REDACTED VERSION
FOR PUBLIC INSPECTION

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington DC 20554

In the Matter of	)	
	)	
Structure and Practices of the Video Relay Service Program	)	CG Docket No. 10-51
	)	

SIGNON: A SIGN LANGUAGE INTERPRETING RESOURCE, INC.
PETITION FOR WAIVER

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Dated: May 9, 2011

SUMMARY

SignOn is a privately-held, women-owned small business with a proven record of providing compliant, high-quality in-person sign language interpretation, video remote interpreting ("VRI"), coordination of access services for conferences and other events, interpreter training and management and video relay service ("VRS") call center management services. SignOn has been in business since 1997 providing primarily on-site community-based interpreting services. SignOn has only provided VRS services for the last eight years to a select few VRS providers in order to supplement their own call center services. Therefore, SignOn does not market itself as a VRS provider or conduct marketing for any of its Provide Partners. Rather, because a VRS Provider's staffing needs can fluctuate widely depending upon the time of day or day of the week, and as a result of seasonal variables, SignOn provides a critical interpreting function to its Provider Partners by facilitating their ability to meet peak fluctuations.

The Commission may grant waiver of its rules for good cause where "the particular facts make strict compliance inconsistent with the public interest." Good cause for a waiver exists in this case. SignOn is not a "white label" VRS provider that the Commission intended to address in implementing its new rules. SignOn already complies with the Commission's non-certification requirements including interpreter training and qualification, call handling and call center management. SignOn maintains a Commission-compliant call center with secure access, direct supervision of interpreters, back-up power and system redundancy, the ability to handle 9-1-1 calls and procedures to ensure the privacy of VRS sessions. SignOn also intends to comply with the Commission's final certification rules within 30 days after they become effective. Finally, to the extent SignOn's contracts with its Provider Partners provide for a per-minute compensation arrangement, SignOn will, within 30 days after filing this Petition, renegotiate its contracts to require a per-station-hour payment structure.

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SignOn: A Sign Language Interpreting Resource, Inc. ("SignOn" or the "Company"), through undersigned counsel, pursuant to Rule 1.3 of the Federal Communications Commission's ("Commission") rules,[1] and the Commission's April 6, 2011 Report and Order[2] in this docket, hereby respectfully requests a waiver of the requirements of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules. For the reasons set forth herein, grant of this waiver is in the public interest.

In support of its Petition, SignOn states as follows:

I. BACKGROUND

SignOn is a privately-held, women-owned small business with a proven record of providing compliant, high-quality in-person sign language interpretation, video remote interpreting ("VRI"), coordination of access services for conferences and other events, interpreter training and management and video relay service ("VRS") call center management services. SignOn has been in operation for thirteen years and has provided VRS services since 2003. SignOn has been the VRS subcontractor for three major VRS providers, receiving positive feedback from each for its high-quality, consistent services. SignOn was one of the first call centers to work with CSDVRS, LLC in its infancy, growing with the company until it changed its business model in 2007 and transformed

[1] 47 C.F.R. § 1.3.
[2] *In the Matter of Structure and Practices of the Video Relay Services*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 10-51, 26 FCC Rcd. 5545, at ¶ 63 (2011) ("*VRS Report and Order*").

itself into ZVRS. Except for a brief period in 2010, SignOn has also worked with Purple Communications Inc. ("Purple Communications") since 2007, and has participated in Purple Communications' compliance training. Finally, SignOn has been working with Convo Communications, Inc. ("Convo") since the early stages of its development in January 2010, providing Convo with consistent, experienced call center interpreters.

SignOn's call center management contract with each VRS Provider includes explicit, strict boundaries on the role and function of the call center. These contracts require that call center staff and interpreters be in compliance with those portions of the Commission's rules that pertain to interpreter qualification,[3] interpreter training,[4] call handling,[5] average speed of answer[6] and call center management.[7] The contracts also specify that SignOn will comply with all Commission rules, including the rules governing qualification of interpreters, and adhere to the Provider Partner's policies and procedures regarding call center management. Finally, the contracts specify that the certified VRS Provider Partner's role is to comply with non-call center management requirements related to the technological platform, customer interface, policies and procedures, technical support and customer service handling of complaints, reporting, billing and interactions with the Commission.

Since 2003, SignOn has consistently operated a successful business with a creative model emphasizing quality and sustainability. SignOn has operated its call center completely within the Commission's guidelines in the same manner as any certified VRS center would operate. SignOn's management has elected to concentrate the company's efforts and resources on the provision of excellent, consistent, and accurate sign language interpreting. Partnering with an already certificated VRS Provider Partner is an efficient and cost-effective way for companies to deepen their capacity in an affordable and scalable way while allowing a small business, such as SignOn, to

[3] 47 C.F.R. § 64.604(a)(iv).
[4] 47 C.F.R. § 64.604(a)(i).
[5] 47 C.F.R. § 64.604(a)(2)-(4).
[6] 47 C.F.R. § 64.604(b)(2).
[7] 47 C.F.R. § 64.604(a), (b).

concentrate on its niche expertise without the capital intensive aspects required in achieving full Commission certification.

SignOn's unique interpreting model includes a combination of community-based interpreting, VRS and VRI. In 2010, SignOn provided 14,072 hours of on-site community interpreting and processed 9,705 hours of video interpreting, including VRI. SignOn utilizes this unique model for several reasons. First, a concern frequently expressed by the Deaf community and reiterated in recent comments filed with the Commission,[8] is the availability of qualified interpreters within the community. Providing interpreters a mix of community and video work enables SignOn to utilize skilled interpreters in its video call center while ensuring the continuing availability of highly skilled certified interpreters to the community for pre-scheduled and emergency onsite services. The State of Washington's Department of Social and Health Services is one of SignOn's major customers. The company also provides 24/7 legal interpreting services to Seattle/King County Police Departments. Second, the combination of community and video work promotes the continued health and sustainability of SignOn's workforce. There is ongoing research and growing evidence regarding the increased risk of fatigue and physical injury related to ongoing video remote interpreting. SignOn provides its interpreters alternating shifts in VRI and VRS offset by on-site community-based interpreting. This alternating work schedule allows the interpreters to have ongoing video work to maintain a high level of VRS skill, while also providing a necessary physical break and ergonomic change to avoid repetitive strain injury. Third, interpreters continue to develop their interpreter relationships with deaf people living in the local area. This continued contact, in turn, assures the interpreters keep their roots in the deaf community, providing a cultural sensitivity which is an essential component of interpreter development and, something the deaf community appreciates as well. Fourth, combining video and community work allows interpreters greater flexibility. As VRS

[8] *See* Letter from René G. Pellerin to Marlene H. Dortch, Secretary, FCC, CG Docket No. 10-51 (filed May 2, 2011).

call volume and/or community need fluctuates, SignOn can efficiently schedule interpreters to meet the need of its various customers, be that interpreting in the community or responding to VRS calls.

SignOn operates an administrative office that handles all scheduling, billing and management functions separate from its call center operations. The Company has twenty certified employee interpreters and ten administrative and management staff. Many of SignOn's administrative staff are certified interpreters or are deaf/hard of hearing and, SignOn's owners are all certified or former interpreters each with over twenty years of experience in working with deaf people. However, these individuals do not simultaneous perform interpreting and administrative functions. In that way, SignOn's interpreters can focus on developing and utilizing their skills as interpreters while the rest of the staff manages all administrative tasks for the Company.

SignOn encourages and is actively involved in ongoing professional development and mentoring programs for newer interpreters. The Company offers workshops and training for all employees and also offers internship programs for soon-to-graduate students in interpreter training programs. The Company's management also believes in and supports the long-term professional growth and career opportunities of its interpreters and other employees. SignOn is one of the few interpreter companies that offers both full and part-time employment, health and dental plans, paid time off, retirement plans, and a host of other benefits to its employees.

II. REQUEST FOR WAIVER

The Commission may waive its rules for good cause shown.[9] The Commission may exercise its discretion to waive a rule when the "the particular facts make strict compliance inconsistent with the public interest."[10] In deciding whether to grant a waiver, the Commission may take into consideration hardship, equity or more effective implementation of overall policy on an individual

[9] 47 C.F.R. § 1.3.
[10] *Northeast Cellular Tel. C. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *Verizon Communications Inc. Petition for Waiver of Section 54.802(a) of the Commission's Rules*, Order, 21 FCC Rcd. 10155, ¶ 6 (2006).

basis.[11] In this case, the Commission explicitly stated that it will consider petitions for temporary waiver of the new rules to enable entities that are currently providing VRS services to continue to do so until such time as they can obtain certification under new procedures adopted by the Commission.[12]

SignOn requests a waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules, which prohibits VRS providers from contracting with third-party call centers for interpretation services or call center functions unless that authorized third party is also an eligible provider. The genesis of these rules is the existence of so-called "white label" VRS providers that independently market or offer VRS services under their own names[13] or facilitate an eligible provider's ability to market its services under a variety of brand names and websites.[14] As demonstrated herein, SignOn does not fall into either of these categories. Rather, SignOn's primary business is to provide on-site community interpreter and VRI services within its community, which is complimented by video interpreter services provided to its Provider Partners. Nonetheless, SignOn intends to comply with the Commission's new rules and obtain VRS certification within 30 days following the effective date of new certification rules.

Waiver of the requirements in Section 64.604(c)(5)(iii)(N)(1)(iii) in SignOn's case is in the public interest and does not undermine the Commission's goals to stem VRS fraud and abuse, promote efficient provision of VRS services, enforce safeguards for call centers and prevent improper revenue sharing arrangements. In fact, it is in the public interest to allow VRS providers to contract with reputable, efficient interpreting call centers in order to have appropriate staff available to respond to the normal fluctuation of call volumes handled by their own existing centers. The Commission's rules require providers to have an appropriate level of staff available to reduce wait

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[11] *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.
[12] *VRS Report and Order*, at ¶ 62.
[13] *VRS Report and Order*, at ¶ 48. *See also In the Matter of Structure and Practices of the Video Relay Service Program*, Declaratory Ruling and Notice of Proposed Rulemaking, CG Docket No. 10-51, 25 FCC Rcd. 6012, at ¶ 45 (2010) ("*VRS Declaratory Ruling*").
[14] *VRS Report and Order*, at ¶ 48; *VRS Declaratory Ruling*, 25 FCC Rcd. 6012, at ¶ 46.

times for VRS callers.[15] A VRS Provider's staffing needs can fluctuate widely depending upon the time of day or day of the week, and as a result of seasonal variables. If VRS providers are unable to contract with third-party call centers, such as SignOn, to address these volume fluctuations, VRS providers will be required to maintain personnel and facilities at all times to meet peak volumes. This situation will increase the cost of VRS services and severely limit the availability of interpreters to provide interpreting services in the community.

In support of its Petition for Waiver and in accordance with the Commission's Report and Order, SignOn is providing information regarding its plan and ability to come into compliance with the Commission's rules and its plan for obtaining certification when the Commission's new certification rules take effect.

A. Plan to Come into Compliance with the Commission's Non-Certification Requirements.

1. Plan for Modifying Business Structure and Operations.

As discussed, SignOn already complies with a number of the Commission's non-certification requirements for VRS providers. SignOn employs Registry of Interpreters for the Deaf ("RID") certified and VRS trained and qualified interpreters to ensure that each interpreter is sufficiently trained and possesses the skills necessary to provide effective, accurate and impartial VRS services to individuals with hearing and speech disabilities. SignOn also complies with the Commission's requirements regarding call handling, speed of answer and other VRS functions. SignOn's training staff work closely with each VRS Provider Partner on their company-specific protocols. Training modules are provided by each Provider and SignOn interpreters undergo training on utilizing each platform and adhering to strict call handling procedures for that provider. Stations are equipped with Partner-specific scripts and "At-a-Glance" information on call handling. SignOn is constantly connected with each Provider Partner via a computer queue should there be any technical issues or calls requiring special processing. SignOn reports all concerns and complaints to its Provider

[15] 47 C.F.R. §64.604(b)(2)(i).

Partner(s) for follow up using the format provided by that Provider. While each Provider Partner has its unique branding and customer service protocols, all have had clear and consistent requirements on what calls are allowable and how to adhere to Commission requirements.

The *VRS Declaratory Ruling* expressed concern regarding the proliferation of "white label" VRS providers.[16] SignOn does not independently market or offer VRS services under its name or SignOn brand, nor does it contract with any other VRS provider for marketing or branding purposes. SignOn does not hold itself out to the public as a VRS provider. Rather, SignOn provides its video interpreting services exclusively through contracts with certificated VRS providers and primarily as a supplement to those providers' own VRS services during peak or unusual traffic periods.

SignOn has intentionally partnered with reputable VRS partners who possess the technical expertise and telecommunication platforms required to meet those aspects of the Commission's mandatory minimum standards. The Commission recognized in its Notice of Inquiry in this proceeding that the VRS industry is made up of various components and raised the question whether vertical integration was necessary.[17] In that regard, as an Independent Interpreter Call Center, SignOn has chosen to focus its business around providing excellent, accurate sign language interpreting, both within the community and for VRS services, instead of developing an ACD, major marketing strategies, or other elements necessary to seek certification as a VRS provider. Nonetheless, SignOn operates a fully functional, Commission-compliant call center with:

- Direct supervision of interpreters. SignOn has both a call center manager and an interpreter supervisor. Both individuals are experienced VRS communications assistants ("CA's") and RID-certified interpreters. They assure each interpreter receives comprehensive training in compliance with Commission rules and VRS provider guidelines. They oversee the call center, provide additional training, supervise staff, respond to emergencies, and generally oversee the smooth operation of the call center.
- Back-up power and system redundancy. All routers, switches, network equipment and work stations within the call center are equipped with a battery backup, Uninterrupted Power Supply (UPS) unit.

[16] *VRS Declaratory Ruling*, 25 FCC Rcd. 6012, at ¶ 46.
[17] *In the Matter of Structure and Practices of the Video Relay Service Program*, Notice of Inquiry, CG Docket No. 10-51, 25 FCC Rcd. 8597, at ¶ 32 (2010) ("*VRS NOI*").

- Ability to handle 911 calls. SignOn schedules its call center such that it always has at least two qualified interpreters available should it receive a 911 or emergency call requiring additional support. SignOn participates in all 911 training offered by its VRS providers.
- Confidentiality, reliability, safety, and service quality. The SignOn call center is located in a locked room that can only be accessed by working CAs and the people who supervise them. SignOn's administrative offices are across the hall from the call center. The SignOn call center and offices are located in a safe business district located in Seattle, Washington. Each station is contained in a private cubicle, with the computer monitor display set up adjacent to the doorway and the CA facing the doorway. This configuration maintains privacy for each call, hiding the video session from plain view of other employees. All of SignOn's interpreters are RID-certified and then undergo a thorough screening process (including a state background check) by SignOn's HR department and supervisor of interpreters. In addition, one of SignOn's VRS partners requires additional screening of the interpreters that will provide service to its customers to assure brand consistency and quality.

SignOn's current contractual agreements with Purple Communications and Convo are based on a per-billable-minute pricing structure. SignOn's staff of RID-certified and VRS-trained interpreters have always been paid for their work on a per-hour basis whether they are providing video or onsite interpreting. SignOn has never given its interpreters additional compensation, benefits or other incentives based upon the number of VRS minutes handled. Nonetheless, while SignOn's pricing and compensation structure has never been seen as an incentive for fraud and abuse on its part, SignOn will, within 30 days of filing this Petition, re-negotiate this portion of its contract and require payment on a per-station-hour model.

2. Additional Information in Support of Waiver.

Pursuant to the Commission's order, SignOn provides the following additional information to demonstrate its plan and ability to come into compliance with the new rules:

(1) attached hereto as Exhibit 1 is a copy of SignOn's lease of its call center;

(2) attached hereto as Exhibit 2 is a list of the individuals that hold a ten percent or greater equity interest in SignOn and the officers of SignOn;

(3) attached hereto as Exhibit 3 is a list of SignOn's full-time and part-time employees;[18]

[18] The Commission also requested copies of employee agreements for the providers' executives and CAs. SignOn does not have employment agreements for its employees and is, therefore, not providing this information.

(4) attached hereto as Exhibit 4 is information regarding the purchase, leasing and licensing of equipment and technologies SignOn currently uses for its call center functions, including call distribution, routing, call setup, mapping, call features, billing for compensation from the Fund and user registration; and

(5) attached hereto as Exhibit 5 is a list of financing arrangements pertaining to the provision of VRS, including documentation for financing of equipment, inventory, and other property.

SignOn is providing the information in Exhibit 1 through Exhibit 5 under seal and pursuant to a request for confidential treatment.

B. Plan to File for Certification When the Commission's New Certification Rules Become Effective.

SignOn believes that as the Commission considers the comments filed in response to its NPRM, it will become clear that there is a place for certification or registration of VRS Call Centers in order to allow companies to focus on their core competencies while at the same time giving the Commission oversight over providers of all aspects of VRS. SignOn intends to apply for this type of certification within thirty days after the Commission's final certification rules become effective.

III. CONCLUSION

For the forgoing reasons, SignOn respectfully requests the Commission grant SignOn a temporary waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules until such time as SignOn can come into compliance with the Commission's VRS certification requirements. As described herein, there is good cause to grant SignOn the requested waiver as a strict application of the requirements of Section 64.604 to SignOn would be inconsistent with the public interest.

Respectfully Submitted,

/s/

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Exhibit 1

Copy of Lease of Call Center

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Exhibit 2

Individuals Holding 10% or Greater Equity Interest in SignOn

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Exhibit 3

List of SignOn's Full-Time and Part-Time Employees

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Exhibit 4

Information regarding Equipment Purchases, Leases and Licenses

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Exhibit 5

Financing Arrangements

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