo with direct access to the Database, as well as access to guidance regarding NeuStar's administration of the Database, Convo respectfully requests the Commission to promptly grant the instant waiver request.

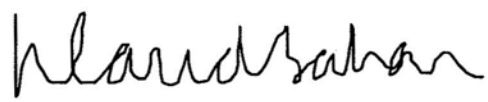
Respectfully submitted,

CONVO COMMUNICATIONS, LLC

By:



Robin Horwitz
Chief Executive Officer



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