

May 13, 2011

*Via ECFS*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Attention: Greg Hlibock, Chief, Disability Rights Office

**Re: Gallaudet University  
Petition for Temporary Rule Waiver - 10-51-10  
CG Docket No. 10-51**

Frederick M. Joyce

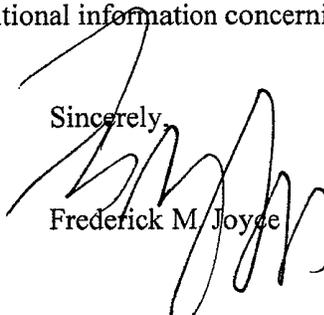
T 202-344-4653  
F 202.344.8300  
rjoyce@venable.com

Dear Ms. Dortch:

Transmitted herewith on behalf of Gallaudet University ("GU"), pursuant to Section 1.3 of the Commission's Rules and procedures adopted in CG Docket No. 10-51, please find the public, redacted version of GU's Petition for Temporary Waiver (the "Petition") of the Rules adopted in the Commission's *Report and Order and Further Notice of Proposed Rulemaking* in the above-referenced proceeding, FCC 11-54 (rel. April 6, 2011). Concurrently herewith, Pursuant to GU is filing the unredacted Petition through the Secretary's Office, along with a request for confidential treatment pursuant to Section 0.459 of the Commission's Rules, 47 C.F.R. § 0.459.

If you have any questions or require additional information concerning this filing, kindly contact the undersigned counsel for GU.

Sincerely,

  
Frederick M. Joyce

Enclos.  
cc: Service List

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
 )  
Gallaudet University and the )  
Structure and Practices of the )  
Video Relay Service Program )

To: Greg Hlibok, Chief, Disability Rights Office

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**PETITION FOR TEMPORARY RULE WAIVER**

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**EXPEDITED ACTION REQUESTED**

Frederick M. Joyce  
Attorney to Gallaudet University

VENABLE LLP  
575 7<sup>th</sup> Street, N.W.  
Washington, DC 20004  
Tel.: (202) 344-4653

May 13, 2011

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## EXECUTIVE SUMMARY

Beginning in 2003, Gallaudet University began providing VRS interpreting services to Sorenson Communications, Inc. (“Sorenson”) and soon thereafter created a VRS interpreting center on-campus, managed and operated by Gallaudet University. Sorenson Communications, an eligible provider of VRS services certified by the State of Utah, provides VRS technical and operational services and support, including licensing its VRS systems, managing all call intake, routing of interpreted calls, including to 911, seeking compensation for the VRS service provided, and ensuring that only proper minutes are submitted for compensation. Gallaudet has not marketed VRS services under its name, and does not receive VRS calls for interpreting except through Sorenson’s call queue. As contemplated by the Commission in its *Order*, Gallaudet University wishes to continue to provide VRS interpreting services, and will seek to be certified as an eligible VRS provider in order to do so; however, Gallaudet will need "additional time to make adjustments to [its] operations in order to come into compliance with the new requirements adopted in this *Order*." *See Order* at ¶ 62. In particular, the rules under which Gallaudet could become an eligible provider have not yet been adopted by the FCC. Accordingly, in accordance with Paragraphs 62 and 63 of the Commission’s *Order*, Gallaudet University requests a Temporary Waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) in order to permit it to continue to provide interpreting services to Sorenson until such time as Gallaudet can be certified as a VRS provider.

Gallaudet currently receives considerable revenues for its interpreting center, all of which are used for the University's educational and training programs. Without this revenue, Gallaudet would be operating at a loss and have no readily available means of closing that budget gap. Moreover, Gallaudet employs over 100 full and part time interpreters. If the FCC does not act

on this Temporary Waiver request before June 1, because Sorenson would no longer be permitted to obtain interpreting services from Gallaudet, an entity not certified as a VRS provider, Gallaudet would be required to shut down its interpreting center on the Effective Date of the new rules, June 1, forego these critical revenues, and furlough all of these employees. For these and other reasons stated herein, a grant of this Temporary Waiver would assuredly be in the public interest and would be in furtherance of the policy goals and statutory objectives the FCC sought to promote in its *Order*.

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
 )  
Gallaudet University and the ) CG Docket No. 10-51  
Structure and Practices of the ) Application No. \_\_\_\_\_  
Video Relay Service Program )

To: Greg Hlibok, Chief, Disability Rights Office

**PETITION FOR TEMPORARY RULE WAIVER**

Gallaudet University, through its attorneys and pursuant to Section 1.3 of the Commission’s rules<sup>1</sup> and Paragraphs 62 and 63 of the Commission’s *Report and Order and Further Notice of Proposed Rulemaking* adopted April 5, 2011 (the “*Order*”),<sup>2</sup> hereby requests a "Temporary Waiver" of 47 C.F.R. 64.604(c)(5)(iii)(N)(1)(iii), which takes effect June 1, 2011, until such time as Gallaudet can become a certified "eligible provider" of VRS under the FCC's new certification rules.

**In light of the looming deadline for the new rules to become effective (June 1), it is respectfully requested that the FCC act on this waiver on an Expedited Basis.** Gallaudet currently receives considerable revenues for its interpreting center, all of which are used for the University's educational and training programs. Without this revenue, Gallaudet would be operating at a loss and have no readily available means of closing that budget gap. Moreover, Gallaudet employs over 100 full and part time interpreters. If the FCC does not act on this

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<sup>1</sup> 47 C.F.R. §1.3.

<sup>2</sup> Report and Order and Further Notice Of Proposed Rulemaking, In the Matter of Structure and Practices of the Video Relay Service, Adopted: April 5, 2011, Released: April 6, 2011, *available at* [http://www.fcc.gov/Daily\\_Releases/Daily\\_Business/2011/db0406/FCC-11-54A1.pdf](http://www.fcc.gov/Daily_Releases/Daily_Business/2011/db0406/FCC-11-54A1.pdf).

Temporary Waiver request before June 1, Sorenson Communications Inc. (“Sorenson”) will stop routing VRS calls to Gallaudet’s center for interpreting and Gallaudet would be required to shut down its interpreting center on the Effective Date of the new rules, June 1, forego these critical revenues, and furlough many of these employees. For these and other reasons stated herein, a grant of this Temporary Waiver would assuredly be in the public interest and would be in furtherance of the policy goals and statutory objectives the FCC sought to promote in its *Order*.

**I. Gallaudet's General Qualifications**

Beginning in 2003, Gallaudet University began providing VRS interpreting services to Sorenson, and soon thereafter created a VRS interpreting center on-campus, managed and operated by Gallaudet University. Sorenson Communications, an eligible provider of VRS certified by the State of Utah, provides VRS technical and operational services and support, including licensing its VRS systems, managing all call intake, routing of interpreted calls, including to 911, seeking compensation for the VRS service provided, and ensuring that only proper minutes are submitted for compensation. Gallaudet has not marketed VRS services under its name, and does not receive VRS calls for interpreting except through Sorenson’s call queue. As contemplated by the Commission in its *Order*, Gallaudet University wishes to continue to provide VRS interpreting services and will seek to be certified as an eligible provider in order to do so; however, Gallaudet will need "additional time to make adjustments to [its] operations in order to come into compliance with the new requirements adopted in this *Order*." *See Order* at ¶ 62. In particular, the rules under which Gallaudet could become an eligible provider have not yet been adopted by the FCC.

Gallaudet University is the world’s only university in which all programs and services are specifically designed to accommodate deaf and hard of hearing students. The University was

founded in 1864 by an Act of Congress; its federal charter was signed by President Abraham Lincoln. Gallaudet University's mission is to be a bi-lingual and diverse institution of higher education that ensures the intellectual and professional advancement of deaf and hard of hearing individuals through American Sign Language and English. The University aims to prepare its graduates for careers in a competitive, technological, and rapidly changing world. Research is also a key component of Gallaudet University's mission as a university. The University is the world's premier higher education institution serving deaf and hard of hearing people, aiming to become the leading international resource for research, innovation and outreach related to deaf and hard of hearing people.

Gallaudet Interpreting Service ("GIS") is a department within Gallaudet University that provides interpreting services on campus, including the operation of a VRS interpreting center. GIS manages and operates Gallaudet's VRS interpreting center; all of GIS' employees are Gallaudet employees. To our knowledge, there are no other not-for-profit educational institutions in the United States that offer VRS interpreting services to interested persons. VRS allows deaf and hard of hearing colleagues, family and friends to conduct business or stay in touch through the Internet at no cost to the user. Gallaudet's interpreting center follows and honors all currently applicable FCC rules and requirements for VRS.

## **II. Standard For Review**

A waiver of the Commission's Rules is appropriate where good cause can be shown.<sup>3</sup>  
The Commission can exercise its discretion to waive a rule where the facts and circumstances of

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<sup>3</sup> 47 C.F.R. §1.3.

a particular case make strict compliance inconsistent with the public interest.<sup>4</sup> Such waiver of the Commission's rules is appropriate where special circumstances merit a deviation from the general rule, and where that deviation will serve the public interest.<sup>5</sup> The Commission's discretion to waive a rule in difficult situations is essential to "the existence of a safety valve procedure for consideration of an application for exemption based on special circumstances."<sup>6</sup>

In addition to these general standards for grant of a waiver request, the Commission set forth in Paragraph 62 of its *Order* the following specific standards for review of Temporary Waiver requests: An entity requesting a waiver of the rules adopted in the *Order* must show that (1) the waiver is in the public interest; (2) the grant of the waiver request will not undermine the purposes of the newly adopted rules; and (3) the entity seeking the waiver will come into compliance with those rules within a short period of time.<sup>7</sup> Gallaudet University easily complies with all of these requirements.

### **III. A Temporary Waiver is Appropriate.**

In the *Order*, the Commission recognized that changing the rules related to VRS would in certain cases require some entities providing VRS or components of VRS through an arrangement with an eligible provider to obtain a temporary rule waiver in order to make adjustments to their operations to come into compliance with the new requirements. *See Order* at ¶ 62. The Commission stated that it would grant such waivers where certain conditions were met. The FCC requires applicants to "provide, in writing, a description of the specific

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<sup>4</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("*Northeast Cellular*"); *see also WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

<sup>5</sup> *Northeast Cellular*, 897 F.2d at 1166.

<sup>6</sup> *Id.* at 1157.

<sup>7</sup> *Supra* note 2, ¶62.

requirement(s) for which it is seeking a waiver, along with documentation demonstrating the applicant's plan and ability to come into compliance with all of those requirements (other than the certification requirement) within ... three months" of the Effective Date of the new rules.

*Order* at ¶63.

Gallaudet University respectfully submits that these requirements are readily met in its case, as explained herein. In addition, Gallaudet herewith submits the "relevant documentation" that the FCC requires in support of this waiver request: (1) a copy of the property lease for the land upon which Gallaudet's VIS interpreting center is location; (2) a description of Gallaudet's University's not-for-profit ownership structure and charter; (3) a list of the GIS' full time and part time employee's; (4) proofs of license agreements for the use of equipment and/or technologies that Gallaudet uses in its VRS interpreting center; (5) copies of employment manuals and forms for VRS interpreters; and (6) a description of Gallaudet University's financial status. Gallaudet does not have any "financing arrangements" with anyone for the provision of VRS interpreting services; hence, category (6) as set forth in the *Order* at ¶ 63 does not apply to this waiver request. In addition, Gallaudet University will file for VRS certification within 30 days after the FCC's final certification rules become effective, which is another pre-condition to the grant of a Temporary Waiver. *Order* at ¶ 63.

**A. Specific Requirements that need a Waiver**

Gallaudet's regulatory status under the FCC's new VRS rules may be unique among sub-contractors in that, with the exception of the VRS certification requirement, Gallaudet may already be in compliance with all or most of the new VRS regulations that were adopted in the *Order*, with the exception of being certified by a state or the FCC as an "eligible provider" of VRS interpreting services. Since Gallaudet is not at present a certified or registered VRS

provider, it is seeking a temporary waiver of FCC Rule 64.604(c)(5)(iii)(N)(1)(iii), until such time as it can become certified as an "eligible provider" of VRS under the new rules. Since the District of Columbia Public Service Commission does not regulate or certify VRS providers, the only way that Gallaudet will be able to become an eligible "provider" will be under the FCC's new VRS certification rules and procedures when they are adopted.

In all other respects explained in detail below, Gallaudet is already able to honor the FCC's VRS rules, either through its own facilities and employees, or through existing contractual arrangements that are in place with an eligible VRS provider, Sorenson Communications. Consequently, Gallaudet will not need to "modify" its operating structure or interpreting operations in any way in order to continue providing VRS interpreting services in compliance with the FCC's new rules.

**B. Gallaudet University's Plan and Ability to come into Compliance With the New Rules Within a Short Period of Time**

The *Order* states that anyone seeking a Temporary Waiver must submit "[e]vidence of the applicant's plan and ability to come into compliance with the new rules [which] shall include the applicant's detailed plan for modifying its business structure and operations in order to meet the new requirements ...." *Order* at ¶ 63. Waiver applicants must also submit to the FCC relevant documents to support that request. Gallaudet meets all of these requirements.

1. Gallaudet's Proposed Structure for Providing VRS Interpreting Services

In order to answer the FCC's question regarding the prospective "business structure and operations that will meet the new requirements," it is helpful to consider how Gallaudet has been providing VRS interpreting services to date. For one thing, Gallaudet is of course not a

"business," it is a not-for-profit educational institution, operating under a Congressional charter, with a core mission of promoting programs and services for the deaf and hard of hearing.

Gallaudet began a trial program for VRS interpreting services on its campus in 2003, in part to determine whether providing those services would be consistent with the University's mission. Gallaudet Interpreting Service contracted with Sorenson Communications, a state-certified VRS provider, to provide VRS interpreting services to Sorenson on a trial basis. The GIS/VRS interpreting center was housed right on Gallaudet's campus, where it remains to this day. A copy of the relevant deed for the campus property where this VRS interpreting center is located is attached hereto as **Attachment A**, as required by the *Order*.

The University was interested in providing interpreting services for two reasons. The first reason was its ability to play a role in the nationwide VRS program, which had the potential to improve communications for Gallaudet's deaf students, employees and graduates. The second reason was that Gallaudet was in the process of developing an undergraduate major in Interpreting; the University believed that VRS would be an important component of interpreting in the future. Having a working relationship with an eligible VRS provider like Sorenson gave interpreting students real world exposure to this emerging concept.

These educational and assistance goals have been achieved; the VRS interpreting center at Gallaudet proved to be a great success and a model of its kind. Throughout the long history of the GIS VRS interpreting center, Gallaudet has continuously provided a high quality of interpreting services nationwide, while continuing to provide a venue for qualified students to gain real world experience in interpreting, and, to earn very decent wages while working at Gallaudet. This opportunity for qualified students enables them to pay tuition while earning

higher degrees at the Bachelor's, Master's and Doctorate levels; thus contributing to the success of tomorrow's leaders and teachers in the interpreting profession.

Because of the unique organizational mission of Gallaudet, educating deaf individuals from around the nation and world, there is also a critical mass of world class interpreters located in the nearby Greater Washington Metropolitan area who are working through GIS. Their skill sets are developed from working with international, highly educated and deaf-blind individuals.

To this day, GIS hires, manages and assists in the training of all of its interpreters at its interpreting center, to ensure strict compliance with the applicable FCC rules and TRS obligations. In the spirit of a leading educational institution, Gallaudet also establishes and enforces its own, additional standards for hiring, management, training and other workplace practices that are designed to ensure that Gallaudet will remain at the forefront of best practices and services for VRS callers and interpreters. Some of Gallaudet's leading operational practices include such things as flexible break times for VRS interpreters, professional development opportunities and continuing research and investigation of additional best practices such as piloting the employment of Certified Deaf Interpreters in VRS settings.

While Gallaudet's VRS interpreting center represents a very small percentage of the annual VRS call traffic handled throughout the United States, and is only one of over a hundred centers used by Sorenson (the rest of which are directly operated and managed by Sorenson), the revenues generated by this important service are essential to the fulfillment of Gallaudet's educational, service and professional training mission for the deaf and hard of hearing. Without these annual revenues, Gallaudet would not be able to cover its annual expenses; it would need to somehow find other financial sources (a daunting proposition in these austere economic times) or cut back on educational programs. Hence, the continued operation of the GIS VRS

interpreting center is truly a critical requirement for Gallaudet University, its students and educators.

Moreover, the fact that Gallaudet anticipates limiting its functions to interpreting should not present any concerns; in fact, it reduces the potential for program integrity concerns. Gallaudet would continue to receive calls through Sorenson's automatic call distribution system, either originated from or destined to Sorenson users. Sorenson's automatic call distribution system distributes calls in order to any of the Sorenson call centers in North America, including Gallaudet. Thus, no Gallaudet affiliated person can be sure that his or her call will be handled by the Gallaudet interpreting center. This substantially limits any incentive or ability to inflate Gallaudet's revenue by placing or extending calls that otherwise would not have been made.

For purposes of reviewing this Temporary Waiver request and Gallaudet's qualifications, the FCC has asked for a list of Gallaudet's executives, officers, board members, and holders of 10% or more equity. *Order* at ¶ 63. Since it is a privately run, Congressionally chartered, not-for-profit educational institution, some of the FCC's questions for Temporary Waiver applicants, such as providing a list of individuals or entities that hold at least a 10 percent equity interest in the applicant, do not apply to Gallaudet. Gallaudet has a very active and highly regarded Board of Directors, consisting of several Members of Congress and other well-known public individuals; its Executive Officers are also highly regarded individuals with years of experience in higher learning and in programs for the deaf and hard of hearing. Going forward, the VRS interpreting center would continue to be operated under the ultimate authority of this esteemed governing body. A list of the Officers and Directors of Gallaudet University is attached hereto as **Attachment B**, as required by the *Order*.

Gallaudet's full-time officers, directors and employees who were largely responsible for establishing the VRS interpreting center on campus will continue to manage and operate the VRS interpreting center once the FCC's new rules become effective. These individuals, and the employees who work under them in Gallaudet's VRS interpreting center, are identified in **Attachment C**, as required by the *Order*. Included in that Attachment is a GIS Organizational Structure chart and detailed information regarding the GIS management team for Gallaudet's VRS interpreting center. Some of these individuals have worked with Gallaudet's VRS interpreting center since its inception. They will continue to be responsible for hiring, training and supervising all call center Communications Assistant ("CAs") and other GIS personnel, including full-time, part-time and contract employees. These are Gallaudet employees; Gallaudet will continue to be responsible for their payroll, benefits, workplace policies, training, and any other employee requirements that will ensure that this VRS interpreting center continues to operate in complete compliance with the FCC's rules.

The FCC has asked for "copies of employment agreements for the provider's executives and CAs" to be submitted with any Temporary Waiver request. Gallaudet does not use any such agreements for its employees; it does, however, require its Communications Assistants/Video Interpreters to sign an Acknowledgment Form, whereby they agree in writing to honor all FCC regulations, and, to adhere to the NAD-RID Code of Professional Conduct. A representative copy of this Acknowledgment Form is attached hereto as **Attachment D**. In addition, attached thereto are excerpts from the GIS Staff Handbook, stating Gallaudet's mission and expectations which all GIS/VRS employees are expected to honor.

Based in part on the continued operation of its VRS interpreting center, Gallaudet is a financially solvent educational institution. Attached hereto as **Attachment E** are current

Financial Statements for Gallaudet. Without a grant of this Temporary Waiver, Gallaudet will face immediate financial concerns due to the absence of VRS interpreting revenues.

2. Technical Support

Sorenson will continue to provide the following VRS Technologies and Products to Gallaudet University for the GIS interpreting center under a Product License agreement: videophone appliances; videoconferencing software; VRS server and data center; videophone directories; call monitoring; intelligent call routing; and VRS client software. Attached to the Redacted Version of this Petition for Temporary Waiver as **Attachment F**, is a confidential copy of this License Agreement, submitted under seal. Sorenson will also continue to provide PCs, product, installation, technical, and customer support, and training. Finally, Sorenson will continue to provide required accounting for billing and VRS reimbursement, as well as reviewing performance and procedures to ensure that the VRS interpreting services being provided by Gallaudet continue to meet the FCC's minimum standards.

3. Regulatory Compliance

Following a grant of its Temporary Waiver, and, upon receipt of an FCC authorization to be an eligible VRS provider, Gallaudet, working with Sorenson, shall continue to remain in compliance with all applicable FCC rules and regulations with respect to VRS.

4. Filing for VRS Certification

The FCC has determined that all Temporary Waiver applicants must file for VRS certification within thirty days after the FCC's final certification rules become effective. *Order* at ¶ 63. Gallaudet has no state VRS certification; hence, it would have opted to apply for FCC certification even if the FCC did not propose to take over all VRS certifications, as indicated in its Further Notice of Proposed Rulemaking. *Order* at ¶ 97.

As indicated in the forgoing description of Gallaudet's VRS interpreting operations, it is Gallaudet's expectation that it will be able to meet any of the FCC's proposed requirements, as articulated in the FNPRM, to become an eligible VRS provider and to continue to provide VRS interpreting services. The one possible area of difficulty for Gallaudet is not addressed in the FCC's FNPRM, that is, under the FCC's current VRS certification rules one of the prerequisites is that the applicant demonstrate its "status as a common carrier." 47 C.F.R. § 64.606(a)(2)(vii).

Gallaudet is not a telecommunications common carrier; it is a not for profit educational institution. That said, it is certainly possible that it could be deemed a "private carrier" under relevant FCC and jurisprudential precedents with respect to VRS, should the FCC in its final rules promulgated pursuant to the FNPRM deem it necessary for a certified VRS provider to be some sort of "carrier."

Under relevant FCC precedents, Gallaudet could be deemed to be a "private carrier" should that be necessary to be an eligible provider of VRS. The seminal case of Norlight, 2 FCC Red. 132 (1987), is instructive. Norlight was the name given to a partnership of various electric power utilities in Minnesota and Wisconsin. The partnership was formed "to build and operate an interstate communications network to transmit voice, data and video to its parent utilities and other users on a private, non-common carrier basis." Id. at ¶ 4. The network was a "hybrid communications system" composed of "both radio and fiber optic links." Id. at ¶ 5. The backbone of the system consisted strictly of fiber. The network ran along "existing rights of way" that belonged to the partner utility companies. Id.

The Norlight network ran into regulatory problems with the Wisconsin Public Service Commission. That PSC opened an investigation to determine whether Norlight should be regulated as a telephone company subject to PSC jurisdiction. The PSC concluded that Norlight

could not provide service to unaffiliated third parties absent prior PSC approval, and, the PSC also wanted to dictate the rates charged by Norlight for access to the network.

Norlight appealed the PSC decisions in federal court, and also submitted a petition for declaratory ruling to the FCC, wherein it asked for a ruling that its network was a “private carrier” network, and, that the PSC had no jurisdiction over it. The FCC for the most part sided with Norlight in two critical respects: the FCC found that the Norlight network was a “private carrier” network, and, that the network provided “primarily” interstate communications services, thereby coming under the FCC's not the PSC's jurisdiction. *Id.* at ¶¶ 19, 26

There are other federal precedents that support a conclusion that Gallaudet's Internet-based VRS interpreting center, essentially a "hybrid" communications network, could be deemed a private carrier network if the FCC were to find that to be a necessary prerequisite for VRS certification. *See, e.g., Public Service Company of Oklahoma*, 64 RR2d 1332 (Private Rad. Bur. 1988); *National Association of Regulatory Utility Commissioners v. FCC*, 525 F. 2d 630 (D.C. Cir.), *cert. denied*, 425 U.S. 992 (1976) (defining “common carriers” as those entities that are legally obligated to hold themselves out indiscriminately to the general public that they are suited to serve); *General Telephone Company of the Southwest*, 5 FCC Rcd. 1189 (1990) (intrastate, for-profit microwave system was a private carrier system because the service offered was tailored to the specific needs of a compatible group of users).

**C. A Waiver Will Serve the Public Interest.**

Gallaudet University is a unique, world-class institution unrivaled in its programs and services which accommodate and advance the interests of the global deaf and hard of hearing community. It would be tragic if this august educational institution, whose mission is so clearly entwined with the needs and interests of the deaf community, would be prohibited from

providing critical VRS interpreting services for the deaf, hard of hearing or speech impaired. Rather, it is fair to say that Gallaudet's VRS interpreting services are a leading example of how the VRS program *should* be run in the public's interest. In light of the fact that Gallaudet is perfectly capable of continuing to operate its VRS interpreting center in accordance with the FCC's new VRS rules, a grant of this Temporary Waiver would be in the public interest.

[http://en.wikipedia.org/wiki/Gallaudet\\_University\\_-\\_cite\\_note-23#cite\\_note-23](http://en.wikipedia.org/wiki/Gallaudet_University_-_cite_note-23#cite_note-23)

**D. A Waiver will not Undermine the Purpose of the New Rules.**

The FCC has stated that the fundamental purpose of the new rules and procedures it adopted in its *Order* was to eliminate the fraud and abuse that have plagued the VRS program. *Order* at ¶ 63. Gallaudet has never caused any of the fraud and abuse problems that the new rules were intended to eliminate. Its VRS interpreting service has operated in strict compliance with the FCC's rules. Furthermore, because Gallaudet handles calls distributed by Sorenson randomly among call centers, there is no incentive or ability for Gallaudet affiliated persons to place unnecessary calls in order to increase use of Gallaudet's services specifically. A grant of Gallaudet's Temporary Waiver request and subsequent certification application will thus promote the FCC's fundamental regulatory goals and objectives, by helping to ensure that VRS funds and support used to support reputable interpreting services, like Gallaudet's. Indeed, Gallaudet's core mission is in part dependent upon the continued viability of the VRS program; it is in Gallaudet's best interests, and the interests of all of its students and teachers, to help the FCC protect the VRS program from fraud and abuse. A grant of this Temporary Waiver will thus not undermine the new FCC rules; rather, it will assist the FCC in its efforts to stamp out fraud and abuse from the VRS program, in the interests of the deaf and hard of hearing, as well as in the national interest.



**CONCLUSION**

The FCC has stated that it will grant Temporary Waivers of its new rules "only after a rigorous showing that the applicant has workable plans and the ability to continue providing VRS in a manner that will not undermine the measures adopted in this *Order* to eliminate the fraud and abuse that have plagued the VRS program." There is no doubt that Gallaudet's plans for the continued operation of its world-class VRS interpreting center meet these rigorous criteria.

WHEREFORE, the foregoing premises considered, Gallaudet University respectfully requests that the Commission grant the waiver requested herein.

Respectfully submitted,

GALLAUDET UNIVERSITY

By: /s/ Frederick M. Joyce  
Frederick M. Joyce

Its Attorney

VENABLE LLP  
575 7<sup>th</sup> Street, N.W.  
Washington, DC 20004  
Telephone: (202) 344-4653

DATE: May 13, 2011

**Attachment A:**

A copy of the deed for the property of  
Gallaudet University

9 June 20. 1872 4<sup>25</sup>

Lord of Treas.

The Columbia Institution

for the Instruction of

The Deaf and Dumb

To

The United States

of America. 10<sup>00</sup>

Received for Record

June 4 1874

and recorded in Book No 752  
folio 272 One of the said rec-  
ords for the District of Colum-  
bia and examined by J. P. [unclear]

Approved  
Geo. F. Tracy

Geo. W. Willoughby

Atty Genl

This Indenture made this twentieth day of June A. D. eighteen hundred and seventy two between "The Columbia Institution for the Instruction of the Deaf and Dumb" situate in the County of Washington, District of Columbia, party of the first part, and "The United States of America", party of the second part:

Whereas An Act entitled an Act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-three, and for other purposes, one of the laws of the United States, passed at the second session of the forty-second Congress and approved June tenth A. D. eighteen hundred and seventy-two, provides for the payments due and unpaid on July first, eighteen hundred and seventy-two on the purchase by the said Institution of the Estate known as "Kendall Green" in the following words: "To provide for payments due and unpaid on July first, eighteen hundred and seventy-two, on the purchase by the Institution of the estate known as Kendall [Kendall] Green" seventy thousand dollars: Provided, That before the expenditure of any part of this appropriation, by proper deeds of conveyance, to be approved by the Attorney General of the United States, all the real estate now owned by the said Columbia Institution for the Deaf and Dumb shall be vested in the United States as trustee, for the sole use and purpose provided in the act entitled "An act to incorporate the Columbia Institution for the Instruction of the Deaf, Dumb and Blind," approved February sixteenth, eighteen hundred and fifty-seven, and the several acts amendatory thereof: Provided, That, whenever Congress

shall so determine, any part of said estate may be sold, and so much of the proceeds thereof as shall be needful for the purpose shall be applied to reimburse the United States for the expenditure herein provided.

Now, therefore, this Indenture Witnesseth, That the said party of the first part for and in consideration of the premises aforesaid, and further the sum of one dollar paid to it by the said party of the second part has granted, bargained, sold, aliened, enfeoffed, released and conveyed, and does by these presents grant, bargain, sell, alien, enfeoff, release and convey unto the party of the second part, the following described Real Estate, situate in the County of Washington, District of Columbia, to wit:

✓ All that certain tract and parcel of land which is known and designated on Lewis Carbery's survey of the same, by the following marks and bounds, viz: Beginning for the same at the south east corner of Lot numbered Six (6) at the junction of Boundary Street and a Street leading to the residence formerly occupied by the Hon. Amos Kendall, and running thence North, thirty and one half ( $30\frac{1}{2}$ ) degrees, East nineteen and thirty-two hundredths ( $19\frac{32}{100}$ ) perches, on the West line of the said last named Street, thence North fifty-nine (59) degrees, West fifteen and forty-four hundredths ( $15\frac{44}{100}$ ) perches on the South line of Village Street, to the North East corner of the Lot formerly owned by the Hon. W<sup>m</sup> Stickney, thence South thirty and one half ( $30\frac{1}{2}$ ) degrees, West nineteen and thirty-two hundredths ( $19\frac{32}{100}$ ) perches to the line of Boundary Street, and thence with the North line of the said Street fifteen and forty-four

hundredths ( $15\frac{44}{100}$ ) perches to the place of beginning containing according to said survey one Acre, three roods and eighteen perches; said piece or parcel of ground being the same that was conveyed by the Hon. Amos Kendall to the said Institution in a Deed bearing date on the eleventh day of April, A.D. eighteen hundred and sixty-one, and recorded on the same day in Liber J. A. S. No. 210-folios, 223, 224, 225, 226, and 227, one of the Land Records for Washington County in the District of Columbia.

Also, that certain piece or parcel of ground situate at Kendall Green, which is known and designated on W<sup>m</sup> Forsyth's survey of the same, by the following marks and bounds, viz: Beginning at the South West angle of Lot number four (4) at Kendall Green, on Boundary Street, and running North thirty one (31) degrees, East nineteen and sixty hundredths ( $19\frac{60}{100}$ ) perches, thence South fifty-nine (59) degrees, East thirty and seventy-six hundredths ( $30\frac{76}{100}$ ) perches, thence North thirty one and a half ( $31\frac{1}{2}$ ) degrees, East thirty-two and sixty hundredths ( $32\frac{60}{100}$ ) perches, thence North fifty-six and a quarter ( $56\frac{1}{4}$ ) degrees, West forty-seven and thirty-two hundredths ( $47\frac{32}{100}$ ) perches to the dividing line between the land formerly owned by the Hon. Amos Kendall and that of a Mrs. Pearson, thence along said division line South thirty-one and three quarters ( $31\frac{3}{4}$ ) degrees, West fifty-four and forty hundredths ( $54\frac{40}{100}$ ) perches to the boundary line of the City of Washington, thence along said boundary

line South fifty-nine (59) degrees East seventeen (17) perches to the beginning, containing according to said survey twelve (12) acres and nine (9) perches more or less, and being the said piece or parcel of ground conveyed by the Hon Amos Kendall to the said Institution in a Deed bearing date the eleventh day of July A. D. eighteen hundred and sixty-four and Recorded on the 13<sup>th</sup> day of July 1864, in Liber U. C. T. No. 40-folio 33 to 39-one of the Land Records for the County of Washington District aforesaid.

Also that certain piece or parcel of ground situate at Kendall Green, and being known and described, according to the survey of Lewis Carey of the same, as follows, viz: Beginning for the same at the North East corner post of the inclosure around said lot, it being in the South line of a thirty-three feet wide Street and running from thence with the South line of said Street North fifty-nine and a half ( $59\frac{1}{2}$ ) degrees West fifteen and twenty hundredths ( $15\frac{20}{100}$ ) perches to the North west corner post of said lot, South thirty and three quarters ( $30\frac{3}{4}$ ) degrees, West nineteen and forty-eight hundredths ( $19\frac{48}{100}$ ) perches with the Division fence to the City boundary line, thence South fifty-nine and a half ( $59\frac{1}{2}$ ) degrees, East fifteen and thirty hundredths ( $15\frac{30}{100}$ ) perches with said line, thence in a straight line to the beginning containing one acre, three quarters and sixteen and three quarter perches; being the same piece or parcel of ground that was conveyed by the Hon. Th<sup>o</sup>.

Stickney and wife to the said Institution on the 11<sup>th</sup> day of July, A. D. 1864 and Recorded on the 13<sup>th</sup> day of July A. D. 1864. in Liber U. C. T. No. 40 - folios 40 to 44 - one of the Land Records for the County of Washington, District aforesaid.

Also the following described piece or parcel of ground, which was conveyed to the said Institution by one Catharine Pearson in a Deed bearing date the twenty-seventh day of March, eighteen hundred and sixty-seven and Recorded in Liber C. C. E. No. 1 - folio 341 - et seq. one of the Land Records for the County of Washington, District of Columbia on the 30<sup>th</sup> day of March 1867 - and described therein as follows: By a line beginning at the South-west angle of the grounds of the Columbia Institution for the Instruction of the Deaf and Dumb, as laid down in a survey of William Forsyth made the ninth day of July eighteen hundred and sixty-four and recorded in the Land Records for Washington County, District of Columbia, Liber N. C. T. No. 40 - folio 33 - and running in a North Westerly direction along the North East boundary line of the City of Washington, District of Columbia, two hundred (200) feet, thence in a North easterly direction at right angles with said boundary line and parallel with the North western boundary of the grounds of the said Columbia Institution for the Instruction of the Deaf and Dumb seven hundred and thirty nine (739) feet, thence

in a South easterly direction, parallel with the aforementioned boundary line of the City of Washington to the North western boundary line of the grounds aforementioned, thence in a South westerly direction along the North western boundary line of the grounds aforementioned to the point of beginning, said piece or parcel of ground containing three acres one rood and twenty-three perches, more or less.

Also, the following piece or parcel of ground which was conveyed to the said Institution by William Strickney and Robert C. Fox, Executors of the last Will of Amos Kendall deceased of the City of Washington, District of Columbia, in a Deed bearing date the first day of April A. D. eighteen hundred and seventy and Recorded in Liber No. 607-folio 357-one of the Land Records for the County of Washington, District of Columbia on the second day of April eighteen hundred and seventy, and described therein as follows, viz: Beginning at a point on the North side of Boundary Street opposite the centre of eighth Street East in said City of Washington, running North thirty one and a quarter ( $31\frac{1}{4}$ ) degrees East fifty one (51) rods and sixty eight hundredths ( $\frac{68}{100}$ ) of a rod, thence North fifty-seven (57) degrees West forty seven (47) rods and thirty-two hundredths ( $\frac{32}{100}$ ) of a rod, thence North thirty-one and a half ( $31\frac{1}{2}$ ) degrees East thirty-two (32) rods thence South fifty-seven and a half ( $57\frac{1}{2}$ ) degrees East nineteen (19) rods and fifty-six hundredths ( $\frac{56}{100}$ ) of a rod, thence North thirty-four and a half ( $34\frac{1}{2}$ ) de-

-grees, East thirteen (13) rods and twenty-eight hundredths ( $\frac{28}{100}$ ) of a rod, thence North eighty and a half ( $80\frac{1}{2}$ ) degrees, East eight (8) rods, thence North twelve (12) degrees, West seven (7) rods and sixty-eight hundredths ( $\frac{68}{100}$ ) of a rod, thence North thirty-four and a half ( $34\frac{1}{2}$ ) degrees, East one hundred and two rods and eighty hundredths ( $\frac{80}{100}$ ) of a rod, thence North sixty-eight (68) degrees, East twelve (12) rods and eighty-four hundredths ( $\frac{84}{100}$ ) of a rod, thence South twenty-four and a quarter ( $24\frac{1}{4}$ ) degrees East thirty-four (34) rods and fifty-six hundredths ( $\frac{56}{100}$ ) of a rod, thence South one degree East seventy-five (75) rods to a large gum tree near the line of the Washington Branch of the Baltimore and Ohio Railroad, thence South forty-two and a quarter ( $42\frac{1}{4}$ ) degrees, West eleven (11) rods and forty hundredths ( $\frac{40}{100}$ ) of a rod to a stone numbered three (3), thence South thirty-two and three quarters ( $32\frac{3}{4}$ ) degrees West eight-teen (18) rods and thirty-six hundredths ( $\frac{36}{100}$ ) of a rod, thence South forty-three and a quarter ( $43\frac{1}{4}$ ) degrees West along said Branch Railroad eighty (80) rods, thence South forty-seven (47) degrees, West ten (10) rods and ninety-two hundredths ( $\frac{92}{100}$ ) of a rod, thence South forty-three (43) degrees West twenty (20) rods and sixty-eight hundredths ( $\frac{68}{100}$ ) of a rod to a point on the North side of Boundary Street of said City of Washington, thence along the North side of said Boundary Street, North fifty-nine and a quarter ( $59\frac{1}{4}$ ) degrees West thirty-one (31) rods and eighty-four hundredths ( $\frac{84}{100}$ ) of a rod to the place of beginning, con-

-aining according to the survey of B. D. Carpenter  
Official Surveyor of Washington County, aforesaid,  
made in January eighteen hundred and seventy  
eighty-one acres two Rods and eighteen Rods.  
Also One Lot of Land, in the Glenwood Cemetery,  
laid down in the plan of said Cemetery, in  
the Office of said Company, and therein designa-  
-ted as Lot numbered seventy-seven (77) in Area  
"B" containing three hundred and twenty (320)  
superficial feet, which was conveyed to said  
Institution by said Company in a Deed dated  
the third day of May, A. D. eighteen, hun-  
-dred and sixty-four.

Together with all the easements, hereditaments  
and appurtenances to the same belonging  
or in any wise appertaining, and all the  
estate, right, title, interest and claim what-  
-soever, whether at law or in equity, of the said  
party of the first part of, in, to, or out  
of the said pieces or parcels of land and  
premises.

In and upon the Trusts nevertheless here-  
-inafter mentioned and declared, that is,  
in Trust for the sole use and purpose  
provided in the act entitled "An Act to  
incorporate the Columbia Institution for  
the instruction of the Deaf, Dumb and Blind"  
Approved February sixteenth, eighteen hundred  
and fifty-seven, and the several Acts amend-  
-atory thereof.

And upon this further Trust That whenever  
the Congress of the United States of Amer-

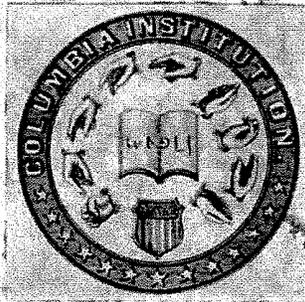
ica shall so determine, any part of the said Estate hereby conveyed may be sold and so much of the proceeds thereof as shall be needful for the purpose, shall be applied to reimburse the United States of America in the sum of Seventy thousand dollars (\$70,000) and lastly to pay the remainder of the proceeds of said sale or sales if any, to the said party of the first part or its assigns.

In Testimony whereof the President and Secretary of the said Institution have hereunto set their hands and seals and affixed the seal of the said Institution on the day and year first hereinbefore written.

*E. M. Gallaudet*  President.

*William Stickney*  Secretary.

In presence of  
*J. R. Jones*  
*George W. Baqq*



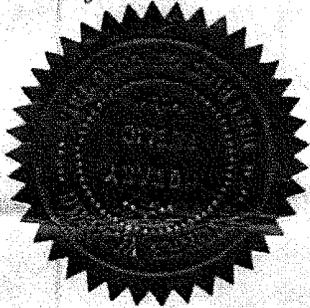
District of Columbia }  
County of Washington } s.s.

I George W. Baqq a Notary Public in and for the District County of aforesaid do hereby certify that E. M. Gallaudet President of the "Columbian Institution for the instruction of the Deaf and Dumb" and William Stickney Secretary

of the same "Institution" parties to a certain deed bearing date on the twentieth day of June a. d. 1872 and herunto annexed personally appeared before me in the District and County aforesaid the said E. M. Gallaudet and William Stickney being personally well known to me to be the persons who executed the said deed and acknowledged the same to be their free act and deed.

Given under my hand and Notarial seal this Twenty fourth day of June a. d. 1872.

George W. T. Bagg  
Notary Public



At a meeting of the Board of Directors of the Columbia Institution for the instruction of the Deaf & Dumb, held at the Banking House of Jay Cooke & Co. in the city of Washington, D. C. on the 12<sup>th</sup> day of June 1872, there being present at said meeting Messrs Gallaudet, Cooke, Sunderland and Stickney the same being a quorum of said Board, a motion was adopted "authorizing the President and Secretary to have prepared and executed such deeds as the Attorney General may require, under the provisions of the act of June 10<sup>th</sup> 1872 appropriating Seventy thousand dollars to provide for payments due and unpaid on the 1<sup>st</sup> of July 1872 on the purchase by the Institution of the Estate known as Kendall Green."

I hereby certify that portion

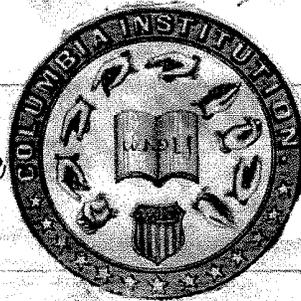
of the above. beginning with the  
words, "authorizing the President," and  
ending with the words "Kendall Green";  
to be a true copy from the records  
of the Columbia Institution for the  
instruction of the deaf & Dumb.

William Stickney

Washington D.C.

Secretary.

June 20<sup>th</sup> 1872



Public Law 86-776  
86th Congress, H. R. 12699  
September 13, 1960

AN ACT

To cancel a deed of trust to the United States from the predecessor in name of Gallaudet College and any evidences of indebtedness related to the same transaction, to quiet the college's title to property belonging to it, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) as used in this Act, the term "Institution" means the Columbia Institution for the Instruction of the Deaf and Dumb (also known as Columbia Institution for the Deaf and Dumb and, later, as the Columbia Institution for the Deaf), which was continued as a body corporate under the name of Gallaudet College by the Act approved June 18, 1954 (68 Stat. 265, Public Law 420, 83d Cong. ch. 324).

Gallaudet  
College.  
Deed of trust.

74 STAT. 916.  
74 STAT. 917.

(b) All property conveyed by the Institution to the United States, as trustee, pursuant to certain provisos under the heading "Columbia Institution for the Deaf and Dumb" in the Act of June 10, 1872, Forty-second Congress, second session (17 Stat. L. 347, at 360), by deed dated June 20, 1872, and recorded in liber 752, folio 272, of the land records for the District of Columbia, and all property otherwise made subject to such deed of trust, is hereby given, granted, remised, released, and quitclaimed unto Gallaudet College, free and clear of any trust, lien, encumbrance, or indebtedness arising out of said deed or under the said Act of June 10, 1872, and the college is forever discharged from the obligation of repayment, to the United States, of the sum referred to in said Act and in said deed, or in any note or other evidence of indebtedness executed in connection therewith.

D. C. Code 31-  
1025 to 31-1032.

SEC. 2. The said deed, and any note or other evidence of indebtedness executed in connection therewith, and all original papers with respect thereto, shall be delivered by the Administrator of General Services (or any other officer of the United States having custody thereof) to the Secretary of Health, Education, and Welfare (or his designee) and shall by the Secretary (or his designee) be canceled and returned to Gallaudet College for its historical records.

SEC. 3. Section 9(a) of the said Act of June 18, 1954 (repealing various statutes), is amended by inserting, immediately after the second paragraph following the first colon, the following new paragraph:

D. C. Code  
notes prec.  
31-1025.

"The first and second provisos at the end of the third paragraph under the heading 'Columbia Institution for the Deaf and Dumb' in the Act approved June 10, 1872, chapter 415, volume 17, Statutes at Large, page 347, which appear at page 360 and read as follows: 'Provided, That before the expenditure of any part of this appropriation, by proper deeds of conveyance, to be approved by the Attorney General of the United States, all the real estate now owned by the said Columbia Institution for the Deaf and Dumb shall be vested in the United States, as trustee, for the sole use and purpose provided in the Act entitled "An Act to incorporate the Columbia Institution for the Instruction of the Deaf, Dumb, and Blind," approved February 16, 1857, and the several Acts amendatory thereof: *Provided*, That, whenever Congress shall so determine, any part of said estate may be sold, and so much of the proceeds thereof as shall be needful for the purpose shall be applied to reimburse the United States for the expenditure herein provided.'"

D. C. Code 31-  
1027.

SEC. 4. (a) Subsection (a) of section 3 of the said Act of June 18, 1954, is amended by inserting at the beginning of such subsection, immediately before "Gallaudet College", the following: "Subject to the provisions of subsection (b),".

(b) Subsection (b) of such section 3 of the Act of June 18, 1954, is amended by inserting "real" immediately before "property" and by striking out "the United States, as trustee, for the sole use of".

SEC. 5. All Acts in conflict with this Act are repealed.

Approved September 13, 1960.

**Attachment B:**

List of officers and directors of  
Gallaudet University

## GOVERNANCE

Gallaudet is governed by a Board of Trustees (the "Board") composed of 21 members (the "Trustees"), including three members of the Congress, one Senator, appointed by the President of the Senate, and two Representatives, appointed by the Speaker of the House of Representatives. By tradition, the Senator is from the majority party and one Representative comes from each party. Currently, Senator Sherrod Brown (D. Ohio) and Congresswoman Lynn Woolsey (D. California) serve as Trustees. The second Representative seat is currently vacant. The Congressional appointees are appointed for two year terms at the beginning of each Congress and are eligible for reappointment. They serve until their successors are appointed. The other 18 Trustees are elected by the Board for terms of three years, which can be renewed for three successive terms. One of the 18 elected Trustees is nominated by the Gallaudet University Alumni Association for a term of three years. There currently are three vacancies on the Board, including the Representative position, and Gallaudet is accepting nominations to fill them. Since 1988, the majority of the Board has been composed of individuals who are deaf or hard of hearing.

Pursuant to the EDA, the Board has authority over the governance of Gallaudet, the management of its funds, the appointment of its faculty and other employees, the admission of students and the conferring of degrees. The Board may not convey title or otherwise dispose of any of Gallaudet's real property without the approval of the U.S. Secretary of Education.

The Board operates through a number of committees including Academic Affairs, Audit, Compensation, Financial and Institutional Affairs (the "FIA Committee"), National Deaf Education, Student Affairs, as well as an Executive Committee. The full Board and its committees meet three times per year, generally in February, May and October.

The current members of the Board, their principal professional affiliation, home state, year of initial appointment and expiration of current term are set forth in Table 1.

**TABLE 1**  
**MEMBERS OF THE BOARD OF DIRECTORS**

Member	Principal Professional Affiliation	Home State	Year of Initial Appointment	Expiration of Current Term
Benjamin J. Soukup, Chair	Chief Executive Officer, Communication Service for the Deaf, Inc.	SD	2001	2013
Harvey Goodstein, Vice Chair	Professor Emeritus, Gallaudet University	AZ	2005	2014
Tom Humphries, Secretary	Associate Professor and Associate Director of Education Studies and Associate Professor in the Department of Communication, University of California, San Diego	CA	2005	2014
Cheryl A. Heppner	Executive Director, Northern Virginia Resource Center for Deaf and Hard of Hearing Persons	VA	2006	2012
The Honorable Sherrod Brown	United States Senator, Ohio	OH	2008	2012
Claire Bugen	Superintendent and Chief Executive Officer, Texas School for the Deaf	TX	2009	2012
Jameson Crane, Jr.	Retired business executive with experience in investment and management	OH	2009	2012
Jorge L. Díaz-Herrera	Dean and Professor at the Golisano College of Computing and Information Sciences, Rochester Institute of Technology	NY	2007	2013
Duane Halliburton	Senior Network Engineer, Department of Defense	MD	2010	2013
Heather Harker	Director of Consulting and Executive Transitions, Third Sector New England	MA	2009	2012
Jeffrey L. Humber, Jr.	Senior Vice President and Manager of Public Finance Group, PNC Bank	DC	2007	2013
Nancy Kelly-Jones	Retired teacher, Illinois School for the Deaf	IL	2006	2012
L. Richard Kinney	Managing Partner and Principal, Legacy Wealth Management, LLC	WI	2004	2013
Richard Ladner	Boeing Professor in Computer Science and Engineering, University of Washington	WA	2007	2013
Pamela Lloyd-Ogoke	Chief, Community Services, North Carolina Division of Vocational Rehabilitation Services	NC	2006	2012
James R. Macfadden	President and majority owner, SunnyMac Solar	MD	2007	2013
Tiffany Williams	Executive Director, Abused Deaf Women's Advocacy Services	WA	2008	2014
The Honorable Lynn Woolsey	United States Representative for California	CA	2003	2012

The U.S. Department of Education ("DOE") has responsibility for monitoring and evaluating the education programs and activities and the administrative operations of Gallaudet. Annually, Gallaudet is required to submit a report to DOE, as well as the Committee on Education and Labor of the House of

Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, describing the enrollment, services provided and financial operations of Gallaudet.

## ADMINISTRATION

Gallaudet's senior administration consists of the President, the Provost, the Vice President for the Clerc Center, the Chief of Staff, the Vice President for Administration and Finance/Treasurer, the Vice President for Development and Alumni Relations and the Chief Information Officer.

The President is appointed by and serves at the pleasure of the Board. Upon recommendation of the President, the Treasurer also is appointed by and serves at the pleasure of the Board. The other Vice Presidents and senior administrative officers are selected by and report directly to the President and are charged with the general supervision and direction of all programs and operations within Gallaudet.

The current principal administrative officers of Gallaudet are as follows:

**Dr. T. Alan Hurwitz, President.** Dr. Hurwitz became the tenth president of Gallaudet in January 2010. Prior to joining Gallaudet, Dr. Hurwitz was president of the National Technical Institute for the Deaf ("NTID"), one of eight colleges within the Rochester Institute of Technology ("RIT"), Rochester, NY, and vice president and dean of RIT. Dr. Hurwitz began his career at RIT/NTID in 1970 when he was hired as an educational specialist in the College of Engineering after working for McDonnell Douglas Corporation as an associate electronics engineer and senior numerical control programmer. Dr. Hurwitz has been involved in a variety of professional and deafness-related organizations. He served on the boards of the National Captioning Institute and the Rochester School for the Deaf, Rochester, NY, of which he was also president. He has been active in the National Association of the Deaf, having served as its president. He also is past president of the World Organization of Jewish Deaf. Dr. Hurwitz lectures extensively and he is the author of numerous published works. He earned a bachelor's degree in electrical engineering from the Washington University in St. Louis, MO in 1965, a master's degree in electrical engineering from St. Louis University, St. Louis, MO in 1970, and a doctorate in curriculum and teaching from the University of Rochester, Rochester, NY in 1980.

**Dr. Stephen F. Weiner, Provost.** Dr. Weiner is a tenured professor in the Department of Communication Studies of Gallaudet and has served as Provost since July 2007. Since Dr. Weiner joined Gallaudet in 1989, he has held several administrative posts, including director of the Career Center and dean of the School of Undergraduate Studies. Prior to joining Gallaudet, he served as administrator of Deaf Counseling and Referral Agency in Oakland, CA, as administrator of NORCAL Center on Deafness, Sacramento, CA and as dean of Texas School for the Deaf, Austin, TX. Dr. Weiner earned a bachelor's degree in history and psychology and a master's degree in rehabilitation counseling from Gallaudet in 1978 and 1980, respectively, and a doctorate in counseling and development from American University, Washington, DC in 1992.

**Edward Bosso, Vice President for Laurent Clerc National Deaf Education Center.** Mr. Bosso joined Gallaudet as Vice President for the Clerc Center in July 2008. Prior to joining Gallaudet, Mr. Bosso was the Assistant Superintendent of Human Resources in the Christina Delaware School District. He also served as the Director of Delaware Programs for Deaf, Hard of Hearing and Deaf-blind Children and as the Principal of the Delaware School for the Deaf, Newark, DE. He served as a teacher and bilingual coordinator at the California School for the Deaf, Fremont, CA, as assistant principal for high school and middle school at the Maryland School for the Deaf, Frederick, MD and as an adjunct faculty member at McDaniel College, Westminster, MD. He is a past-president of the Conference of Educational Administrators of Schools and Programs for the Deaf. Mr. Bosso earned his bachelor's degree in special education, concentrating in deaf education, from Bloomsburg University, Bloomsburg,

PA in 1982 and his master's degree in educational administration at California State University, Northridge, CA in 1989 as part of the National Leadership Training Program and is currently enrolled at the University of Delaware, Newark, DE for a doctorate in educational leadership.

**Donald Beil, Chief of Staff.** Mr. Beil joined Gallaudet in 2010 after 35 years of service at the NTID, including the last five years as Executive Assistant to Dr. T. Alan Hurwitz. At the NTID, he had direct responsibilities for a broad range of activities, including all government relations, such as those with Congress and the U.S. Department of Education. He is the author of ten text and trade books on computing and wrote the user documentation for more than 15 digital cameras and film scanners for Eastman Kodak Company. Prior to joining NTID, he served in the Peace Corps for five years, including two years in the Somali Republic teaching high school mathematics. He also taught computer science at the Pennsylvania State University, State College, PA for four years. He earned a bachelor's degree in economics from Washington University in St. Louis, MO in 1963 and a master's degree in computer science from Washington State University, Spokane, WA in 1971.

**Paul Kelly, Vice President for Administration and Finance/Treasurer.** Mr. Kelly has served in his current position since 1988. He joined Gallaudet in 1981 as Financial Services Manager in the Finance Office. Prior to joining Gallaudet, Mr. Kelly was a Certified Public Accountant for an auditing firm in Massachusetts. He earned a bachelor's degree in business administration with concentration in accounting from the University of Massachusetts, Lowell, MA in 1976, a master's degree in business administration from Babson College, Babson Park, MA in 1977, and a juris doctor degree from The George Washington University, Washington, DC in 1986. He is licensed as an attorney in Virginia and a Certified Public Accountant in Massachusetts.

**Dr. Lynne Murray, Vice President for Development and Alumni Relations.** Dr. Murray was appointed Vice President for Development and Alumni Relations in May 2010. She worked in the Office of Development at Gallaudet from 1997 until the end of 2007, including five years as Director. She left Gallaudet in 2007 to become Senior Director, Principal and Leadership Gifts at Georgetown University, Washington, DC. During her time at Gallaudet, Dr. Murray has led two capital campaigns, worked with alumni and increased the national and international profile of Gallaudet through strategic partnerships with various constituencies. See "DEVELOPMENT." She received a bachelor's degree in English from St. Mary's College, St. Mary's City, MD in 1988, a master's degree in marketing from Johns Hopkins University, Baltimore, MD in 2001 and a doctorate in special education administration from Gallaudet in 2008.

**Dr. Cynthia M. King, Interim Chief Information Officer.** Dr. King is a tenured professor in the Department of Educational Foundations and Research and has served as the Interim Chief Information Officer at Gallaudet since January 2010. She joined Gallaudet in 1987 as a faculty member in education and has held positions of professor, department chair, executive director and dean. Prior to joining Gallaudet, Dr. King worked as a high school teacher and was one of the nation's first K-12 interpreters. She also taught at the University of North Carolina, Greensboro, NC. Dr. King earned a bachelor's degree in psychology from the University of Delaware, Newark, DE in 1975, a master's degree in deaf education at Western Maryland College (subsequently renamed as McDaniel College), Westminster, MD in 1976, and a doctorate in linguistics and deafness from the University of Illinois, Urbana-Champaign, IL in 1981.

**Attachment C:**

A list of VRS center leadership and employees

**CONFIDENTIAL/REDACTED FROM PUBLIC INSPECTION**

**Attachment D:**

Employment Forms & Policies

**Gallaudet Interpreting Service  
Video Interpreter  
Acknowledgment Form**

The mission of Gallaudet Interpreting Service (GIS) is to provide exemplary interpreting services. GIS is committed to meeting the interpreting needs of the Gallaudet University and greater community.

GIS firmly supports and reinforces ethical and legal practices, especially in relation to VRS interpreting, in accordance with Federal Communications Commission, Text Relay Service/Video Relay Service call processing rules.

In addition, adherence to the NAD-RID Code of Professional Conduct (CPC) regarding ethical business practices is a base requirement of work at GIS/VRS.

I have not knowingly processed fraudulent VRS calls while working in a video call center.

I may have knowingly processed fraudulent VRS calls while working in a video call center.

If you may have knowingly processed fraudulent calls, please explain further here.

**I agree to abide by FCC laws, CPC tenets, Sorenson Communications rules and GIS policies. Specifically, I will not knowingly process VRS calls that could be fraudulent, based on guidance from Sorenson policies and procedures. If a call appears to be out of compliance with FCC rules (i.e. VRI), I will terminate the call, document such information, and report this information to my supervisor.**

**Additionally, I agree that unless obliged by law, I will hold in confidence all call information. I will also not disclose any information that is proprietary to Sorenson Communication, Inc, including software, hardware, policies, practices, programs or pay rates.**

\_\_\_\_\_  
Interpreter

\_\_\_\_\_  
GIS Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature *K*

*10/12/10*  
\_\_\_\_\_  
Date

*10/12/10*  
\_\_\_\_\_  
Date



**Gallaudet Interpreting Service**

**Staff Handbook**

October 2010

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## Introduction

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Welcome to Gallaudet University! We are excited that you have chosen to join this diverse and exciting community. This handbook is a resource for you to understand the policies and practices of Gallaudet Interpreting Service (GIS) and addresses issues that are specific to interpreting. The policies in this handbook apply to all GIS staff, including office personnel, full-time staff interpreters, part-time staff interpreters, and VRS interpreters.

Because interpreting is a constantly evolving field and because Gallaudet itself continues to grow and change, this handbook should be considered a “work in progress.” Staff can expect to review its contents periodically to ensure GIS maintains the best practices for providing quality interpreting services.

Guiding all the University’s actions and decisions are the mission and vision statements, which were revised during the 2007-2008 academic year. GIS is committed to supporting all University endeavors to achieve its mission and vision.

### **Gallaudet University Mission Statement**

*Gallaudet University, federally chartered in 1864, is a bilingual, diverse, multicultural institution of higher education that ensures the intellectual and professional advancement of deaf and hard of hearing individuals through American Sign Language and English. Gallaudet maintains a proud tradition of research and scholarly activity and prepares its graduates for career opportunities in a highly competitive, technological, and rapidly changing world.*

### **Gallaudet University Vision Statement**

- *Provide the highest quality liberal and professional education through undergraduate and graduate programs for deaf, hard of hearing, and hearing students.*
- *Offer a welcoming, supportive, and accessible bilingual educational environment for teaching and learning through direct communication.*
- *Embrace diversity within the University community by respecting and appreciating choices of communication while guiding students through their process of linguistic and cultural self-actualization.*
- *Pursue excellence in research, pedagogy, scholarship, and creative activity.*
- *Lead the advancement of intellectual, social, linguistic, and economic vitality in deaf people through educational, outreach, regional, international, and leadership development programs.*
- *Preserve deaf history and use visual media to promote the recognition that deaf people and their signed languages are vast resources with significant contributions to the cognitive, creative, and cultural dimensions of human diversity.*
- *Position our community to reach its full human potential and assume its role as a progressive global entity committed to civic responsibility and social justice.*

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## **GIS Mission Statement**

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The mission of Gallaudet Interpreting Service is to provide comprehensive information access through exemplary interpreting service. The highest commitment of GIS is to meet the interpreting needs of the Gallaudet University community. Additionally, GIS is committed to being a model of interpreting excellence both locally and nationwide.

### **Goals**

- GIS provides the highest level of customer satisfaction by meeting the University's needs for communication access by striving to fulfill every request for services with highly qualified professional interpreters.
- GIS upholds the highest standards of professional ethics and conduct by adhering to the NAD-RID Code of Professional Conduct and through the support and application of professional standard practices.
- GIS maintains visual communication through the use of American Sign Language (ASL) in all practical aspects of personal and professional communication.
- GIS models excellence in the field of interpreting through its actions and in support of professional development locally and nationally by offering diverse training opportunities for signed language interpreters.
- GIS maintains a sustainable resource base to support outstanding customer service and to allow GIS to be a model of interpreting excellence.

### **Values**

- GIS values the Gallaudet University community and supports the University's mission and goals.
- GIS values the profession of interpreting and working with the community to ensure high quality interpreting services.
- GIS values a positive and productive work environment for its staff and customers.
- GIS values its staff for their diverse backgrounds, professional excellence, and dedication to continually ensuring the community receives quality interpreting services.

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## History of GIS

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Gallaudet Interpreting Service was once housed in the Gate House, near the 7th Street entrance to campus, where a handful of interpreters took requests by phone, wrote information on index cards, and tacked them on a bulletin board for interpreters to “take.” That’s how interpreters “took” jobs in the 1970s and early 1980s. GIS handled requests from the entire metropolitan Washington, D.C. area.

Today, GIS is housed in both Fay and Ballard houses. In 2003, we began operating a video relay service (VRS) center in partnership with Sorenson Communications. Although GIS provides interpreting services primarily for Gallaudet-related events, we also accept external requests.

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## Expectations

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GIS staff wear many different “hats.” They represent GIS, Gallaudet University, the interpreting profession, and themselves as individuals in the community. Consequently, GIS staff are expected to conduct themselves in a professional and productive manner that supports the University’s mission and vision. All GIS employees are expected to follow the policies outlined in the Gallaudet University Administration and Operations Manual (A&O Manual). Copies of the manual are available in the GIS office and online at [http://gallaudet.edu/af/ao\\_manual.xml](http://gallaudet.edu/af/ao_manual.xml).

As a leader in the provision of interpreting services, GIS staff abide by the NAD-RID (National Association of the Deaf-Registry of Interpreters for the Deaf) Code of Professional Conduct (see Appendix C; also available online at <http://www.rid.org/ethics/index.cfm>). It is beneficial for all staff—including those who are not interpreters—to understand how the Code of Professional Conduct may affect an assignment.

### Managing Communication at Gallaudet

Because the Gallaudet community represents a wealth of cultural, ethnic, and linguistic diversity—which affects language and communication preferences—each interpreting event at the University is unique. Gallaudet consumers often include individuals who are native users of ASL, those who prefer CART (communication access realtime translation), those just learning English and/or ASL, and those who rely on tactile or close-vision interpreting, to name a few.

Therefore, GIS staff assess each situation to provide interpreting services that complement audience diversity and facilitate the most successful participation of all individuals. Our schedulers understand how to match the diverse skills of our interpreters to our clients’ needs, and the management team supports the GIS workforce in meeting the various needs of the Gallaudet community.

**Attachment E:**

Financial Statements for Gallaudet University

**CONFIDENTIAL/REDACTED FROM PUBLIC INSPECTION**

**Attachment F:**

Confidential License Agreement

**CONFIDENTIAL/REDACTED FROM PUBLIC INSPECTION**

**CERTIFICATE OF SERVICE**

I, Lula Robinson, a legal administrative assistant in the law firm of Venable LLP, do hereby certify that on this 13th day of May, 2011, copies of the foregoing Petition for Temporary Rule Waiver were sent *via* electronic mail to the following:

Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Michael J. Copps  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Robert M. McDowell  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Mignon Clyburn  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Meredith Attwell Baker  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

/s/ Lula Robinson

Lula Robinson