



EXECUTIVE SUMMARY

Convo Communications, LLC (“Convo”) herein respectfully requests a temporary waiver of certain new video relay service (“VRS”) regulations adopted by the Commission in its April 6, 2011, Report and Order and Further Notice of Proposed Rulemaking in CG Docket No. 10-51, Structure and Practices of the Video Relay Services Program (“*VRS Order*”). Convo is a deaf-owned company that was founded in 2009 to provide VRS to the deaf and hard-of-hearing communities. It filed an application (“VRS Application”) with the Federal Communications Commission (“Commission”) in 2009 seeking certification as a VRS provider to enable Convo directly to seek compensation from the Telecommunications Relay Services (“TRS”) Fund Administrator for the VRS minutes that its communications assistants relay. However, the Commission has not yet acted on Convo’s VRS Application and, as a result, Convo is required to continue to submit its VRS relay minutes to the TRS Fund Administrator for compensation through a certified VRS provider.

Since its inception, Convo has rapidly grown to become the fifth largest VRS provider by number of minutes relayed and currently employs a workforce of sixty at its three call centers. Further, Convo has developed several innovative and industry-leading VRS products and has established a reputation among its customers for the superior quality and flexibility of its VRS offerings. Led by its internal regulatory compliance team, Convo also has expended substantial resources to develop a rigorous program of internal controls to ensure its compliance with the Commission’s VRS rules. This has resulted in Convo having one of the lowest compensation denial rates among VRS providers—the TRS Fund Administrator denied less than 0.05% of the VRS relay minutes most recently submitted for compensation on behalf of Convo.

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In its *VRS Order*, the Commission adopted a variety of new rules aimed at reducing the waste, fraud, and abuse that has plagued the VRS industry. According to the Commission, much of this waste, fraud, and abuse resulted from the illegitimate practices of certain VRS providers, many of which are non-certified. Consequently, the Commission adopted in the *VRS Order* a requirement prohibiting non-certified VRS providers from offering VRS. In addition, the Commission's new rules prohibit certified providers from submitting VRS relay minutes to the TRS Fund Administrator for compensation on behalf of non-certified providers. The Commission recognized, however, that these sweeping new prohibitions also impact non-certified providers that carefully comply with applicable VRS regulations. Therefore, the Commission adopted a waiver standard in the *VRS Order* to enable legitimate VRS providers, such as Convo, to obtain a waiver of the prohibitions until such time as the Commission has an opportunity to act on their VRS certification applications.

Convo is filing the instant waiver request pursuant to this waiver standard to enable Convo to continue its VRS operations and continue to seek reimbursement from the TRS Fund Administrator through a certified VRS provider. Convo requests the Commission's waiver grant to remain in effect until the Commission acts on Convo's pending 2009 VRS Application, which Convo will amend consistent with any new certification requirements adopted by the Commission. Absent Commission grant of this waiver request by the June 1, 2011 effective date of the *VRS Order*, Convo will be required to abandon its thousands of VRS customers and lay off its workforce.

Convo rigorously demonstrates herein that it complies with all existing VRS regulations and that it also complies, or soon will comply, with the new VRS regulations promulgated by the *VRS Order*. Further, Convo has attached hereto a variety of documentation regarding its

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ownership and operations that the Commission required waiver applicants to submit in support of their waiver requests. In addition, grant of Convo's waiver request is consistent with the public interest because, unlike the illicit VRS providers targeted by the new restrictions adopted in the *VRS Order*, Convo has focused throughout its existence on compliance with applicable VRS regulations and has made diligent efforts to obtain VRS certification. Consequently, for the reasons more fully set forth herein, Convo respectfully requests the Commission promptly to grant the requested waiver.

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**APPENDIX - EXHIBITS TO THE CONVO WAIVER REQUEST**

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

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In the Matter of )

Telecommunications Relay Services and Speech-to- )  
Speech Services for Individuals with Hearing and )  
Speech Disabilities )

CG Docket No. 03-123

Structure and Practices of the Video Relay Service )  
Program )

CG Docket No. 10-51

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**CONVO COMMUNICATIONS, LLC WAIVER REQUEST**

Convo Communications, LLC (“Convo”) respectfully requests (“Waiver Request”) for the Federal Communications Commission (“Commission”) to grant Convo a limited waiver of certain requirements set forth in the Commission’s VRS Order in Docket No. 10-51, Structure and Practices of the Video Relay Services (“VRS”) Program, released on April 6, 2011 (“*VRS Order*”).<sup>1</sup> Specifically, Convo requests that the Commission temporarily waive the requirement established by the *VRS Order* that “*only* entities determined to be eligible to receive compensation from the TRS Fund . . . will be eligible to provide VRS and hold themselves out as providers of VRS to the general public.”<sup>2</sup>

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<sup>1</sup> *Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 10-51, FCC 11-54 (2011) (“*VRS Order*” or “*FNPRM*”).

<sup>2</sup>*Id.*, ¶ 57. Convo is also seeking certain associated waivers, including but not limited to, any waiver necessary to allow Convo to continue to provide VRS under its own brand. All such waivers are fully discussed herein.

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Grant of this waiver, and certain other associated waivers set forth herein, will enable Convo to continue to provide VRS to its thousands of deaf and hard of hearing customers<sup>3</sup> without disruption until such time as the Commission acts on Convo's pending application to become a certified VRS provider ("Application"), which Convo filed in October 2009.<sup>4</sup> Such a grant also will enable Convo to continue to serve as an effective and innovative competitor in the VRS industry. By contrast, if the Commission were to refrain from timely granting the instant Waiver Request, Convo will be unable to continue to be compensated from the Telecommunications Relay Service ("TRS") Fund for its provision of VRS and, as a result, will almost certainly be forced to discontinue its operations, thereby stranding its customers and causing the termination of its 59-person workforce.

As required by the *VRS Order*, Convo will update its pending Application by amending the Application to demonstrate Convo's compliance with the new VRS rules adopted in the *VRS Order* and any additional rules and procedures adopted by the Commission in response to the Further Notice of Proposed Rulemaking ("*FNPRM*") that the Commission issued in association with the *VRS Order*.<sup>5</sup> Convo requests for the grant of the instant Waiver Request to remain in effect until such time as the Commission acts on Convo's amended Application.

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<sup>3</sup> [[ [REDACTED] ]]

In this Waiver Request, Convo uses "[[ . . . ]]" to identify confidential and proprietary information provided pursuant Convo's Request for Confidential Treatment filed contemporaneously with this Waiver Request.

<sup>4</sup> See Application of Convo Communications, LLC for Certification as a Video Relay Service Provider, *Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123 (filed Oct. 29, 2009).

<sup>5</sup> *VRS Order*, ¶ 63 ("The waiver applicant must file for certification within thirty days after the final certification rules become effective."). Unless instructed by the Commission to file a new

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Part I of this Waiver Request provides background regarding Convo and the Commission's *VRS Order*; Part II more fully explains and justifies the waivers requested by Convo herein; and Part III demonstrates Convo's compliance with the new VRS rules adopted in the *VRS Order*, as well as the Commission's existing VRS rules.

**I. BACKGROUND REGARDING CONVO AND THE COMMISSION'S *VRS ORDER***

**A. CONVO IS AN EFFECTIVE VRS PROVIDER WITH A STRONG RECORD OF GROWTH AND INNOVATION**

Founded in March 2009, Convo is wholly owned and managed by deaf individuals<sup>6</sup> and most of Convo's non-interpreting staff also are deaf.<sup>7</sup> It is Convo's understanding that it is the fifth-largest VRS provider measured by the number of minutes per month of VRS calls relayed, and that Convo handles more relay minutes than all but four of the eleven certified VRS providers. Further, Convo believes that it is by far the largest uncertified VRS provider and that

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certification application, Convo will amend its pending Application to demonstrate compliance with all applicable VRS rules within 30 days after the effective date of any order issued by the Commission under the *FNPRM*. See *VRS Order*, ¶ 97 ("We propose that all providers that are not already certified by the Commission, be required to apply to the Commission for certification to provide Internet-based TRS.").

<sup>6</sup> Convo has accepted no private equity, hedge fund, or other speculative institutional investments. Further information regarding Convo's principals and executives is set forth in Exhibit 7 (Biographies of the Convo Management Team). In addition, Convo's ownership structure is fully described in Exhibit 5 (Description of Ownership and Control) and Exhibit 6 (Convo Organizational Chart).

<sup>7</sup> All but four of Convo's non-interpreting staff are deaf and three out of those four hearing individuals are fluent in sign language. As a result, Convo's operations are unique among VRS providers in that both Convo's hearing and deaf employees operate in a fully signing environment.

it relays approximately three times the number of minutes per month of VRS calls as the next largest uncertified provider.<sup>8</sup>

Pending VRS Application. In October 2009, Convo filed its Application with the Commission seeking certification as a VRS provider to enable Convo to obtain direct compensation from the TRS Fund under Section 64.606 of the Commission's rules.<sup>9</sup> Convo's Application demonstrates that Convo is in compliance with the Commission's certification requirements and the applicable VRS rules. In addition, the Texas Public Utility Commission has approved Convo as an Interexchange Reseller.<sup>10</sup> As a result, Convo qualifies under the Commission's rules as an "[i]nterstate common carrier offering TRS" and therefore should be eligible "for receiving payments from the TRS Fund."<sup>11</sup> Nevertheless, the Commission has not yet acted on Convo's Application. Consequently, Convo presently receives compensation from the TRS Fund for VRS minutes as an independent contractor of Snap Telecommunications, Inc. ("Snap"), which is a certified VRS provider.<sup>12</sup>

Growth as a VRS Provider. In the two years since its founding, Convo rapidly has developed from a small startup company to a highly competitive and innovative VRS provider with a workforce of 59, including management and operations personnel and Communications Assistants ("CAs"). Convo currently owns and operates three call centers, located in Roseville

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<sup>8</sup> These figures are based on Convo's knowledge and belief regarding the operations of other VRS providers. However, there is no public source of information regarding the exact number of VRS minutes relayed by each of the certified and non-certified VRS providers.

<sup>9</sup> See 47 C.F.R. § 64.606(a)(1).

<sup>10</sup> See Exhibit 22 (Common Carrier Certification of Convo Communications, LLC).

<sup>11</sup> 47 C.F.R. § 604.604(c)(5)(iii)(F)(3).

<sup>12</sup> See Exhibit 13 (Agreement for Billing Services Between Snap Telecommunications, Inc. and Convo).

and San Ramon, California, and Mobile, Alabama, from which it offers VRS 24 hours per day, 365 days per year.<sup>13</sup> Further, at least two of Convo's call centers are operational at all times to prevent a service interruption at one call center from disrupting Convo's services. In addition,

[[  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]]]

Focus on Regulatory Compliance. Further, since its founding, Convo has placed a premium on developing and implementing rigorous quality controls and regulatory compliance mechanisms, which has enabled Convo to completely avoid the fraud, waste, and abuse that have plagued other VRS providers.<sup>14</sup> Convo's operational procedures are among the strictest of any VRS provider, which has enabled Convo to ensure that its reported VRS minutes are legitimate and compliant with all applicable Commission regulations. For example, between August and December 2010, significantly less than one twentieth of one percent of the VRS minutes that Snap submitted on behalf of Convo to the TRS Fund for compensation were denied.<sup>15</sup>

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<sup>13</sup> Convo previously also subcontracted additional CAs from third-party providers to staff a Seattle call center and to handle overflow calls during times of high VRS usage from call centers in Cedar Rapids, Iowa and San Antonio, Texas that are operated by a third party. However, to comply with the Commission's *VRS Order*, which prohibits VRS providers to subcontract "core" VRS functions to non-certified companies, Convo is terminating these relationships and will rely entirely on its own call centers going forward. See Section III(A)(8) herein. Convo will staff its call centers as appropriate going forward to maintain Convo's record of expedited VRS call answering.

<sup>14</sup> See *VRS Order*, ¶¶ 4-5.

<sup>15</sup> See, *infra*, note 118 and accompanying text.

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In addition, Convo formed a regulatory team, consisting of Ed Bosson, Vice President of Regulatory Affairs, and David Bahar, Director of Government and Regulatory Affairs. Mr. Bosson is widely acknowledged as the “Father of VRS” for his work in establishing the first-ever VRS trials in the State of Texas in 1995, and Mr. Bahar formerly worked as a legislative assistant to U.S. Rep. Jay Inslee (D-1<sup>st</sup>/WA) to promote VRS reform and the passage of vital legislation supporting the needs of the disabled community such as the Twenty-First Century Communications and Video Accessibility Act of 2010.<sup>16</sup> Led by its regulatory team, Convo is dedicated to enhancing the availability and use of VRS by the deaf and hard of hearing communities and, to this end, Convo has been an active participant in the Commission’s many VRS proceedings over the past two years.<sup>17</sup>

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<sup>16</sup> Twenty-First Century Communications and Video Accessibility Act of 2010, S.3304 and S.3878, Public Law Nos. 111-260 and 111-265 (2010) (“CVAA”).

<sup>17</sup> See, e.g., *Convo Communications, LLC Reply Comments on the Application of New and Emerging Technologies for Video Relay Service Use*, CG Docket No. 10-51 (filed April 15, 2011) (urging the FCC to encourage use of off-the-shelf software to provide VRS users with freedom to choose which software best fits their needs and to heighten competition among and further innovation by VRS providers); *Convo Communications, LLC Comments on the Application of New and Emerging Technologies for Video Relay Service Use*, CG Docket No. 10-51 (filed April 1, 2011) (urging FCC to allow VRS providers to modify non-VRS video communication software for VRS use and to require VRS providers to make all such software interoperable until such time as universal video standards are adopted); *Re: Written Ex Parte: Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51 (filed Jan. 21, 2011) (supporting a tiered-rate VRS reimbursement mechanism); *Comments of Convo Communications, LLC*, CG Docket No. 10-213 (filed Nov. 22, 2010) (arguing that advanced communications services provisions of the CVAA should be implemented in a manner that ensures that service delivery platform(s) and technological standards do not obstruct compliance with CVAA’s accessibility goals); *Reply Comments of Convo Communications, LLC*, CG Docket No. 10-51 (filed Sept. 2, 2010) (focusing FCC attention on certain VRS provider comments endangering functional equivalency and proposing building blocks for the structural and operational VRS policy framework to be adopted by the FCC); *Comments of Convo Communications, LLC*, CG Docket No. 10-51 (filed Aug. 17, 2010) (providing input on various questions posed by the FCC related to the VRS industry); *Reply Comments by Convo*, CG Docket No. 10-51 (filed Aug. 2, 2010) (proposing less disruptive and more centralized call forwarding service implementation as alternative to Purple’s proprietary solution and encouraging VRS providers to work together to develop a unified and centralized call forwarding

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New VRS Product Offerings. In an effort to continue to advance the state of VRS technology and to provide functional equivalency to the deaf and hard of hearing community, Convo recently has added multiple new products to its VRS offerings: Convo Desktop, Convo Mobile, and Convo Anywhere.<sup>18</sup> Convo Mobile and Convo Desktop are video communications applications that allow deaf and hard of hearing callers to make VRS calls from any computer with a web camera (as well as Apple's iPhone 4 and iPad 2) from any location with an Internet connection, while providing full SIP/H.323 interoperability. Because Convo Desktop and Convo Mobile are software applications that run on off-the-shelf laptops, these products enable VRS users to avoid being tied to the traditional stationary and proprietary video devices required to access the relay services of many VRS providers.

Convo's latest product, Convo Anywhere, takes the concept of VRS mobility to a new level. Until the introduction of Convo Anywhere, software-based VRS applications required deaf and hard of hearing callers to download and install an application on their computers and therefore only enabled users to place VRS calls from their own personal computers. Although the mobility of laptop computers and the wide availability of WiFi hotspots make this a preferable hardware solution relative to stationary, proprietary videophones, VRS users relying

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solution); *Comments of Convo Communications, LLC*, CG Docket No. 03-123 (filed July 28, 2010) (acknowledging, supporting, and commenting on FCC's determination that Interstate TRS Fund payments may be suspended from providers failing to submit to audits and that Commission has authority to audit VRS providers); *Comments of Convo Communications, LLC*, CG Docket No. 10-51 (filed July 16, 2010) (commenting on petition filed by Purple Communications, Inc. seeking waiver of Commission's rules to enable company's implementation of call forwarding feature for point-to-point calls using company's proprietary gateway server IP address); *Comments of Convo Communications, LLC*, CG Docket No. 03-123 (filed May 14, 2010) (commenting on whether the Commission should adopt NECA's proposed rates for the 2010-2011 TRS Fund years).

<sup>18</sup> These applications are an enhancement to Convo's original, and still most popular, product: Apple iChat-based VRS service.

on installed software still are tied to their own laptops. By contrast, Convo Anywhere requires no software download or installation. It leverages Adobe's Flash platform, which is installed on over 98 percent of Internet-connected computers,<sup>19</sup> and therefore is platform-neutral. Convo Anywhere can also on many mobile devices.<sup>20</sup> Convo Anywhere simply requires VRS callers to open a Web browser on any Adobe Flash-powered computer or smartphone that can be used to access the Internet (irrespective of its operating system) and enter Convo Anywhere's URL: anywhere.convorelay.com.

Further, Convo Anywhere provides greatly enhanced access to E-9-1-1 to the deaf and hard of hearing community. By clicking on a 9-1-1 "hot button," VRS callers using Convo Anywhere can reach emergency services through a CA from anywhere using any Internet-connected mobile device without first having to install software. In addition, Convo Anywhere uses the same computer port for VRS calls that is used for Internet browsing—TCP Port 80. As a result, unlike many other IP-based VRS applications, Convo Anywhere can be used from devices subject to strict firewall policies, such as workplace and government computers, without the need to obtain special permissions from network managers to open additional ports.

*Convo's Strengths as a VRS Provider.* As described above, the evolution and growth of Convo's operational capacity has enabled Convo to realize the economies of scale necessary to ensure that its operations are both efficient and cost-effective. Moreover, due to its relatively small size compared to the largest VRS providers, Convo has maintained the flexibility to respond rapidly to new regulatory and technological challenges, while avoiding being burdened

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<sup>19</sup> Adobe Systems Incorporated, "Statistics," <http://www.adobe.com/flashplatform/statistics/> (last visited May 10, 2011).

<sup>20</sup> However, Convo Anywhere is not currently supported on Apple's iPhone or iPad based on Apple's present limitations on the use of Flash on these devices.

by an unwieldy bureaucracy or unnecessary administrative costs. Further, Convo’s development of cutting-edge, user-friendly VRS technologies has demonstrated Convo’s continued commitment to innovation. In combination, these advancements enable Convo to provide amongst the highest quality VRS offered in the United States and to obtain and retain a growing and sophisticated customer base.

**B. THE COMMISSION’S *VRS ORDER***

On April 6, 2011, the Commission released the *VRS Order*, which established a host of new requirements applicable to VRS providers, including a prohibition against non-certified VRS providers “provid[ing] VRS and hold[ing] themselves out as providers of VRS to the general public.”<sup>21</sup> Further, the *VRS Order* also effectively prohibits certified VRS providers from submitting the VRS relay minutes of non-certified providers to the TRS Fund Administrator for compensation by prohibiting certified VRS providers from “subcontracting” core VRS functions to non-certified VRS providers.<sup>22</sup> In combination, these new requirements eliminate the ability of non-certified VRS providers, such as Convo, from continuing to compete in the VRS market. However, the Commission recognized in the *VRS Order* that “some companies currently offer[] VRS through an arrangement with an eligible provider,” that such companies “may wish to continue to provid[e] this service on their own,” and that these companies “may require additional time to make adjustments to their operations in order to come into compliance with the new requirements” established by the order. Therefore, the Commission expressly adopted a waiver mechanism in the *VRS Order* to enable qualified, non-

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<sup>21</sup> *VRS Order*, ¶57

<sup>22</sup> *Id.*, ¶ 58 (“[W]e amend our rules to make clear that an eligible provider is prohibited from engaging any third party to provide VRS CAs to call center functions . . . , on its behalf, unless that third party entity also is an eligible provider under our rules.”).

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certified providers “an opportunity to continue to provide VRS as a subcontractor with an eligible provider until such time as they obtain certification under new procedures to be adopted” by the Commission.<sup>23</sup>

Specifically, the *VRS Order* requires such qualified, non-certified providers to submit a waiver request to the Commission supported by various information disclosures and documentation.<sup>24</sup> Non-certified providers filing such waiver requests are permitted to seek ancillary waivers of the new VRS requirements set forth in the *VRS Order* for up to three months following the effective date of the *VRS Order* to provide them with time to come into compliance

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<sup>23</sup> *Id.*, ¶ 62. Although the *VRS Order* is not explicit with respect to the matter, Convo assumes that grant by the Commission of the waiver request both (i) enables the applicant to continue to submit its VRS relay minutes to the TRS Fund Administrator through its certified provider and (ii) enables the certified provider to submit the non-certified provider’s relay minutes to the TRS Fund Administrator in exchange for a percentage of the compensation paid from the TRS Fund for such VRS minutes. Convo assumes that the waiver will remain in effect until such time as the Commission has acted on the waiver applicant’s VRS certification application.

<sup>24</sup> The *VRS Order* envisions that such waiver requests will be filed by non-certified (*i.e.*, ineligible) VRS providers. Specifically, the *VRS Order* requires “applicants requesting a temporary waiver” to demonstrate their ability to come into compliance with the Commission’s newly adopted VRS requirements “other than the certification requirement” and to “file for certification within thirty days” after the Commission adopts new certification requirements. *See VRS Order*, ¶ 63. Certified VRS providers would not need to seek a new certification under the *VRS Order*, which demonstrates that the Commission intended only non-certified providers to seek such waivers. In addition, certified providers have no incentive to file waiver requests on behalf of non-certified providers and non-certified providers have no means of compelling certified providers to file such waiver requests, which further demonstrates the importance of permitting non-certified providers to file waiver requests on their own behalf. Nevertheless, the waiver mechanism set forth in the *VRS Order* is somewhat unusual because it effectively requires non-certified providers to seek waiver requests on their own behalf *and* on behalf of the certified provider through which such non-certified provider seeks compensation from the TRS Fund. Specifically, the *VRS Order* contemplates that a non-certified provider may seek a waiver on its own behalf to enable it to provide VRS and hold itself out as a provider of VRS to the general public. The *VRS Order* also contemplates that the non-certified provider’s waiver operates on behalf of its certified provider to waive the prohibition against certified providers seeking compensation from the TRS Fund on behalf of non-certified providers. *See FCC Public Notice, Consumer and Government Affairs Bureau Provides Guidance on Filing Requests for Waiver of New Requirements Adopted in the Video Relay Services Fraud Order*, CG Docket No. 10-51, DA 11-893 (May 17, 2011).

with such new requirements. Further, non-certified providers are required to seek certification from the Commission within 30 days following the effective date of new certification requirements proposed by the Commission in the *VRS Order*. According to the Commission, it will grant such waiver requests upon a “rigorous showing that the applicant has workable plans and the ability to continue to provid[e] VRS in a manner that will not undermine the measures adopted in the [*VRS*] *Order* to eliminate fraud and abuse that have plagued the VRS program.”<sup>25</sup>

## II. WAIVER REQUEST

Convo is ideally suited to benefit from the waiver criteria established by the Commission in its *VRS Order* and bears no resemblance to the illicit VRS providers whose fraudulent and illegal activities the Commission’s *VRS Order* was intended to curtail.<sup>26</sup> Convo shares the Commission’s “commitment to ensuring that VRS remains a viable and a valuable communications tool for Americans who use it on a daily basis”<sup>27</sup> and Convo’s customers consider its VRS offerings to be a valuable component of their daily lives. Moreover, Convo actively has been seeking VRS certification since it initially filed its VRS Application with the Commission in 2009. Since 2009, it has expended substantial resources to develop a thriving and productive VRS business in compliance with applicable Commission regulations.<sup>28</sup> In

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<sup>25</sup> *Id.*, ¶ 62.

<sup>26</sup> *VRS Order*, ¶¶ 4-5, 55-56

<sup>27</sup> *Id.*, ¶ 1.

<sup>28</sup> Although in the *VRS Order* the Commission characterizes non-certified providers as “ineligible” for TRS Fund compensation, the *VRS Order*, in fact, is the first Commission release specifying that certified providers may not seek compensation from the TRS Fund for VRS calls relayed by non-certified providers. The Commission has been aware of this commonplace practice within the VRS industry since at least early 2009, but nevertheless did not act to eliminate this component of the VRS industry until the adoption of the *VRS Order*. See *Pleading Cycle Established For Comments on Petition for Rulemaking Filed by GoAmerica, Inc. Concerning Internet-Based Telecommunications Relay (TRS) Provider Certification Requirements*, Public Notice, 24 FCC Rcd 3638 (rel. March 29, 2009) (seeking comment on

particular, Convo has focused its efforts on developing extensive internal controls to ensure regulatory compliance and prevent waste, fraud, and abuse. These controls have resulted in one of lowest TRS Fund compensation denial rates among VRS providers.<sup>29</sup> Moreover, Convo is an active participant in Commission proceedings aimed at improving regulatory oversight of the VRS industry.<sup>30</sup> This track record and the rigorous showings set forth herein strongly support Convo's Waiver Request.

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GoAmerica's January 29, 2009 petition describing the "white label" VRS market). By contrast, the Commission has not hesitated to expressly mandate over the past several years that a variety of other practices render a VRS provider ineligible for TRS Fund compensation. *See, e.g., FCC Enforcement Advisory: Enforcement Bureau Reminds Internet-Based Telecommunications Relay Service Providers of Emergency Calling Requirements*, Public Notice, 26 FCC Rcd 1870 (2011) (holding that Internet-based TRS providers that are not "fully comply with the Commission's emergency calling requirements" are "ineligible for compensation from the interstate TRS Fund"); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Declaratory Ruling, 22 FCC Rcd 20140, ¶ 96 (2007) (holding that "providers . . . taking action that has the effect of providing consumers incentives to make relay calls, or misusing customer information, [are] ineligible for compensation from the Fund"); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling and Further Notice of Proposed Rulemaking, 21 FCC Rcd 5442, ¶ 29 (2006) (holding that "any VRS provider restricting the use of its service so that a consumer cannot use it to place or receive a call through any of the VRS providers' relay service will be ineligible for compensation from the Interstate TRS Fund"); *Federal Communications Commission Clarifies That Certain Telecommunications Relay Services (TRS) Marketing and Call Handling Practices Are Improper And Reminds That Video Relay Service (VRS) May Not be Used As a Video Remote interpreting Service*, Public Notice, 20 FCC Rcd 1471 (2005) (holding that certain "improper marketing or call handling practices [are] ineligible for compensation from the Interstate TRS Fund"); *Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling, 20 FCC Rcd 1466, ¶ 9 (2005) (holding that a "TRS provider offering . . . incentives or rewards for the use of any of the forms of TRS [is] ineligible for compensation from the Interstate TRS Fund"); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, ¶ 60 (2004) (holding that "non-shared language relay service" is ineligible for TRS Fund compensation).

<sup>29</sup> *See infra* note 118 and accompanying text.

<sup>30</sup> *See supra* note 17.

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**A. CONVO REQUESTS A WAIVER OF THE PROHIBITION ON SUBCONTRACTING SET FORTH IN THE VRS ORDER**

Convo herein requests the Commission to grant temporary waivers of certain new requirements established by the Commission in the *VRS Order* as necessary to enable Convo to maintain its VRS operations during the pendency of the Commission's review of Convo's VRS Application. Specifically, Convo requests the Commission temporarily to waive the following new requirements, each of which is further discussed below: (i) requirement that a VRS provider be certified in order for the entity to hold itself out to the general public as providing VRS; and (ii) requirement that VRS providers offer VRS under the name by which the provider was certified. These waivers will enable Convo to maintain its arrangement with Snap pursuant to which Snap submits VRS relay minutes to the TRS Fund Administrator on behalf of Convo. Convo requests that these temporary waivers remain in effect until such time as the Commission acts on Convo's pending VRS Application,<sup>31</sup> which Convo will amend as appropriate within 30 days of the effective date of any new certification requirements established by the Commission pursuant to the *FNPRM*.<sup>32</sup> In addition, Convo requests shorter-term waivers of certain other new VRS regulations adopted by the Commission in the *VRS Order* as set forth herein.

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<sup>31</sup> Although the *VRS Order* only envisions waivers of up to three months past the order's effective date with respect to certain of the new requirements adopted therein, the order is clear that this time limit does not apply to the newly adopted, basic requirement that all VRS provider become certified. See *VRS Order*, ¶ 63 (requiring VRS providers to come into compliance no later than 90 days after the order's effective date with requirements established by the order "other than the certification requirement").

<sup>32</sup> The *FNPRM* proposes to require all VRS providers to receive Commission certification and proposes certain new certification requirements. See *VRS Order*, ¶¶ 96-98. To the extent that the Commission requires Convo to file a new VRS certification application rather than amend its existing VRS Application, Convo will do so in compliance with the deadline established by the *VRS Order*. See *VRS Order*, ¶ 63 (requiring all waiver applicants to "file for certification within thirty days after the final certification rules become effective"). Convo notes that this Waiver Request provides all of the information about Convo and its operations that the Commission has proposed to require to be provided by future VRS certification applicants, see *id.*, ¶ 97, except

**1. Convo Requests a Temporary Waiver of the VRS Certification Requirement**

The *VRS Order* requires an entity to be “an eligible VRS provider, as defined in subsection (c)(5)(iii)(F),” before the entity “may hold itself out to the general public as providing VRS.”<sup>33</sup> Subsection (c)(5)(iii)(F) requires a provider to “become certified by the Commission” to attain “eligible VRS provider” status.<sup>34</sup> As set forth above, Convo initially submitted its VRS Application to the Commission in October 2009 and the Commission has not yet acted on the application. As a result, despite Convo’s diligent, good faith efforts to become a certified VRS provider, Convo currently is not certified. Therefore, absent Commission waiver of this new requirement, Convo may be required to cease operations upon the effective date of the *VRS Order*—June 1, 2011. This would result in abandonment by Convo of its thousands of VRS customers and would require Convo to lay off its workforce. To prevent this result, Convo herein requests the Commission to temporarily waive this requirement, which is consistent with the Commission’s stated goal of the waiver criteria set forth in the *VRS Order*—to provide non-certified VRS providers “an opportunity to continue to provide VRS as a subcontractor with an eligible provider until such time as they obtain certification . . . .”<sup>35</sup>

**2. Convo Requests a Temporary Waiver of the Requirement that VRS Providers Offer VRS Under the Name by Which Such VRS Providers Became Certified**

The *VRS Order* requires “VRS service [to] be offered under the name by which the eligible VRS provider offering such service became certified and in a manner that clearly

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that the Commission also proposes in the *FNPRM* to conduct “on-site visits to the premises of applicants.” *See id.*, ¶ 98. Convo encourages the Commission to visit and inspect its headquarters and any or all of its call centers.

<sup>33</sup> *See VRS Order*, ¶ 57; *see also* 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(i).

<sup>34</sup> 47 C.F.R. § 64.604(c)(5)(iii)(F)(4).

<sup>35</sup> *VRS Order*, ¶ 62.

identifies that provider of the service.”<sup>36</sup> Convo does not offer VRS under any name, brand, or sub-brand other than “Convo” and has no intention of doing so in the future. However, Convo is not a certified VRS provider and therefore is unable to comply with this requirement until such time as the Commission acts on Convo’s pending VRS Application. Therefore, Convo herein requests the Commission temporarily to waive application of this requirement to Convo to enable Convo to continue to offer VRS under its own brand name.

**3. Convo Requests Waiver of Certain New VRS Rules Until the Earlier of Three Months or Such Time as Convo Can Come Into Compliance With Such New Rules Using Diligent Efforts**

Consistent with the waiver criteria set forth in the *VRS Order*, Convo requests certain additional waivers of up to three months of new VRS requirements established by the order.<sup>37</sup> Specifically, Convo requests the following short-term waivers, each of which is further discussed elsewhere in this Waiver Request:

- Waiver of the requirement that VRS providers only complete VRS calls placed by their customers from foreign locations during the time periods in which their

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<sup>36</sup> See *VRS Order*, ¶ 57; see also 47 C.F.R. § 64.604(c)(5)(III)(N)(1)(ii). Any sub-brand(s) used by the VRS provider must clearly identify the certified entity as the provider of the service and the certified entity is required to route all VRS calls placed through each sub-brands through a single URL address for that sub-brand. *Id.*

<sup>37</sup> In the *VRS Order*, the Commission stated that it would be amenable to providing temporary waivers of certain of the new VRS rules established by the *VRS Order* for up to three months beyond the *VRS Order*’s effective date. *VRS Order*, ¶ 63. Such temporary waivers are intended to provide an opportunity for non-certified providers seeking waiver of the Commission’s prohibition on subcontracting by certified providers to come into compliance with the new VRS rules. *Id.*, ¶ 62 (“We recognize that some companies currently offering VRS through an arrangement with an eligible provider . . . may require additional time to make adjustments to their operations in order to come into compliance with the new requirements . . .”). Most of the new VRS rules promulgated by the *VRS Order* will become effective 30 days after the *VRS Order*’s publication in the Federal Register. *Id.*, ¶ 116. The *VRS Order* was published in the Federal Register on May 2, 2011. Structure and Practices of the Video Relay Service Program, 76 Fed. Reg. 24393 (May 2, 2011). Therefore, most of the VRS rules become effective on June 1, 2011, and the three-month limited waivers will expire on September 1, 2011.

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customers pre-registered with the VRS provider that they would be in such foreign locations.<sup>38</sup>

- Waiver of the prohibition against the subcontracting by certified providers to non-certified providers of certain core VRS functions to the extent that the Commission determines that Convo's ACD licensing agreement with URrelay is not consistent with the technology licensing exception to the subcontracting prohibition set forth in the *VRS Order*.<sup>39</sup>

Convo requests the Commission to temporarily waive these requirements until the earlier of the date on which Convo comes into compliance with the requirements through the use of diligent efforts as outlined in Section III(A) of this Waiver Request or September 1, 2011, which is three months after the effective date of the *VRS Order*.<sup>40</sup>

**B. CONVO HAS SATISFIED, OR HAS CERTIFIED HEREIN THAT IT WILL TIMELY SATISFY, ALL WAIVER CRITERIA ADOPTED BY THE COMMISSION IN THE VRS ORDER**

In the *VRS Order*, the Commission requires waiver applicants to show that (i) grant of their waiver requests is in the public interest; (ii) grant of their waiver requests will not undermine the purposes of the rules adopted in the *VRS Order*, and (iii) the applicant will come into compliance with the new VRS rules established in the *VRS Order* within a short period of time.<sup>41</sup> With respect to the latter requirement, the Commission provides that a waiver applicant may seek temporary waivers of the new rules provided that the applicant describes the specific requirements for which it is seeking such waivers and demonstrates its plan to come into

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<sup>38</sup> See Section III(A)(4) herein; see also *VRS Order*, ¶¶ 31-33; 47 C.F.R. § 64.604(a)(7).

<sup>39</sup> See *infra* Section III(A)(8) and note 70 herein.

<sup>40</sup> See *supra* note 37.

<sup>41</sup> See *VRS Order*, ¶ 62.

compliance with the new rules. These temporary waivers may remain in effect for no longer than three months after the effective date of the *VRS Order*.<sup>42</sup>

Convo demonstrates in Section II(C) of this Waiver Request that grant of the Waiver Request is in the public interest and will not undermine the purposes of the rules adopted in the *VRS Order*. Further, with respect to each new VRS requirement established by the *VRS Order*, Convo demonstrates in Section III(A) of this Waiver Request that it either (i) currently complies with the rule, (ii) will comply with the rule prior to the *VRS Order*'s effective date, or (iii) will comply with the rule within three months of the *VRS Order*'s effective date. With respect to the latter, Convo requests a temporary waiver of certain new rules until the earlier of the date by which Convo comes into compliance with the new rule using diligent efforts or September 1, which is three months after the effective date of the *VRS Order*. In addition, Convo has attached as exhibits to this Waiver Request both the documentation that the Commission requires waiver applicants to provide<sup>43</sup> and the documentation that the Commission proposed in its *FNPRM* to require to be submitted as part of future VRS certification applications.<sup>44</sup> Further, in Section III(B) of this Waiver Request Convo demonstrates its compliance with the VRS regulations in effect prior to the effectiveness of the *VRS Order*.

**C. APPLICATION OF SECTION 1.3 OF THE COMMISSION'S RULES TO THE INSTANT WAIVER REQUEST DEMONSTRATES THAT THERE IS GOOD CAUSE FOR THE COMMISSION TO GRANT THE WAIVER REQUEST**

Convo's Waiver Request complies with Section 1.3 of the Commission's rules, which permits the Commission for "good cause" to waive "[a]ny provision of the rules."<sup>45</sup> To show

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<sup>42</sup> *Id.*, ¶ 63.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*, ¶ 101.

<sup>45</sup> 47 C.F.R. § 1.3; *see also VRS Order*, ¶ 62 n. 168.

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good cause, a petitioner must demonstrate that (1) there are special circumstances warranting deviation from the general rule and (2) the waiver will serve the public interest.<sup>46</sup> For the reasons set forth below, there is good cause for the Commission to grant the instant Waiver Request.

Convo's uniquely strong track record as a non-certified VRS provider, as well as its efforts to become certified and the extended time in which its VRS Application has been pending,<sup>47</sup> are special circumstances that qualify as good cause for the Commission to grant the instant Waiver Request. As explained above, Convo quickly grew from a start-up company to an established and reputable provider of VRS, and it is now larger than the majority of certified VRS providers by minutes of relay service rendered per month. In addition, Convo has

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<sup>46</sup> See, e.g., *Northeast Cellular Tel. Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); see also *AT&T Corp. v. FCC*, 448 F.3d 426, 433 (D.C. Cir. 2006) ("A waiver is permissible 'where particular facts would make strict compliance inconsistent with the public interest.'" (quoting *Northeast Cellular Tel. Co.*, 897 F.2d at 1166)).

<sup>47</sup> Convo's VRS Application has been pending for nearly 18 months. By contrast, the Commission historically has acted on VRS certification applications in three to four months. See, e.g., *Notice of Certification of CSDVRS, LLC as a Provider of Video Relay Service (VRS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, Public Notice, 22 FCC Rcd 17014 (CGB 2007) (granting on September 21, 2007 a VRS application filed on July 16, 2007); *Notice of Certification of Hands On Video Relay Services, Inc., as a Provider of Internet Protocol (IP Relay) and Video Relay Service (VRS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, Public Notice, 21 FCC Rcd 14766 (CGB 2006) (granting on December 22, 2006 a VRS certification application filed on October 4, 2006); *Notice of Certification of Healinc Telecom, LLC as a Provider of Video Relay Service (VRS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, Public Notice, 21 FCC Rcd 6486 (CGB 2006) (granting on June 9, 2006 a VRS certification application filed on February 22, 2006); *Notice of Certification of GoAmerica, Inc. as a Provider of Internet Protocol (IP Relay) and Video Relay Services (VRS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, Public Notice, 21 FCC Rcd 6489 (CGB 2006) (granting on June 9, 2006 a VRS certification application filed on March 16, 2006); *Notice of Certification of SNAP Telecommunications, Inc. as a Provider of Video Relay Service (VRS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, Public Notice, 21 FCC Rcd 5511 (CGB 2006) (granting on May 8, 2006 a VRS certification application filed on January 25, 2006).

developed a superior reputation for industry-leading customer service and rigorous internal controls to prevent waste, fraud, and abuse.

In addition, granting Convo's Waiver Request will serve the public interest. Allowing Convo to continue providing VRS will enable Convo to avoid abandoning its thousands of VRS customers and will benefit all VRS users by enabling Convo to continue to provide high-quality VRS in competition with other, more entrenched VRS providers. Further, Convo has a proven track record of advancing the state-of-the-art within the VRS industry, including through its introduction of Convo Anywhere, which is amongst the most technologically advanced and innovative VRS products available today.

Moreover, the Commission's new VRS rules are intended to "substantially reduce and ultimately eliminate . . . fraud and abuse."<sup>48</sup> Grant of the instant Waiver Request will not undermine the purpose of the rules adopted in the *VRS Order*. As set forth in detail herein, Convo has placed a strong emphasis throughout its existence on implementing internal controls intended to ensure compliance with all applicable regulatory requirements and to avoid even the possibility of fraud or abuse. Further, Convo has absolutely no history of fraudulent or abusive practices with respect to the VRS industry generally, or with respect to securing compensation from the TRS Fund. To the contrary, Convo has one of the lowest rates of denial by the TRS Fund Administrator of VRS minutes in the industry—less than 0.05%.

### **III. DEMONSTRATION AND CERTIFICATION OF COMPLIANCE WITH APPLICABLE VRS RULES**

In order to ensure compliance with all of the Commission's rules applicable to Convo, all of Convo's employees receive training when they are hired and upon any changes by the

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<sup>48</sup> *VRS Order*, ¶ 62.

Commission to applicable VRS rules.<sup>49</sup> Further, Convo conducts periodic meetings with the management teams of each of its call centers to ensure that new Commission regulations and other issues germane to Convo's operations are fully vetted and that any required operational changes are promptly implemented. In addition, Convo is consistently apprised by its regulatory team and outside counsel of all applicable new decisions, actions, and policies of the Commission. Section A of this Part III demonstrates Convo's current compliance with, or provides the means that Convo will comply with, all new VRS regulations adopted in the *VRS Order*. Section B demonstrates Convo's compliance with, or plan to comply with going forward, all existing VRS rules that were in place prior to the adoption of the *VRS Order*.

**A. COMPLIANCE WITH THE NEW VRS RULES ADOPTED BY THE COMMISSION IN THE *VRS ORDER***

As set forth below, Convo either currently complies with all new regulations adopted by the Commission in the *VRS Order* or will come into compliance with such regulations prior to the effective date of the order, except that Convo requests temporary waiver for up to three months of certain new regulations.

**1. Call Centers Reporting Requirements**

The *VRS Order* requires each VRS provider biennially to submit to the Commission a written statement containing various information about each call center operated by the VRS provider.<sup>50</sup> In addition, the *VRS Order* also requires VRS providers to provide notice to the Commission 30 days in advance of opening, closing, or changing the location of a call center.<sup>51</sup> Exhibit 18 (Description of Convo Call Centers) provides the required information regarding

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<sup>49</sup> For instance, Convo issued a memorandum to all staff members regarding the recent changes to the Commission's rules relating to VRS. See Exhibit 19 (Convo Memo Dated Apr. 9, 2011).

<sup>50</sup> See *VRS Order*, ¶¶ 9-12; see also 47 C.F.R. § 64.604(c)(5)(iii)(N)(2).

<sup>51</sup> *Id.*

Convo’s call centers. In addition, Convo biennially will file with the Commission an update to this information, as well as provide the Commission with the required prior notice before opening, closing, or relocating a call center.

**2. Prohibition of Home-Based Call Centers**

The *VRS Order* prohibits a VRS provider from permitting its CAs to relay calls from a location primarily used as the CA’s home.<sup>52</sup> Convo currently complies with this rule. Convo does not allow its CAs to relay calls from their residences. Instead, all of Convo’s CAs are required to relay calls from Convo’s call centers.

**3. Prohibition of Per Minute and Other Incentive-Based Compensation Arrangements**

The *VRS Order* prohibits VRS providers from “compensat[ing], giv[ing] a preferential work schedule or otherwise benefit[ing] a CA in any manner that is based upon the number of VRS minutes or calls that the CA relays, either individually or as part of a group”<sup>53</sup> because, according to the Commission, “compensation arrangements that tie minutes processed by a CA to the compensation for that CA create incentives to fraudulently generate minutes.”<sup>54</sup> Convo does not base the compensation of any of its CAs, or offer preferential work schedules or any other incentives based on the number of minutes of VRS relayed by its CAs. Further, Convo emphasizes to its CAs that Convo intends only to relay “organic” VRS minutes—*i.e.*, VRS minutes that independently are originated by its customers. Convo does not encourage VRS

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<sup>52</sup> See *VRS Order*, ¶¶ 13-20; see also 47 C.F.R. § 64.604(b)(4)(iii).

<sup>53</sup> See *VRS Order*, ¶¶ 21-23; see also 47 C.F.R. § 64.604(c)(5)(iii)(N)(3).

<sup>54</sup> *VRS Order*, ¶ 22.

users to place calls or otherwise artificially manufacture additional use of VRS by its customers.<sup>55</sup>

#### 4. Prohibition of Reimbursement of Certain International VRS Calls

The *VRS Order* prohibits reimbursement from the TRS Fund for international VRS calls (*i.e.*, VRS calls that originate from an international IP address) unless the domestic customer of a VRS provider pre-registers with the VRS provider prior to the start of the customer's international travel by providing the VRS provider with their travel dates and their travel itinerary.<sup>56</sup>

Currently, Convo has the capability to identify a VRS call's origination point based on the IP address associated with the call. Consistent with the Commission's new rules, Convo uses this capability to block calls originating outside of the United States unless such calls either are initiated by hearing individuals who are calling VRS users inside the United States or are

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<sup>55</sup> Prior to the adoption of the *VRS Order*, Convo contracted with unaffiliated call centers for the provision of CA relay services to Convo's customers. Certain of these contracts involved payment to the call center operators based on the number of aggregate minutes of VRS provided by the unaffiliated call centers. However, as a result of the prohibition established by the *VRS Order* on the use by certified VRS providers of subcontractors for "core" VRS functions such as CA relay services, Convo terminated all such arrangements with unaffiliated call centers and transferred these CA relay functions to call centers controlled and operated by Convo. *See* Section III(A)(8) herein. This shift in operations by Convo to comply with the *VRS Order*'s prohibition on outsourcing core VRS functions to subcontractors eliminated all business arrangements to which Convo was a party that involved compensation to Convo's counterparties based on minutes of VRS use.

<sup>56</sup> *See VRS Order*, ¶¶ 31-33; *see also* 47 C.F.R. § 64.604(a)(7). With respect to customers that pre-register their international travel with their default VRS provider, the VRS provider only may submit the customer's VRS calls for reimbursement if there is an accurate means of verifying the identity and location of the customer and the customer is calling from the pre-registered region during the time that the customer informed the VRS provider that the customer would be in the region. In addition, for purposes of this prohibition, an international IP address is defined to mean any IP address that indicates that a VRS call is being initiated from a location outside of the United States. *Id.*

initiated by a domestic VRS customer of Convo who has pre-registered his or her international travel with Convo.

However, Convo currently does not have the technical capability to automatically filter VRS calls initiated from outside of the United States by its pre-registered VRS customers in the granular manner required by the *VRS Order*. Specifically, Convo currently cannot confirm that such VRS calls are made from a location specified by Convo's pre-registered customers during the period of time in which such customers informed Convo that they would be in such locations. Convo is in the process of developing a technical solution to enable Convo to add this filtering functionality to its ACD's capabilities. Therefore, Convo requests a temporary waiver of this requirement until the earlier of (i) the date on which Convo successfully implements appropriate filtering technology using diligent efforts or (ii) September 1, 2011.<sup>57</sup>

#### **5. Prohibition of CA-Activated Privacy Screens**

The *VRS Order* prohibits a CA from activating a "visual privacy screen or similar feature" at any time during a VRS call.<sup>58</sup> Convo currently complies with this rule. Convo does not permit its CAs to activate privacy screens and does not provide its CAs with a method to do so from their relay consoles. In addition, Convo recently distributed an internal memo to all of its CAs re-emphasizing that they are prohibited from utilizing privacy screens.<sup>59</sup>

#### **6. Requirement to Terminate VRS Calls After 5 Minutes of Inactivity**

The *VRS Order* requires CAs to terminate VRS calls if the VRS caller is unresponsive for longer than five minutes and requires CAs to issue a warning to the VRS caller prior to

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<sup>57</sup> See *supra* note 37 and accompanying text.

<sup>58</sup> See *VRS Order*, ¶¶ 34-42; see also 47 C.F.R. § 64.604 (a)(6).

<sup>59</sup> See Exhibit 19 (Convo Memo Dated Apr. 9, 2011).

disconnecting.<sup>60</sup> Convo currently complies with this requirement. To ensure such compliance, Convo issued an internal memo to all of its CAs notifying them of this rule change.<sup>61</sup>

**7. Prohibition of Seeking Reimbursement for VRS Calls Involving Remote Training**

The *VRS Order* prohibits VRS providers from seeking reimbursement for any VRS minutes dedicated to remote training sessions or comparable activities if the VRS provider is involved in any manner with such training or other activity.<sup>62</sup> Convo currently complies with this new rule. As a policy matter, Convo does not create or promote VRS minutes or otherwise encourage VRS users to place calls that they would not otherwise make, including through any type of affiliation or endorsement of remote training. Further, to the extent that Convo's VRS customers use Convo's VRS offering to attend remote training sessions of their own volition, Convo processes and seeks reimbursement of the associated VRS minutes only if the training is interactive—*i.e.*, if VRS users are able to participate or intervene in the training during the call. If the call is not interactive, then Convo does not process the call.

**8. Prohibition Against Subcontracting “Core” VRS Functions**

The *VRS Order* amends the Commission's rules to prohibit VRS providers from engaging third-party subcontractors to provide CAs or call center functions (including call distribution, routing, call setup, mapping, call features, billing for compensation from the TRS fund, and registration) unless the third-party subcontractors are certified VRS providers.<sup>63</sup> Although

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<sup>60</sup> See *VRS Order*, ¶¶ 34-42; see also 47 C.F.R. § 64.604 (a)(6).

<sup>61</sup> See Exhibit 19 (Convo Memo Dated Apr. 9, 2011).

<sup>62</sup> See *VRS Order*, ¶¶ 43-46; see also 47 C.F.R. § 64.604(c)(5)(iii)(N)(4).

<sup>63</sup> See *VRS Order*, ¶ 58; see also 47 C.F.R. § 64.604(c)(5)(III)(N)(1)(iii).

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Convo primarily relies on its own 59-person workforce,<sup>64</sup> Convo also historically has subcontracted certain portions of its VRS functions to unaffiliated companies, which is a commonplace practice among small businesses. For example, Convo has contracted with companies for the provision of qualified CAs to staff certain of Convo's call centers and to provide overflow coverage during times of unexpectedly high VRS call volume. As further set forth below, Convo is in the process of reforming these business arrangements, or recently has done so to comply with the new subcontracting prohibition established by the *VRS Order*.

URrelay, Inc. ("URrelay").<sup>65</sup> URrelay has provided overflow CA services to Convo during periods in which VRS demand is unexpectedly high preventing Convo's CAs from answering calls as rapidly as required by Convo.<sup>66</sup> Convo understands that URrelay, which is not a certified provider, is in discussions with a certified VRS provider and that URrelay anticipates that these discussions will result in the ownership and operation of URrelay's call centers by the certified provider. If this occurs, Convo will be permitted to continue to utilize

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<sup>64</sup> Convo's workforce is comprised of both direct employees and individual independent contractors directly hired by Convo. It is Convo's understanding that the *VRS Order* was intended only to prohibit the subcontracting of CA functions by VRS providers to unaffiliated companies and that the Commission did not intend to prohibit VRS providers from directly hiring individual CAs on an independent contractor basis. *See, e.g., VRS Order*, ¶ 49 (discussing the use by VRS providers of "ineligible entities" to provide components of VRS), ¶ 55 (discussing the lack of oversight by VRS providers of "the call handling operations of . . . affiliates and subcontractors") (emphasis added), ¶ 58 (permitting VRS providers to subcontract only with a "third party entity [that] also is an eligible provider" and whose "operations" are subject to Commission supervision). The independent contractor model is especially prevalent in the CA field and thus many of Convo's CAs are hired by Convo on an independent contractor basis rather than as direct employees of Convo.

<sup>65</sup> URrelay is based in Cedar Rapids, IA. *See* <http://www.urrelay.com/>.

<sup>66</sup> Convo also pays URrelay fixed fees to provide certain system maintenance and equipment installation services; leases access to a switch owned by URrelay; and acquires ten digit telephone numbers from URrelay. None of these functions appear to be prohibited under the *VRS Order* and they are all services that most companies outsource to third-party vendors. Accordingly, Convo intends to continue to utilize URrelay or another third-party vendor to perform these services for Convo.

CAs from these call centers to provide VRS on an overflow basis to Convo’s VRS customers because the *VRS Order* permits VRS providers to subcontract CA services to certified VRS providers.<sup>67</sup> If URrelay’s negotiations are unsuccessful, Convo will terminate its current arrangement with URrelay.

URrelay also historically has provided Convo’s ACD platform and related technical support services in exchange for fees tied to the number of total VRS minutes processed through URrelay’s ACD system. Convo recently converted its ACD arrangement with URrelay into a licensing agreement pursuant to which Convo will license URrelay’s ACD software and purchase software support and hosting services from URrelay<sup>68</sup> for a fixed fee that is not tied to the number of minutes of VRS provided by Convo to its customers.<sup>69</sup>

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<sup>67</sup> See *VRS Order*, ¶ 58.

<sup>68</sup> The *VRS Order* expressly permits VRS providers to purchase “licensing rights to use certain technologies necessary to support call center functions.” See *VRS Order*, ¶ 58 n. 164.

<sup>69</sup> See Exhibit 12 (URrelay, Inc. Licensing Agreement and Invoices). Although the *VRS Order* only prohibits VRS providers from providing compensation to third parties on a per-VRS minute basis if such third parties provide “services or functions related to marketing or outreach,” Convo out of an abundance of caution nevertheless has determined not to offer such compensation to any third parties under any circumstances. See *VRS Order*, ¶ 61.

<sup>70</sup> Although Convo believes that the licensing agreement that it is negotiating with URrelay is fully consistent with the requirements established by the *VRS Order*, to the extent that the Commission reaches a different conclusion, then Convo hereby requests a temporary waiver of the prohibition on subcontracting to third parties that are not certified VRS providers.

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Importantly, however, Convo will be unable operate [[REDACTED]] without direct access to the iTRS ENUM Database (“Database”). Without such direct access, Convo will be unable to comply with certain Commission rules governing VRS without relying on third-party subcontractors. For example, Convo will be unable to (i) assign its VRS customers ten-digit telephone numbers, (ii) identify incoming calls by the ten-digit telephone numbers associated with the IP addresses from which the calls were placed, (iii) effectively utilize or forward to 9-1-1 emergency dispatchers Automated Number Identification information, or (iv) access customers’ 9-1-1 addresses through the Database when handling 9-1-1 calls. On March 23, 2011, Convo submitted to the Commission a waiver request seeking direct access to the Database on an interim basis until the Commission acts on Convo’s pending Application.<sup>71</sup> Grant of this waiver is a necessary prerequisite to Convo’s ability [[REDACTED]] Therefore, Convo requests the Commission to act on the Database waiver request contemporaneously with its action on the instant Waiver Request.

*A Sign Language Interpreting Resource, Inc. (“SignOn”).*<sup>72</sup> SignOn operates a call center in Seattle, WA (“Seattle Call Center”) on behalf of Convo and supplies all of the CAs that staff the call center. SignOn is not a certified VRS provider and therefore Convo is prohibited under the *VRS Order* from retaining SignOn to manage the Seattle Call Center. Despite Convo’s attempt to negotiate an arrangement with SignOn that would enable Convo to directly manage

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Specifically, Convo requests for the Commission to permit Convo to continue to utilize the URrelay ACD software in conjunction with Convo’s call centers until the earlier of (i) the date on which Convo migrates its call centers to its proprietary ACD software using diligent efforts or (ii) September 1, 2011. See *supra* note 37 and accompanying text.

<sup>71</sup> Convo Communications, LLC, Petition for Waiver, CG Docket Nos. 03-123, 10-51 (Mar. 23, 2011).

<sup>72</sup> SignOn is based in Seattle, WA, and its mission is “to provide quality interpreting services to the community and to foster continued growth and development in the profession of interpreting.” See <http://www.signonasl.com/about.html>.

the Seattle Call Center and employ the CAs that staff the call center, Convo and SignOn were unable to reach an agreement. As a result, Convo intends to cease using the Seattle Call Center. Convo is in the process of winding down and ceasing all of its operations at the Seattle Call and will have completed doing so before the *VRS Order* takes effect on June 1, 2011.<sup>73</sup>

NationwideVRS.<sup>74</sup> Convo previously retained NationwideVRS to provide CAs and a call center supervisor to staff Convo's call center in Mobile, Alabama ("Mobile Call Center"). Convo paid NationwideVRS a fixed hourly rate for each of the Mobile Call Center CAs. To comply with the *VRS Order*'s limitation on subcontracting, Convo recently directly hired the Mobile Call Center staff previously employed by NationwideVRS.<sup>75</sup> NationwideVRS is no longer a going concern.

#### 9. Requirement that All Third-Party Contracts Are Documented

The *VRS Order* requires all VRS providers to memorialize in writing and make available to the Commission and the TRS Fund Administrator at their request all agreements between VRS providers and third-parties.<sup>76</sup> Convo currently complies with this requirement. Convo uniformly executes in writing all contracts and arrangements that it enters into with third parties, and Convo

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<sup>73</sup> SignOn recently filed a petition for waiver with the Commission seeking authority to continue to operate call centers on behalf of, and to provide CA relay services to, certified VRS providers. See *SignOn: A Sign Language Interpreting Resource, Inc. Petition for Waiver*, CG Docket No. 10-51 (filed May 9, 2011). If the Commission grants SignOn's petition, Convo may consider re-establishing a commercial arrangement with SignOn.

<sup>74</sup> See <http://www.nationwidevrs.com/index.html>.

<sup>75</sup> See Exhibit 10 (List of Convo's Full-Time and Part-Time Employees and Independent Contractors), which includes the individuals hired by Convo who previously were employed by NationwideVRS, namely, Stephanie Pope, Sophia Nelson, and Charles Estes; see also Exhibit 14 (Other Convo Financing Arrangements), which includes a promissory note pursuant to which Convo recently borrowed approximately [[REDACTED]] to effectuate its arrangements with these CAs.

<sup>76</sup> See *VRS Order*, ¶ 60; see also 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(v).

is prepared to submit these copies to the Commission and/or the TRS Fund Administrator at their request.

**10. Third-Party Marketing and Outreach Agreements**

The *VRS Order* requires VRS providers to submit as part of their annual reports to the TRS Fund Administrator a description of all agreements with third parties regarding marketing and outreach projects involving VRS.<sup>77</sup> Further, “[t]o the extent an eligible VRS provider contracts with or authorizes a third party to provide any services or functions related to marketing or outreach, and such services utilize VRS, those VRS minutes are not compensable on a per minute basis from the TRS fund.”<sup>78</sup> Convo has not entered into any agreements with third parties pursuant to which they provide marketing or outreach services for Convo. Convo instead uses its own staff for all such promotional and public awareness efforts. Accordingly, these requirements presently are not applicable to Convo. However, Convo has sponsored or participated in certain events targeting the deaf and hard-of-hearing communities in 2010 and 2011 as part of its standard marketing and outreach activities. A list of such events is attached hereto as Exhibit 25.<sup>79</sup>

**11. Disclosure of New Whistleblower Protections**

The *VRS Order* requires VRS providers to provide their employees and contractors “an accurate and complete description of [the] TRS whistleblower protections” established by the *VRS Order*.<sup>80</sup> Convo issued an internal memo to its workforce on April 9, 2011 explaining the

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<sup>77</sup> See *VRS Order*, ¶ 61; see also 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(iv).

<sup>78</sup> See *VRS Order*, ¶ 61; see also 47 C.F.R. § 64.606(g).

<sup>79</sup> See Exhibit 25 (List of Convo Sponsorships).

<sup>80</sup> See *VRS Order*, ¶¶ 68-71; see also 47 C.F.R. § 64.604(c)(5)(iii)(M).

new whistleblower protections promulgated by the Commission.<sup>81</sup> Further, Convo has posted a description of the new whistleblower protections in a highly visible location in each of its call centers.

**12. Automated Collection, Filing, and Retention of Call Data**

For each call for which TRS compensation is sought, the Commission requires VRS providers to employ an automated recordkeeping system to capture the following call data “in a computerized and electronic format in a manner that does not allow human intervention during the call session”: (1) the call record ID sequence; (2) CA ID number; (3) session start and end times; (4) conversation start and end times; (5) incoming telephone number and IP address (if call originates from an IP-based device); (6) outbound telephone number and IP address (if call terminates to an IP-based device); (7) total conversation minutes; (8) total session minutes; (9) the call center that handles the call (by assigned call center ID number); (10) the URL address through which the call was initiated; and (11) speed of answer compliance data.<sup>82</sup> VRS providers are required to submit electronically to the TRS Fund Administrator all of the above data in a standardized format and a senior executive officer of a VRS provider is required to certify the accuracy of such data.<sup>83</sup> Further, VRS providers are required to retain such call data “and all other call detail records, other records [supporting] their claims for payment from the TRS Fund, and records used to substantiate the costs and expense data submitted in the annual . .

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<sup>81</sup> See Exhibit 19 (Convo Memo Dated Apr. 9, 2011).

<sup>82</sup> See *VRS Order*, ¶¶ 72-79; see also 47 C.F.R. § 64.604(c)(5)(iii)(C).

<sup>83</sup> See *VRS Order*, ¶¶ 88-91; see also 47 C.F.R. § 64.604(c)(5)(iii)(C)(1) and (5).

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. data request form,” in an easily retrievable, electronic format for a minimum of five years<sup>84</sup> and to permit the audit of this call data by the Commission and the TRS Fund Administrator.<sup>85</sup>

Convo currently complies with these requirements. Convo captures all of the data listed above using an automated electronic record keeping system that is not subject to intervention by a CA during a call session. In addition, Convo plans to submit this data in a standardized format to a certified VRS provider, currently Snap, which then would submit the data electronically to the TRS Fund Administrator.<sup>86</sup> Going forward, Convo will accompany the call data with a certification by its Chief Executive Officer of its accuracy.<sup>87</sup> Further, Convo has retained all automated call data that it has collected regarding its provision of VRS since its founding in 2009 and will maintain all such data in an easily retrievable electronic format for a minimum of five

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<sup>84</sup> See *VRS Order*, ¶¶ 85-87; see also 47 C.F.R. § 64.604(c)(5)(iii)(C)(7).

<sup>85</sup> See *VRS Order*, ¶¶ 82-84; see also 47 C.F.R. § 64.604(c)(5)(iii)(C)(6).

<sup>86</sup> Convo does not submit its automated call data directly to the TRS Fund Administrator because Convo currently is not a certified VRS provider and therefore is not permitted to do so under the Commission’s rules. In addition to Snap, Convo also has submitted its VRS relay minutes to the TRS Fund Administrator through other certified providers. See *supra* note 12. Convo is prepared to immediately begin submitting its data directly to the TRS Fund Administrator upon Commission approval of Convo’s pending VRS Application. See *supra* note 4 and accompanying text.

<sup>87</sup> In its 2010 *VRS Call Practices Order*, the Commission adopted an interim requirement that senior executives of certified VRS providers file monthly certifications with the TRS Fund Administrator regarding the accuracy of certain information that they file with the TRS Fund Administrator. See *Structure and Practices of the Video Relay Service Program*, Declaratory Ruling, Order and Notice of Proposed Rulemaking, 25 FCC Rcd 6012, ¶¶ 1-16 (2010). Because it is not a certified provider, Convo does not make direct filings with the TRS Fund Administrator and therefore has not had a means of providing these certifications to the TRS Fund Administrator to date. See *supra* note 86. However, Convo is prepared at the request of the Commission to provide a certification to the Commission and/or the TRS Fund Administrator that all data that it has reported through Snap and other certified providers is accurate.

<sup>87</sup> See *VRS Order*, ¶¶ 85-87; see also 47 C.F.R. § 64.604(c)(5)(iii)(C)(7).

years. Moreover, Convo welcomes an audit of this call data by the Commission or the TRS Fund Administrator.<sup>88</sup>

**B. CONVO COMPLIES WITH ALL EXISTING COMMISSION REQUIREMENTS APPLICABLE TO VRS PROVIDERS**

The *VRS Order* does not require a waiver applicant to demonstrate in its Waiver Request its compliance with the Commission's existing VRS requirements. Nevertheless, in an abundance of caution and to further support its Application, Convo herein describes its compliance with, or plan to comply with, all such existing operational, technical, and functional VRS regulations<sup>89</sup> and commits to remain in compliance with these requirements going forward even though many of them are not applicable to non-certified providers.<sup>90</sup>

**1. Communications Assistants**

The Commission's rules sets forth certain requirements applicable to CAs to ensure that all such CAs are qualified interpreters.<sup>91</sup> Convo is committed to ensuring that its CAs satisfy the specialized communications needs of individuals with hearing and speech disabilities. Specifically, Convo requires that all of its CAs possess a high level of proficiency with respect to

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<sup>88</sup> Upon the Commission's request, Convo will submit to the Commission and/or the TRS Fund Administrator all such automated call data pertaining to its provision of VRS since Convo's founding in March 2009.

<sup>89</sup> See 47 C.F.R. §§ 64.604, 64.605. The Commission has waived the application to VRS providers of certain Commission rules. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 25 FCC Rcd 8437 (CGB 2010) ("2010 VRS and IP Relay Service Waiver Extension Order"). Convo generally supports the continued extension of the application of these waivers to VRS providers.

<sup>90</sup> Certain of the Commission's VRS requirements are the subject of some uncertainty as to their appropriate interpretation and application. Although Convo has used diligent efforts to understand and comply with all applicable VRS requirements, if the Commission internally has adopted an interpretation of a VRS requirement that the Commission believes to be inconsistent with Convo's certifications herein, Convo will expeditiously conform with such Commission interpretation on the advice or clarification of the Commission.

<sup>91</sup> 47 C.F.R. § 64.604(a)(1).

receptive and expressive American Sign Language (“ASL”) skills and that they are able to interpret ASL either verbatim or to conventional English depending on the needs and preferences of particular callers. In addition, Convo trains its CAs to have a strong understanding of deaf culture to ensure that they are fully qualified to perform VRS interpreting functions. Convo also utilizes a CA screening and evaluation process to test and evaluate CA candidates. The testing is conducted by a panel of CA evaluators, as well as Convo’s call center operations managers, who are highly-skilled, certified interpreters.

The Commission also requires that “CAs answering and placing a . . . VRS call must stay with the call for a minimum of ten minutes.”<sup>92</sup> Convo’s standard CA operational practices comply with this requirement and the requirement is incorporated into Convo’s CA training curriculum.

## **2. Confidentiality and Conversation Content**

Pursuant to the Commission’s rules, “CAs are prohibited from disclosing the content of any relayed conversation regardless of content, and . . . from keeping records of the content of any conversation beyond the duration of a call, even if to do so would be inconsistent with state or local law.”<sup>93</sup> Convo stresses the importance of confidentiality to its CAs and trains each CA not to disclose or keep records of the contents of any relayed conversation regardless of content.<sup>94</sup> In addition, the Commission prohibits CAs from intentionally altering a relayed

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<sup>92</sup> 47 C.F.R. § 64.604(a)(1)(v).

<sup>93</sup> 47 C.F.R. § 64.604(a)(2)(i).

<sup>94</sup> As a means of ensuring accuracy and efficiency in the communication of call content to CAs, Convo enables its customers electronically to convey text-based information to CAs, such as an account, telephone, or social security number. This minimizes the opportunity for misunderstanding or mistakes and thereby benefits Convo’s customers. However, consistent with the Commission’s rules, no record of such electronically transmitted call content is preserved in any manner by CAs beyond the conclusion of the call. *See, e.g., Exhibit 21* (Convo VRS Call Manual).

conversation.<sup>95</sup> Convo's CAs are instructed and trained to accurately translate ASL to conventional spoken English based on accepted ASL interpreting practices.

### 3. Types of Calls

The Commission's rules prohibit CAs "from refusing single or sequential calls or limiting the length of calls utilizing relay services."<sup>96</sup> In addition, the Commission requires VRS providers to be "capable of handling any type of call normally provided by telecommunications" except for those types of calls that the Commission expressly has exempted from this requirement.<sup>97</sup> Convo complies with these requirements and offers industry-leading call functionality. This includes two-line voice carry-over,<sup>98</sup> two-line hearing carry-over,<sup>99</sup> and speed dial and three-way calling functionality. In addition, Convo's CAs provide real-time relay support of voicemail, answering machines, and interactive menus<sup>100</sup> and permit Convo's customers to retrieve and convey answering machine messages, as well as leave outgoing voicemail messages on behalf of VRS users. Further, Convo sends its customers text message transcriptions of incoming voicemail.

### 4. Speed of Answer

The Commission requires that "VRS providers must answer 80% of all calls within 120 seconds, measured on a monthly basis. Abandoned calls shall be included in the VRS speed of

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<sup>95</sup> See 47 C.F.R. § 64.604(a)(2)(ii).

<sup>96</sup> 47 C.F.R. § 64.604(a)(3)(i).

<sup>97</sup> See, e.g., *2010 VRS and IP Relay Service Waiver Extension Order*, 25 FCC Rcd at 8441-43, ¶¶ 7-16.

<sup>98</sup> Voice carry-over allows a deaf or hard of hearing person to use his or her voice while receiving responses from a hearing person via text typed by a CA.

<sup>99</sup> Hearing carry-over is used by people who have difficulty speaking, but have no difficulty hearing voice. It allows a speech-impaired person to type messages on a TTY, which are voiced by the CA, and then listen to the other person's response through a handset.

<sup>100</sup> See 47 C.F.R. § 64.604(a)(3)(vii)-(viii).

answer calculation.”<sup>101</sup> Convo readily meets this standard and is proud to have among the industry’s best call answer times. Over the last six months, calls to Convo were answered within 120 seconds approximately 98% percent of the time<sup>102</sup> and on average Convo answers calls in less than 30 seconds.

## 5. TRS Facilities and Redundancy

The Commission’s rules require that “TRS shall operate every day, 24 hours a day”<sup>103</sup> and “TRS shall have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use.”<sup>104</sup> Since its inception, Convo has provided VRS services to deaf and hard of hearing customers 24 hours per day and seven days per week. Further, Convo employs redundancy features necessary to minimize the potential for service interruptions. Specifically, Convo maintains three geographically dispersed call centers, each of which is a limited-access secure facility. At least two of Convo’s cell centers are operating at all times. This enables Convo automatically to reroute VRS calls from a call center experiencing a disruption to another, operational call center. In addition, each Convo call center has an uninterruptible power supply capable of furnishing emergency backup power to maintain Convo’s servers and other infrastructure for up to 24 hours after a power failure. Further, the ACD system currently licensed by Convo is remotely hosted to prevent a call center disruption from impacting the operation of the ACD, and network links between the remote ACD system and Convo’s call centers are actively monitored and alarmed, such that support teams are automatically alerted to any disruptions. Moreover, the ACD system incorporates

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<sup>101</sup> See 47 C.F.R. § 64.604(b)(2)(iii).

<sup>102</sup> See Exhibit 23 (Convo Speed of Answer).

<sup>103</sup> See 47 C.F.R. § 64.604(b)(4)(i).

<sup>104</sup> See 47 C.F.R. § 64.604(b)(4)(ii).

certain redundancy and resiliency features to minimize the potential for an ACD failure. For example, the data center in which the ACD system is hosted is housed in a secure, access-controlled facility that is staffed at all times, contains a fire suppression system, and has redundant electrical power (provided through a combination of an uninterruptible power system and backup generator) and redundant and diverse network connectivity accomplished through microwave links.

**6. Caller ID**

The Commission's rules require that "[w]hen a TRS facility is able to transmit any calling party identifying information to the public network, the TRS facility must pass through, to the called party, at least one of the following: the number of the TRS facility, 711, or the 10-digit number of the calling party."<sup>105</sup> Convo currently complies with this requirement.

**7. Complaints and Consumer Complaint Logs**

The Commission has established specific complaint resolution and investigation procedures applicable to TRS providers.<sup>106</sup> It is Convo's policy to comply fully with such procedures, and Convo commits to cooperate with any investigation conducted by the Commission or a state agency to resolve complaints or other disputes.<sup>107</sup>

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<sup>105</sup> 47 C.F.R. § 64.604(b)(6).

<sup>106</sup> See 47 C.F.R. § 64.604(c)(6).

<sup>107</sup> In its Application, Convo designated as its agent to respond to complaints:

Ed Bosson, Vice President of Regulatory Affairs

Madrone Office

706 FM 2325

Wimberley, TX 78676

Video Phone and Voice: 510-372-0431

Fax: 510-372-0431

Email: [ed@convorelay.com](mailto:ed@convorelay.com)

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The Commission's rules also require that VRS providers "maintain a log of consumer complaints including all complaints about TRS . . . , and must retain the log until the next application for certification is granted."<sup>108</sup> Convo is in compliance with each of these requirements and has attached hereto its 2009-2010 complaint report, which Convo filed with the Commission.<sup>109</sup>

Convo systematically captures and logs all customer correspondence, including complaints, endorsements, and other feedback. Upon receipt of each initial correspondence, Convo assigns a unique case number to it, logs the date on which it was received and associated contact information (*e.g.*, the customer's e-mail address and phone number), and records the nature of the correspondence (*e.g.*, complaint, endorsement, *etc.*). Convo's system also records any staff member assigned to the matter, every action taken by such staff member in response to the matter, and the date of, and an explanation regarding, the resolution of the matter if a complaint is involved. Moreover, Convo has the ability to review relevant case histories by customer or by matter to enable Convo to provide effective customer service and problem resolution. In addition, Convo can compile complaints and correspondence into customizable reports, including for purposes of complying with the Commission's annual report filing

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AIM: wimberleyed

*See* 47 C.F.R. § 64.604(c)(6)(v)(A)(3).

<sup>108</sup> 47 C.F.R. § 64.604(c)(1)(i). The log is required to include, at a minimum, the date a complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution. *See id.*

<sup>109</sup> *See* Exhibit 24 (Convo Complaint Log).

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requirement. Convo will file the required report with the Commission by July 1 of each year consistent with the Commission's rules applicable to certified providers.<sup>110</sup>

### 8. Contact Persons

TRS providers are required to identify a contact person for TRS consumer information and complaints.<sup>111</sup> In its Application, Convo specified Ed Bosson, Vice President of Regulatory Affairs, as its agent.<sup>112</sup>

### 9. Public Access to Information

The Commission requires carriers to engage in efforts to educate the public about TRS.<sup>113</sup> Convo provides informational services through various outlets to promote and enhance public awareness of the availability and benefits of VRS generally, as well as Convo's branded services. Convo has endeavored to reach all segments of the public utilizing its website and various online resources, including Facebook, Twitter and Internet blogs. Convo also regularly participates in a wide variety of deaf and hard of hearing events, conferences, and exhibits, and disseminates an informational online newsletter to its registered customers.

### 10. Rates

The Commission prohibits TRS providers from charging rates that are "greater than the rates paid for functionally equivalent voice communication services . . . ."<sup>114</sup> Convo does not

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<sup>110</sup> VRS providers are required to "submit summaries of logs indicating the number of complaints received for the 12-month period ending May 31 to the Commission by July 1 of each year." 47 C.F.R. § 64.604(c)(1)(ii).

<sup>111</sup> See 47 C.F.R. § 64.604(c)(2).

<sup>112</sup> See *supra* note 107 for Mr. Bosson's contact information.

<sup>113</sup> See 47 C.F.R. § 64.604(c)(3).

<sup>114</sup> See 47 C.F.R. § 64.604(c)(4).

charge its customers a registration or subscription fee and does not charge for domestic local, long-distance, or permissible (e.g., pre-registered) international VRS calls.

### 11. Reporting Requirements

The Commission requires VRS providers to collect and report various data about their VRS calls to the Interstate TRS Fund Administrator.<sup>115</sup> Convo ensures that its ACD has the functionality necessary to comply with the Commission's cost recovery procedures. Convo's ACD captures and compiles all raw data regarding its VRS calls necessary to comply with the Commission's regulations governing the tracking and reporting of call data. This enables Convo to ensure the accurate submission of its VRS minutes to the Interstate TRS Fund Administrator for reimbursement. In addition, the Commission also requires an officer of a VRS provider to provide certain certifications regarding the providers' practices to the Administrator under penalty of perjury.<sup>116</sup>

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<sup>115</sup> 47 C.F.R. § 64.604(c)(5)(iii)(C) ("TRS providers shall provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested by the administrator . . . . TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS operating expenses and total TRS investment in general accordance with part 32 of this chapter, and other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements.") In addition, the Commission's rules requires that "the costs of providing TRS shall be separated in accordance with the jurisdictional separation procedures and standards set forth in the Commission's regulations adopted pursuant to section 410 of the Communications Act of 1934, as amended." See 47 C.F.R. § 64.604(c)(5)(i). Presently, the costs of providing both intrastate and interstate VRS are paid from the Interstate TRS Fund. See, e.g., *TRS & Speech-to-Speech Servs. for Hearing & Speech Impaired*, Public Notice and Notice of Proposed Rulemaking, 24 FCC Rcd 6029, 6030 ¶ 2 n.9 (2009). At such time as the Commission may determine that it is possible to jurisdictionally separate costs for intrastate and interstate VRS calls, Convo will comply with the cost separation requirements provided by the Commission. Until such time, Convo will continue to comply with the standard practices of certified VRS providers.

<sup>116</sup> See 47 C.F.R. § 64.604(c)(5)(iii)(C) ("The Chief Executive Officer (CEO), Chief Financial Officer (CFO), or other senior executive of a provider submitting minutes to the Fund for compensation must, in each instance, certify, under penalty of perjury, that the minutes were handled in compliance with section 225 and the Commission's rules and orders, and are not the

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Convo has, and will continue to, certify under penalty of perjury that the VRS minutes that it submits for compensation comply with the Commission's rules and orders.<sup>117</sup> Convo has developed an integrity assurance program that is among the best in the industry. It only carries "organic" VRS calls and does not undertake any efforts to artificially increase VRS call volumes. Further, Convo blocks or refuses calls that may be ineligible for reimbursement such as calls involving on-line education courses, non-interactive webinars, and calls originating from outside the United States. This intensive effort to ensure the legitimacy of all VRS calls that it carries is evidenced by Convo's reimbursement denial rate, which is among the lowest among all VRS providers—under 0.05%. In other words, out of every 100,000 VRS minutes for which Convo seeks reimbursement, the Administrator rejects less than 50 minutes.<sup>118</sup> This reimbursement denial rate is far below the average for the four largest certified VRS providers, each of which has substantially more resources to devote to call integrity monitoring functions than Convo given their economies of scale.

### 12. Treatment of TRS Customer Information

The Commission requires that VRS customer data "may not be used for any purpose other than to connect the TRS user with the called parties desired by that TRS user."<sup>119</sup> Neither Convo nor its employees disclose, distribute, sell, share, or reveal in any way any information regarding its customers or their use of VRS unless compelled to do so by lawful order.

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result of impermissible financial incentives or payments to generate calls. The CEO, CFO, or other senior executive of a provider submitting cost and demand data to the TRS Fund administrator shall certify under penalty of perjury that such information is true and correct.").

<sup>117</sup> Because Convo currently is not a certified VRS provider, Convo submits such certifications to the certified provider that submits Convo's VRS relay minutes to the TRS Fund for compensation, which currently is Snap.

<sup>118</sup> See Exhibit 26 (Convo Reimbursement Denial Rate).

<sup>119</sup> See 47 C.F.R. § 64.604(c)(7).

### 13. Ten-Digit Telephone Numbers

VRS providers are required to ensure that each registered customer is assigned a ten-digit telephone number<sup>120</sup> and that the telephone number and the routing information associated with it (including an associated IP address) is submitted to the TRS Numbering Directory and internally maintained by the VRS provider.<sup>121</sup> To register with Convo, Convo (i) requires the registrant to affirm that he or she is deaf, hard-of-hearing, or speech-disabled; (ii) requests and records information provided by the registrant, including IP address, physical (or 9-1-1) address, e-mail address, and current ten-digit telephone number (if he has one), and (iii) captures and maintains IP routing information for the registrant. Following verification of the registration information,<sup>122</sup> Convo directly assigns to each new customer a unique ten-digit local telephone number (or ports an existing number, if requested) and then updates the TRS Numbering Directory and its internal database accordingly.

### 14. Emergency Calling Requirements

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<sup>120</sup> See 47 C.F.R. § 64.611(a).

<sup>121</sup> See 47 C.F.R. § 64.611(b).

<sup>122</sup> To verify a registrant's registration information, Convo (i) enters the registrant's existing telephone number into a reverse directory for identity verification and authentication and (ii) uses a subcontractor to verify the legitimacy of the physical address provided by the registrant. As a back-up method of verification, when a registrant provides a current ten-digit telephone number obtained through another VRS provider, Convo cross-checks that number in the Database to verify that the physical address provided by the registrant matches the physical address set forth in the database. If Convo cannot verify the registrant through these methods, Convo sends the registrant a postcard through U.S. Mail to the address provided by the registrant. The postcard contains a confirmation code that the new registrant must enter at Convo's website to complete the verification process. If Convo's independent verification attempts fail and the registrant does not enter on Convo's website the confirmation code mailed to the registrant by Convo within a reasonable period of time, then Convo suspends the account of the registrant. New registrants whose accounts have been suspended due to verification failures are sent an e-mail from Convo explaining why their account was suspended.

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Convo complies with Section 64.605 of the Commission's rules, which sets forth the requirements for the handling of emergency calls by VRS providers.<sup>123</sup> As an initial matter, Convo provides industry-leading accessibility to 9-1-1 emergency services by including a prominent 9-1-1 "hot button" in its VRS products to enable customers experiencing an emergency to dial 9-1-1 in the quickest possible fashion.<sup>124</sup> In addition, Convo's ACD system automatically accesses and transmits to the appropriate Public Safety Answering Point ("PSAP") an emergency caller's Automatic Location Information ("ALI") from the NeuStar Registered Location database, as well as Automatic Number Identification ("ANI") information, and also prioritizes answering emergency calls over non-emergency calls. These capabilities enable emergency dispatchers at the PSAP to properly and effectively handle emergency VRS calls.

The ALI database makes it possible for Convo's system seamlessly to pass vital location information pertaining to the emergency caller to the appropriate PSAP based on the caller's location. In addition, Convo's CAs are trained to ask for the caller's name and location information (and, as appropriate, to verify the caller's registered location) at the beginning of each emergency call in accordance with Convo's standard emergency call handling procedures, to enable the CA to provide this information to the PSAP.<sup>125</sup> Moreover, Convo provides easily and quickly accessible methods within all of its VRS products through which Convo's customers can update their 9-1-1 location information with minimal effort in the event that its customers are

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<sup>123</sup> See 47 C.F.R. § 64.605.

<sup>124</sup> See Exhibit 20 (Screenshots of the 9-1-1 Hot Buttons on Convo's Products).

<sup>125</sup> See Exhibit 21 (Convo VRS Call Manual). Convo's emergency call procedures are detailed on Convo's website. See Convo 911/Legal Disclaimer, at <http://www.convorelay.com/911.html> (last visited Apr. 27, 2010). All information that is obtained by Convo in the course of handling an emergency call is made available only to emergency call handlers and emergency response or law enforcement personnel for the sole purpose of ascertaining a caller's location in an emergency situation or for other emergency or law enforcement purposes.

using VRS outside of their residences as enabled by Convo's VRS offerings. Convo's ACD also automatically transmits to the PSAP the ANI information associated with the caller's assigned ten-digit telephone number. Further, the ACD enables Convo's CA to re-establish the call in the event of a call disruption, regardless of which party was disconnected from the call, and Convo's CAs are trained to do so.

**15. Notification of Substantive Changes**

The Commission's rules require a VRS provider to "notify the Commission of substantive changes in [its] TRS programs, services, and features within 60 days of when such change occurs," and to certify that the provider "continues to meet federal minimum standards after implementing the substantive change."<sup>126</sup> Going forward, Convo commits to notifying the Commission of any substantive changes in accordance with this rule.

**16. Annual Report**

Certified VRS providers are required to "file with the Commission, on an annual basis, a report providing evidence that they are in compliance with applicable VRS requirements."<sup>127</sup> Although Convo currently is not a certified provider, Convo commits to filing these reports with the Commission going forward.

**IV. CONCLUSION**

As set forth herein, Convo's Waiver Request is consistent with the waiver criteria established in the *VRS Order* for non-certified VRS providers and should be granted by the Commission. Convo is exactly the type of VRS provider that the Commission intended to benefit from the waiver criteria set forth in the *VRS Order*. Convo has been attempting to secure certification since it filed its VRS Application in 2009, has a strong record of compliance with

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<sup>126</sup> 47 C.F.R. § 64.606(f)(2).

<sup>127</sup> 47 C.F.R. § 64.606(g).

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the Commission's existing VRS rules, and has expended substantial resources to comply with the new regulations promulgated by the *VRS Order*. In addition, Convo's rigorous compliance efforts have demonstrated that it bears no resemblance to the illicit VRS providers that the Commission invoked to justify the new restrictions in the *VRS Order* limiting the ability of non-certified VRS providers to seek compensation from the TRS Fund as subcontractors for certified providers. Accordingly, Convo respectfully requests prompt Commission grant of this Waiver Request.

Respectfully submitted,

CONVO COMMUNICATIONS, LLC



By: \_\_\_\_\_  
Robin Horwitz  
*Chief Executive Officer*

May 18, 2011

**APPENDIX - EXHIBITS TO THE CONVO WAIVER**  
**REQUEST TABLE OF CONTENTS**

**DECLARATION**

Exhibit 1 Declaration of Nathaniel Robin Horwitz, CEO, Convo Communications, LLC

**VRS ORDER ¶ 63 DOCUMENTATION**

**(1) Deed or Lease for Each Call Center Convo Currently Owns or Plans to Acquire**

Exhibit 2 Roseville Facility Lease – CONFIDENTIAL

Exhibit 3 Mobile Facility Lease – CONFIDENTIAL

Exhibit 4 San Ramon Office Lease – CONFIDENTIAL

**(2) A List of Individuals or Entities that Hold at Least a 10 Percent Equity Interest in Convo, Have the Power to Vote 10 Percent or More of the Securities of Convo, or Exercise De Jure or De Facto Control Over Convo, a Description of the Convo's Organizational Structure, and the Names of Its Executives, Officers, Partners, and Members of Its Board of Directors**

Exhibit 5 Description of Ownership and Control

Exhibit 6 Convo Organizational Chart – CONFIDENTIAL

Exhibit 7 Biographies of the Convo Management Team

Exhibit 8 Operating Agreement of Convo Communications, LLC – CONFIDENTIAL

Exhibit 9 Operating Agreement of Musano Communications, LLC – CONFIDENTIAL

**(3) A list of the Convo's Full-Time and Part-Time Employees**

Exhibit 10 List of Convo's Full-Time and Part-Time Employees and Independent Contractors – CONFIDENTIAL

**(4) Proofs of Purchase or License Agreements for the Use of Equipment and/or Technologies That Convo Currently Uses or Intends to Use for Its Call Center Functions, Including But Not Limited to, Call Distribution, Routing, Call Setup, Mapping, Call Features, Billing for Compensation From the Fund and User Registration**

**(6) A List of Financing Arrangements Pertaining to the Provision of VRS, Including Documentation for Financing of Equipment, Inventory, and Other Property**

Exhibit 11 Mirial Financing and Related Documents – CONFIDENTIAL

Exhibit 12 URrelay, Inc. Licensing Agreement and Invoices – CONFIDENTIAL

Exhibit 13 Agreement for Billing Services Between Snap Telecommunications, Inc. and Convo – CONFIDENTIAL

## CONFIDENTIAL INFORMATION REDACTED FOR PUBLIC INSPECTION

Exhibit 14 Other Convo Financing Arrangements – CONFIDENTIAL

Exhibit 15 Convo Asset List – CONFIDENTIAL

### **(5) Copies of Employment Agreements for Convo's Executives and CAs**

Exhibit 16 Convo CA Independent Contractor Agreements – CONFIDENTIAL

Exhibit 17 Convo Executive Employment Agreements – CONFIDENTIAL

### **OTHER COMPLIANCE DOCUMENTATION**

Exhibit 18 Description of Convo Call Centers – CONFIDENTIAL

Exhibit 19 Convo Memo Dated Apr. 9, 2011 – CONFIDENTIAL

Exhibit 20 Screenshots of the 9-1-1 Hot Buttons on Convo's Products

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Exhibit 22 Common Carrier Certification of Convo Communications, LLC

Exhibit 23 Convo Speed of Answer – CONFIDENTIAL

Exhibit 24 Convo Complaint Report

Exhibit 25 List of Convo Sponsorships – CONFIDENTIAL

Exhibit 26 Convo Reimbursement Denial Rate – CONFIDENTIAL



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**EXHIBIT 1**

**DECLARATION**

I, Nathaniel Robin Horwitz, Chief Executive Officer of Convo Communications, LLC, declare under penalty of perjury that the foregoing Waiver Request is true and correct to the best of my knowledge and belief.

Executed on May 18, 2011.



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Nathaniel Robin Horwitz, CEO  
*Convo Communications, LLC*



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**EXHIBIT 2**

**ROSEVILLE FACILITY LEASE**

**Summary:** Lease for call center in Sacramento, California.

**MATERIAL REDACTED**



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**EXHIBIT 3**

**MOBILE FACILITY LEASE**

Summary: Lease for call center in Mobile, Alabama.

**MATERIAL REDACTED**



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**EXHIBIT 4**

**SAN RAMON OFFICE LEASE**

**Summary:** Lease for call center and headquarters in San Ramon, California.

**MATERIAL REDACTED**



**EXHIBIT 5**

**DESCRIPTION OF OWNERSHIP AND CONTROL**

Convo Communications, LLC (“Convo”) is a Texas limited liability company with five members. [[REDACTED]] membership interest in Convo as set forth in Table 5.1.

**Table 5.1: Convo Ownership**

<b>Member</b>	<b>Ownership Interest</b>
Nathaniel Robin Horwitz	[[REDACTED]]
Roy Ed Bosson	[[REDACTED]]
Wayne Betts	[[REDACTED]]
Chad Taylor	[[REDACTED]]
Musano Communications LLC (Jarrod Musano) <sup>128</sup>	[[REDACTED]]

No other individual or entity holds an ownership or voting interest in Convo or exercises *de jure* or *de facto* control over Convo.

Pursuant to Section 5.1 of the Limited Liability Company Operating Agreement of Convo Communications, LLC (“Convo Operating Agreement”), attached below as Exhibit 8, the management of Convo is entrusted to the Managing Members who comprise the Convo Board of Directors as set forth in Table 5.2.

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<sup>128</sup> Jarrod Musano is the sole member of Musano Communications LLC. See Operating Agreement of Musano Communications, LLC, *attached as Exhibit 9*. No other individual or entity holds an ownership or voting interest in Musano Communications LLC or exercises *de jure* or *de facto* control over Musano Communications LLC. *See id.*

**Table 5.2: Convo Board of Directors**

<b>Name</b>
Nathaniel Robin Horwitz
Roy Ed Bosson (Chairman)
Wayne Betts
Chad Taylor
Jarrold Musano

Pursuant to Section 5.2 of the Convo Operating Agreement, the Managing Members may, from time to time, appoint individuals (including themselves) as executive officers of the company and delegate to those officers such duties and responsibilities as they deem advisable. Convo’s current executive officers are set forth in Table 5.3.

**Table 5.3: Convo Executive Officers**

<b>Name</b>	<b>Position</b>
Nathaniel Robin Horwitz	Chief Executive Officer
Roy Ed Bosson	Vice-President of Regulatory Affairs
Wayne Betts	Vice-President of Marketing
David Bahar	Director of Government and Regulatory Affairs
Jewel Jauregui	Director of Call Center Operations
Robert A. Farkas	Chief Financial Officer

In addition, an organizational chart illustrating Convo’s structure and management is attached as Exhibit 6. Finally, short biographies of Convo’s executives and key employees are attached below as Exhibit 7.



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**EXHIBIT 6**

**CONVO ORGANIZATIONAL CHART**

**MATERIAL REDACTED**



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**EXHIBIT 7**

**BIOGRAPHIES OF THE CONVO MANAGEMENT TEAM**

Summary: A short biography is provided for each member of the Convo management team.

Robin Horwitz, CEO, was born deaf, grew up in Rochester, NY and attended Rochester School for the Deaf then Gallaudet University in Washington, D.C. He has also run the American Velodrome Challenge, two years of Threshold Power training camps, the 2006 World Deaf Cycling Championships and served as the Director of both the Momentum Cycling Team and the Riding for Deaf Schools organization.

Prior to founding Convo, Robin worked in an array of capacities for several companies, including as a programmer for Discovery Health, Teamworks, and Epocrates and as a Marketing and Customer Service Database Programmer for HOVRS. Robin also served as the California Relay Service Specialist and Wireless Equipment Program Special Projects Specialist for the Deaf and Disabled Telecommunications Program (DDTP). Robin currently resides in San Francisco Bay Area with his wife, Maureen Klusza.

Joshua Shaffner is the Director of Engineering and Technology at Convo. Joshua leads the company's engineers who write code. Prior to joining Convo this year, Joshua was co-founder of Seadragon Solutions where he led Research & Development efforts. Before starting Seadragon, Joshua's 12 years career in the area of web services, business process automation and software development has included positions at Department of Health & Human Services (public sector), Howrey (global law firm), and Goodwill International Industries (nonprofit). He holds a Bachelor's in Computer Information Systems from Gallaudet University in Washington, DC.

Jarrold Musano, Chief Strategy Officer, is also CEO of Liberty Enterprises, a firm that manages and maintains over 1,000 rental units in New York City. Jarrod also develops both commercial and residential properties, one of which was built for Columbia Presbyterian Hospital in 2003. He is currently working closely with HUD (Housing Urban Development) to acquire and manage a 50M distressed property in Lloyds, New York. He is a Founder of [RentManhattan.com](http://RentManhattan.com) which employs 15-20 real estate agents which focuses on both commercial and residential leasing. Jarrod has an investment in an east coast franchise Frank Pepe Pizzeria Napoletana. Jarrod serves on the board of Camp Mark Seven, a not for profit organization, and lives in Manhattan with his wife Jenny and three boys, all of whom are New York Giants fans.

Bob Farkas, Chief Financial Officer, is a Senior Operations and Financial executive with 30 year track record with high tech, high growth companies. Bob has been CFO of three companies which each achieved order of magnitude growth and reached revenue levels above \$100MM. Bob has strong experience in operations, manufacturing and financial controls. Board member/ advisor to several growth companies in various industries.

Wayne Betts, Jr., Vice President of Creative, saw the movie "E.T." at the age of 2 and found it so powerful he wanted to become a movie director. He went on a long academic journey of his own first, starting at American School for the Deaf, then transferring to North



Carolina School for the Deaf, then Austine School for the Deaf before returning to and graduating from the American School for the Deaf.

Next stop was Gallaudet University, where he studied Television, Film and Photography for a year before transferring to Rochester Institution of Technology's School of Film and Animation. Wayne was drawn away from his studies by the lure of applying his by now extensive knowledge, still possessing that original desire to create visual projects that might impact others.

In 2005, along side Chad Taylor, Wayne established Mösdeux, a film production business, focusing on high quality ASL entertainment. Their work, Vital Signs, was featured in the PBS documentary History Through Deaf Eyes. Mösdeux has also produced three feature-length films to date and looking to expand their business to a studio model in an effort to support and showcase the work of other deaf filmmakers.

He was director of photography on three films "A Permanent Grave (2007)", "The Deaf Family (2008)", and most recently, an upcoming movie "The Caretaker".

Chad Taylor, Vice President of Product Management, was born deaf, grew up in London, Ontario, Canada, and attended Robarts School for the Deaf and Rochester Institute of Technology in Rochester, NY. Chad grew up with keen interest in two things: Computers and movies. This interest began at age 9 when he received a Commodore 64 computer as a Christmas gift and grew exponentially from there. Chad majored into Information Technology at Rochester Institute of Technology with concentration in Computer Science.

Chad went on to develop an online scheduling tool for interpreters (not limited to sign language interpreters) as part of his internship program for Lucent. After graduation, he developed an Internet relay prototype for Sprint and became a Product Development Manager there. He later joined the Hands On to develop the first and only Mac for VRS solution.

In 2005, along side Wayne Betts, Jr., Chad established Mösdeux, a film production business, focusing on high quality ASL entertainment. Their work, Vital Signs, was featured in the PBS documentary History Through Deaf Eyes. Mösdeux has also produced three feature-length films to date and looking to expand their business to a studio model in an effort to support and showcase the work of other deaf filmmakers.

Ed Bosson is Vice President of Regulatory Affairs and Chair of the Convo Board. Ed is also one of the owners of Convo.

He is widely known as Father of Video Relay Service as he pioneered VRS in Texas with trials in Texas mid-1990's. Bosson worked for Texas Public Utility as Relay Texas administrator for 19 years. He was Chair of National Association for State Relay Administrators in 1994, 2002, and 2004.



He has won numerous national awards: 1999 Weitbrecht Award from TDI, 1996 Recognition Award from Computerworld Smithsonian, and 2007 Laurent Clerc Award from Gallaudet University Alumni. In 2008, Bosson was conferred honorary Doctorate of Humane Letters from Gallaudet University.

As consequence, in the world of TRS, his name is widely recognized as one of the leading authorities in relay service.

Jewel Jauregui is the Director of Call Center Operations. Born in San Francisco to Deaf parents, Jewel grew up bi-lingual, bi-cultural in the Bay Area with her younger sister, Ruby. Jewel gained operations experience with the the California State Deaf and Disabled Telecommunications Program by establishing the customer service and outreach aspects of Field Operations. The program provides assistive telecommunications equipment to Deaf and disabled citizens of California. Jewel lives in Oakland with her husband and twin daughters.

David Bahar is the Director of Government Affairs. Originally from Gig Harbor, Washington, David graduated from the University of Puget Sound and the George Washington University before joining the D.C. staff of of U.S. Representative Jay Inslee. While on Capitol Hill, David handled disability issues for Rep. Inslee and pushed for reforms to VRS, including the establishment of a ten-digit numbering system and the adoption of measures to reduce fraud, waste and abuse in the industry. David lives in New York City with his wife.



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**EXHIBIT 8**

**OPERATING AGREEMENT OF CONVO  
COMMUNICATIONS, LLC**

**Summary:** Convo's operating agreement defines its members' rights and the structure of corporate operations.

**MATERIAL REDACTED**



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**EXHIBIT 9**

**OPERATING AGREEMENT OF MUSANO  
COMMUNICATIONS, LLC**

Summary: The operating agreement identifies Jarrod Musano as the sole member of Musano Communications, LLC.

**MATERIAL REDACTED**



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**EXHIBIT 10**

**LIST OF CONVO'S FULL-TIME AND PART-TIME  
EMPLOYEES AND INDEPENDENT CONTRACTORS**

Summary: This list includes all individuals working for Convo as either employees or independent contractors.

**MATERIAL REDACTED**



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**EXHIBIT 11**

**MIRIAL FINANCING AND RELATED DOCUMENTS**

Summary: The Mirial hardware and software enables Convo's IP-based VRS platform to interoperate with H.323-based equipment and applications. This Exhibit includes invoices for the purchase of Mirial servers, an upgrade thereto, and annual support, as well as the equipment lease used to finance the initial purchase.

**MATERIAL REDACTED**



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**EXHIBIT 12**

**URRELAY, INC. LICENSING AGREEMENT AND INVOICES**

Summary: Convo currently licenses its automatic call distribution (“ACD”) platform from URrelay, Inc. as set forth in the licensing agreement and associated invoices set forth in this Exhibit.

**MATERIAL REDACTED**



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**EXHIBIT 13**

**AGREEMENT FOR BILLING SERVICES BETWEEN SNAP  
TELECOMMUNICATIONS, INC. AND CONVO**

Summary: This Exhibit is an agreement between Snap Telecommunications, Inc (“Snap”) and Convo pursuant to which Snap submits Convo’s VRS call minutes to the TRS Fund Administrator for compensation from the TRS Fund.

**MATERIAL REDACTED**



**EXHIBIT 14**

**OTHER CONVO FINANCING ARRANGEMENTS**

Summary: This Exhibit is comprised of

- (i) a senior secured promissory note for the initial [[REDACTED]] financing provided to Convo by Jarrod Musano;
- (ii) a [[REDACTED]] accounts receivable financing agreement between Convo and Bridge Bank and the associated security and subordination agreements;
- (iii) three revolving line of credit loan agreements between Convo and DB Funding for a total of [[REDACTED]]; and
- (iv) a promissory note pursuant to which Convo borrowed approximately [[REDACTED]] from Charles L. Estes.

**MATERIAL REDACTED**



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**EXHIBIT 15**

**CONVO ASSET LIST**

Summary: This Exhibit lists all equipment purchased by Convo for greater than \$500.00 since Convo's inception.

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**EXHIBIT 16**

**CONVO CA INDEPENDENT CONTRACTOR AGREEMENTS**

**Summary:** This Exhibit is comprised of Convo's independent contractor agreements and signature pages for each independent contractor CA employed by Convo.

**MATERIAL REDACTED**



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**EXHIBIT 17**

**CONVO EXECUTIVE EMPLOYMENT AGREEMENTS**

Summary: This Exhibit is comprised of the employment agreements between Convo and its executives as listed below:

1. Nathaniel Robin Horwitz - Chief Executive Officer
2. Roy Ed Bosson - Vice-President of Regulatory Affairs
3. Wayne Betts - Vice-President of Marketing
4. David Bahar - Director of Government and Regulatory Affairs
5. Jewel Jauregui - Director of Call Center Operations
6. Robert A. Farkas - Chief Financial Officer

**MATERIAL REDACTED**



EXHIBIT 18

DESCRIPTION OF CONVO CALL CENTERS

**San Ramon Call Center\***

2603 Camino Ramon  
Suite 200  
San Ramon, CA 94583  
Call Center Supervisor: Nicole Ronquillo  
Nicole@convorelay.com  
925-325-4962  
# of CAs: [[REDACTED]]

\*Convo's national headquarters also is located at this call center.

**Roseville Call Center**

915 Highland Pointe Drive  
Suite 262  
Roseville, CA 95678  
Call Center Supervisor: Kristi Riggs  
Kristi@convorelay.com  
916-230-3866  
# of CAs: [[REDACTED]]

**Mobile Call Center**

1535 Schillinger Road South  
Suite D  
Mobile, AL 36695  
Call Center Manager, Charles Estes  
Cestes335@bellsouth.net  
251-281-2243  
# of CAs: [[REDACTED]]



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**EXHIBIT 19**

**CONVO MEMO DATED APRIL 9, 2011**

**Summary:** This Exhibit is comprised of a memorandum distributed by Convo to its staff members regarding changes to the Commission's VRS rules resulting from the *VRS Order*.

**MATERIAL REDACTED**



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**EXHIBIT 20**

**SCREENSHOTS OF THE 9-1-1 HOT BUTTONS ON CONVO'S PRODUCTS**

Summary: This Exhibit is comprised of screenshots of Convo's products illustrating the incorporation of 9-1-1 hot buttons.



Access to 9-1-1 emergency is available by contacting 911.convorelay.tv on any videophone and as a one-step action at all Convo products.

### Products

- Convo Anywhere
- Convo Desktop
- Convo Mobile
- ConvoIM (AOL Instant Messenger, iChat)

### Convo Anywhere

*No sign-in: 9-1-1 emergency can be readily accessed via the red button at the lower right corner.*



After signing in: 9-1-1 emergency can be readily accessed via the red button near the upper right corner.



Convo Desktop

9-1-1 emergency can be readily accessed via the red button near the upper right corner.



## Convo Mobile

*9-1-1 emergency automatically populates the contacts list (speed dial) as the top-most entry.*



## ConvoIM

*9-1-1 emergency can be readily accessed via inputting 911 as the number to dial.*





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**EXHIBIT 21**

**CONVO VRS CALL MANUAL**

Summary: This Exhibit is comprised of Convo's internal staff manual detailing Convo's policies and requirements applicable to its CAs.

**MATERIAL REDACTED**



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**EXHIBIT 22**

**COMMON CARRIER CERTIFICATION OF CONVO COMMUNICATIONS, LLC**

**Summary:** This Exhibit is comprised of a letter from the Public Utilities Commission of Texas regarding Convo's registration as an interexchange common carrier.

**Barry T. Smitherman**  
Chairman

**Donna L. Nelson**  
Commissioner

**Kenneth W. Anderson, Jr.**  
Commissioner

**W. Lane Lanford**  
Executive Director



**Rick Perry**  
Governor

## *Public Utility Commission of Texas*

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September 18, 2009

Mr. Roy E. Bosson  
Convo Communications LLC  
706 FM 2325  
Suite D  
Wimberly, Texas 78676

Subject: IXC Registration

As of September 10, 2009, Convo Communications LLC is registered as an Interexchange Carrier (IXC) within the State of Texas subject to the applicable rules and regulations of Public Utility Regulatory Act and the PUC Texas Substantive Rules. The IXC Registration Number is IX090029 and the registered name on IXC #IX090029 is "Convo".

Sincerely,

A handwritten signature in black ink, appearing to read "N.V. Srinivasa", followed by a horizontal line.

Nara V. Srinivasa, P.E.  
Director of Reliability and Licensing  
Infrastructure & Reliability Division  
Public Utility Commission of Texas  
1701 N. Congress Ave.  
P.O. Box 13326  
Austin, Texas 78711-3326  
Tel: 512-936-7335



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**EXHIBIT 23**

**CONVO SPEED OF ANSWER**

Summary: This Exhibit, which covers the period of time from October 1, 2010 through April 21, 2011, demonstrates that 98.1% of VRS calls relayed by Convo were answered by Convo in 120 seconds or less during the covered time period.

**MATERIAL REDACTED**



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**EXHIBIT 24**

**CONVO COMPLAINT LOGS**

Summary: This Exhibit is Convo's complaint log summary covering the period from June 1, 2009 to May 31, 2010.

# CONVO

FCC Compliant Log Summary  
Convo Communication, LLC  
June 1, 2009 to May 31, 2010

Jun 2009	Jul 2009	Aug 2009	Sep 2009	Oct 2009	Nov 2009	Dec 2009	Jan 2010	Feb 2010	Mar 2010	Apr 2010	May 2010	Total
0	0	37	18	8	5	7	7	3	8	4	13	110

Compliments	Feedback	General	Interpreter	Service	Technology
21	4	2	9	26	45

<b>Case Number</b>	<b>Opened</b>	<b>Description of Issue</b>	<b>Description of Resolution</b>	<b>Closed</b>	<b>Category</b>
2	8/16/09	concerning vrs	concerning vrs - Replied to customer and questions were answered.	8/16/09	Service
4	8/16/09	slow	slow - Replied to customer and questions were answered.	8/16/09	Technology
5	8/16/09	Re: slow	Re: slow - Replied to customer and questions were answered.	8/16/09	Technology
7	8/16/09	T-shirt	T-shirt - Thank you. Our contest for free t-shirts have closed. Feel free to come back and keep your eye on the contests in the near future.	8/28/09	Service
9	8/16/09	registering	registering - Replied to customer and questions were answered.	8/16/09	Service
10	8/16/09	Interoperability	Interoperability - Replied to customer and questions were answered.	8/16/09	Technology
11	8/16/09	hi	hi - Replied to customer and questions were answered.	8/16/09	Technology
12	8/16/09	Mac Support	Mac Support - Replied to customer and questions were answered.	8/16/09	Technology
15	8/16/09	RE: Question for IP address	RE: Question for IP address - Replied to customer and questions were answered.	8/16/09	Technology
17	8/16/09	cam	cam - Replied to customer and questions were answered.	8/16/09	Technology
18	8/16/09	RE: Question for IP address	RE: Question for IP address - Replied to customer and questions were answered.	8/16/09	Technology
19	8/16/09	Re: Register	Re: Register - Replied to customer and questions were answered.	8/16/09	Technology
26	8/16/09	cam	cam - Replied to customer and questions were answered.	8/16/09	Technology

27	8/16/09	light flashing	light flashing - Replied to customer and questions were answered.	8/16/09	Technology
31	8/16/09	Add buddy issue	Add buddy issue - Replied to customer and questions were answered.	8/16/09	Technology
32	8/16/09	mac software for VP to VP	mac software for VP to VP - Replied to customer and questions were answered.	8/16/09	Technology
34	8/16/09	Re: Add buddy issue	Re: Add buddy issue - Replied to customer and questions were answered.	8/16/09	Technology
38	8/16/09	Using AIM	Using AIM - Replied to customer and questions were answered.	8/16/09	Technology
141	8/16/09	Request for phone number	Request for phone number - Customer did not reply back.	8/23/09	Technology
148	8/17/09	ConvoIM Issue	Issue isolated at our call center. Problem is fixed.	8/17/09	Service
149	8/17/09	ConvoIM and Interpreter	Training issue. Implemented new procedure to solve the issue.	8/17/09	Interpreter
155	8/18/09	Convo	Complimented on the interpreter.	8/18/09	Compliments
162	8/18/09	hi	hi - Questions answered. Resolution is to use videoconferencing software and dial in CONVORELAY.TV.	8/19/09	Technology
185	8/19/09	ConvoIM Video Error Message	ConvoIM Video Error Message - Issue has been resolved by our technical platform.	8/24/09	Compliments
186	8/19/09	relay registration issue	relay registration issue - Customer doesn't want a phone number.	11/13/09	Service
187	8/19/09	AIM and Customers with existing Phone Numbers	AIM and Customers with existing Phone Numbers - Ed-- Yeah, I have already sent an email to Brian the other day but that was in relations to whether the Neustar database is accepting AIM accounts or not. He confirmed that the Neustar database takes in AIM and DNS as of now. ...	11/13/09	Technology

189	8/19/09	question	question - Convo currently does not have any videophone unit. We're service-based at this point.	8/20/09	Technology
196	8/21/09	no videocam	no videocam - Customer said it started to work by itself so no further assistance is needed.	8/24/09	Technology
204	8/23/09	Sorenson issue	Sorenson issue - Question answered and Safari issue resolved.	8/24/09	Technology
208	8/24/09	Snow Leopard	Thank you for inquiring about Snow Leopard. We have already tested from a Snow Leopard machine and it works from the customer's end. If for any reasons you experience otherwise, please let us know.	8/24/09	Technology
218	8/25/09	ConvoIM issue	Requested for text chat capabilities. ConvoIM provides text chat support anytime.	9/3/09	Service
220	8/25/09	pc	pc - Currently, we do support PC users using any videoconferencing softwares. Just enter "convorelay.tv" and you'll be able to reach one of our top interpreters.	9/3/09	Technology
224	8/26/09	Text Relay for Blackberry on AIM	Yes, we do have one and the buddy name is ConvoRelay. Let us know if there's anything you need assistance with.	8/28/09	Service
225	8/26/09	wonder about canada-ontario	wonder about canada-ontario - Can't service Canada calls.	8/28/09	Service
231	8/27/09	misled	misled - No reply address. Will make a note of this and research raw data about this.	8/28/09	Service
235	8/28/09	no video	no video - Replied to customer and issue resolved.	9/3/09	Technology
248	8/31/09	ConVo won't work with Snow Leopard 10.6	ConVo won't work with Snow Leopard 10.6 - Customer had privacy set to block others. Did a screen-share with the customer and solved it.	9/3/09	Technology

254	9/1/09	Don't forget users of IE browsers	Don't forget users of IE browsers - Issue resolved.	9/3/09	Service
265	9/1/09	Webcam blurred on agent side	Webcam blurred on agent side - It looks good. I suggest to make graphic image of email address (looks like a text line) and does not bring up mail program.	9/3/09	Service
267	9/1/09	Talk to Deaf friends?	Talk to Deaf friends? With your Mac, you can use iChat to communicate with another iChat users. But if you want to communicate from your Mac to videophone, you can download a free software called Xmeeting.	9/2/09	Technology
279	9/2/09	Waiting Time	Waiting Time - I explained to customer that I believe the interpreter is a new one and probably needs some time to get up to speed with the iChat calls. She mentioned to customer that she did not hear the ring tone. In the end, customer said he appreciates ConvoIM.	9/2/09	Service
296	9/7/09	Waiting Time Too Long	Waiting Time Too Long - Customer has complained to us today that he has been waiting too long to reach a Convo interpreter. He said that in the past few days, the wait time has been few minutes or more. Resolved by increasing staffs at our call center.	9/13/09	Service
302	9/8/09	Convo	Convo - Worked with customer to get ConvoIM installed.	9/15/09	Technology
325	9/10/09	Falling in love with convo!!!	Falling in love with convo!!! Thank you, thank you, thank you for making this so easy for a Mac user!!!! I just converted to a Mac and was finding myself with a dilemma, with no VRS to use with iChat, my favorite tool.	9/11/09	Compliments
344	9/15/09	question!	question! - Customer got Ojo to work.	11/13/09	Technology

372	9/22/09	relay registration question	relay registration question - Answered customer's question on confusion about phone numbers. Explained that she only needs to register with AT LEAST one provider after November 12th.	10/15/09	Service
375	9/23/09	AIM seperate 10 digit local number	AIM seperate 10 digit local number - Hello Convo, I want to know do any have AOL Instant Messneger for Text Relay Service for my pager for Blackberry and want to seperate for 10 digit local number. Question answered.	9/29/09	Service
379	9/24/09	VP for Mac	VP for Mac - Hi, Thank you for your feedback and we are taking them in consideration. In the meantime, you can download Xmeeting to your Mac that allows you to call other VP users. It's free to use.	9/29/09	Technology
380	9/24/09	Can I say smoooth?	Can I say smoooth? You guys kick ass. What you're doing with the tour is awesome. So, yeah... keep on showing them how it's done! :)	9/29/09	Compliments
382	9/25/09	Video conf error	Video conf error - Working with him via AIM.	1/22/10	Technology
384	9/26/09	text relay service for blackberry pager at AIM	text relay service for blackberry pager at AIM - Thank you for your email. You definitely can get a separate phone number for text relay use. We're currently still improving our text-relay service and will make it public in the near future.	9/29/09	Technology
386	9/26/09	Covorelay	You can use any video conferencing software such as NetMeeting on any PCs. You can use a videophone and dial in "convorelay.tv" to reach our service.	9/29/09	Service
387	9/27/09	VRS	VRS - Met with customer online and answered questions.	11/13/09	Service

391	9/28/09	problem with convoim on my ichtat	Hi Cindy, Great, glad to know you got it all figured out. Do let me know if you need anything in the future and I'll be happy to assist you in any way we can.	9/29/09	Technology
397	9/29/09	Caretaker	Caretaker - The movie "Caretaker" is made by Mosdeux and is not related to Convo.	9/29/09	General
409	10/1/09	Convo	Customer never replied back and the case was then closed.	11/13/09	Technology
414	10/5/09	Interpreter ID 1621	Replied that customers have every rights to switch to a different interpreter should you not be pleased with him or her.	10/14/09	Interpreter
420	10/6/09	General Question	Thank you for contacting us and we're pleased to answer your questions. Yes, we intend to bring in innovative services that are designed to make your calling experience an easy one.	11/13/09	Technology
443	10/14/09	Hello- got a problem video icon still...	Issue resolved by updating video icon.	11/13/09	Technology
450	10/18/09	more questions re 10 digit no.	more questions re 10 digit no. - Answered customer's questions.	11/13/09	Technology
451	10/18/09	Using Convo with iMac computer and other Video Phones.	Using Convo with iMac computer and other Video Phones. - Ditto to that! Now about Xmeeting- my wife uses the Mac and I am mostly on PC's so I will see if she wants to find and install Xmeeting. I am sure you know how that works. Questions answered.	11/9/09	Technology
457	10/23/09	Hi	Hi - The hang up command to ConvoIM solved the issue.	11/9/09	Technology
458	10/23/09	my account	my account - Answered customer's questions.	11/13/09	Compliments
468	11/1/09	convoIM	Your buddyname has been cleared. You should be able to make calls now.	11/13/09	Service

502	11/11/09	for Chad re video quality	Resolved video quality issue by relaxing the bandwidth requirements on customer's end.	11/13/09	Technology
532	11/13/09	Hi	Hi - yes, Convo is the best!	11/17/09	Service
538	11/13/09	(Untitled)	(Untitled) - Not related to Convo -- questions answered for Mosdeux though.	11/16/09	General
599	11/25/09	problems with connection	I am fully ready to be a loyal customer of Convo but there seem to be some glitches in the system--and this has happened on several occasions since I've started using Convo. Issue has been resolved.	1/26/10	Compliments
628	12/4/09	Call Center	I have been using ConvoIM because the interpreters are good, but lately I noticed that ConvoIM has expanded with contracts with other agencies. I have noticed that ConvoIM has become similar as other relay services. Concerns were addressed.	1/21/10	Interpreter
631	12/6/09	Ed Bosson email address	Gave customer Ed's email address.	12/8/09	Compliments
682	12/15/09	Regarding your complaints	Thank you for contacting Convo. Your satisfaction is our highest priority. We wanted to let you know that we've logged both of your complaints, have identified both to be training issues.	12/15/09	Service
689	12/16/09	Congratulations! Your Phone number is ready!	Supplied customer with new phone number.	1/7/10	Service
692	12/16/09	Congratulations! Your Phone number is ready!	Supplied customer with new phone number.	1/7/10	Service
704	12/17/09	my feedbacks	Customer shared positive experience with Convo.	1/7/10	Compliments
755	12/28/09	Interpreter	Great interpreter!	1/17/10	Compliments
807	1/10/10	Convo Relay	Convo Relay - Hi , Thank you for your feedback. We will definitely put that in our product list and consider that in our future release.	1/22/10	Technology

817	1/11/10	Complaints about his recent call	Complaints about his recent call - This is regarding your email that Convo is not able to process calls for customer service to Sprint. FCC does not allow this type of support service calls until further notice.	1/14/10	Interpreter
823	1/11/10	Received in-bound call but no Video Chat Request from VI	Issue resolved	1/11/10	Technology
824	1/11/10	Took a bit of time this am to get an opr	Took a bit of time this am to get an opr. Temporarily high call volume that day.	1/21/10	Service
830	1/12/10	Congratulations! Your Phone number is ready!	Issued new phone number.	1/12/10	Technology
883	1/12/10	cant use convo	Complaints about his recent call - This is regarding your email that Convo is not able to process calls for customer service to Sprint. FCC does not allow this type of support service calls until further notice.	1/21/10	Service
942	1/18/10	Consumer	Complimented on the interpreter.	1/21/10	Compliments
1090	2/2/10	TEXT IM	TEXT IM - No E-Mail address, so we can't respond to him.	3/1/10	Technology
1117	2/4/10	vpchat suggestions	Thank you for your feedback. We will definitely put that in our product list and consider that in our future release.	5/5/10	Technology
1309	2/15/10	Green Book Feedback	Green Book Feedback - Just wanted to follow up to see if you had the chance to speak with our support team at ConvoHelp? They will be more than happy to assist you with your issue with Green book. Please let me know. Questions were answered.	3/1/10	Technology

1444	3/2/10	Feedback	Thank you for the positive compliments and bringing in more customers for us! If you are interested in working for us - please feel free to check our job posting at <a href="http://convorelay.com/company/jobs">http://convorelay.com/company/jobs</a>	3/10/10	Compliments
1535	3/11/10	A Question	Question regarding policy. We already have policy in place.	3/15/10	Interpreter
1557	3/16/10	FEEDBACK: Text Relay	FEEDBACK: Text Relay - No email address - can't reply back	3/16/10	Service
1589	3/18/10	FEEDBACK: Interpreter	Feedback for an interpreter. Call Manager gave feedback to interpreter.	3/18/10	Interpreter
1612	3/22/10	FEEDBACK: Excellent Service	FEEDBACK: Excellent Service - WOW. This is really sweet.	3/22/10	Compliments
1636	3/25/10	Feedback	Complimented on the interpreter.	3/25/10	Compliments
1651	3/28/10	FEEDBACK: wholesale Mobile phone battery	Hi, Thank you for your positive feedback! We definitely will continue doing what we are doing. Thank you for using Convo!	4/12/10	Compliments
1658	3/29/10	FCC Complaint Follow-Up	Followed up with customer on recent FCC compliant regarding quality of service. Issue resolved.	4/12/10	Service
1689	4/1/10	Comment for ConvoRelay	Thank you for your excellent feedbacks. We will definitely put that in our product list and consider that in our future release.	4/3/10	Technology
1714	4/1/10	FEEDBACK: Two things...	Many thanks for passing the feedback along to us.	4/3/10	Interpreter
1882	4/22/10	FEEDBACK: Hello	Thank you for contacting Convo. We do not have Spanish interpreter right now, but I will pass this message to the team and add it to our customer's wish list.	5/18/10	Feedback
1909	4/27/10	FEEDBACK: Convo Vision Video	Positive feedback!	5/11/10	Compliments

1988	5/6/10	Thanks !	Wanted to thank Convo for the great service.	5/6/10	Compliments
2148	5/7/10	FEEDBACK: Congrats	Many thanks for the positive feedback, I will share this with the team!	5/7/10	Compliments
2271	5/10/10	Feedback about VI #1713	Feedback about VI #1713 - Relayed the compliant to Jewel to resolve.	5/10/10	Interpreter
2281	5/10/10	ask you a question	Thank you for contacting Convo Help. Since iChat does not have the function where the caller can leave a message because you have to be online to accept the video chat invitation.	5/11/10	Feedback
2319	5/11/10	make a compliment to one of interpreter	make a compliment to one of interpreter	5/13/10	Compliments
2401	5/13/10	(San Ramon Interpreter)	Customer wanted to express concerns about a particular interpreter. We answered customer's concern and that Convo strictly evaluates our interpreters.	5/13/10	Interpreter
2413	5/13/10	FEEDBACK: V-Log	FEEDBACK: V-Log - Sent an e-mail to operations@ to let them know about this.	5/14/10	Feedback
2450	5/14/10	FEEDBACK: your online letter for fcc	Customer complimented on the ease of FCC forms.	5/17/10	Compliments
2483	5/16/10	Information problem about FCC,SorensonVRS, HOVRS, ZVRS, Purple & OJO	Information problem about FCC,SorensonVRS, HOVRS, ZVRS, Purple & OJO - Past FCC deadline - May 14		Feedback
2621	5/26/10	question	Thank you for the compliment on our video. You can call Convo using your existing VP equipment, all you have to do is dial CONVORELAY.TV	6/19/10	Service
2637	5/27/10	FEEDBACK: Feedback	Complimented on service.	6/2/10	Compliments
2672	5/29/10	Weekend Slow Time	The team is aware of this and will take this into consideration for the holiday weekend (July 4).	6/2/10	Interpreter

2675	5/30/10	FEEDBACK: converted a late adopter	Had hard time registering for a phone number. Worked with customer to resolve it.	6/2/10	Compliments
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**CONFIDENTIAL INFORMATION REDACTED FOR PUBLIC INSPECTION**

**EXHIBIT 25**

**LIST OF CONVO SPONSORSHIPS**

Summary: This Exhibit is a list of Convo sponsorship arrangements for 2010 and 2011.

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**EXHIBIT 26**

**CONVO REIMBURSEMENT DENIAL RATE**

Summary: This Exhibit provides Convo's minutes withheld from reimbursement and reimbursement denial rate for August 2010 through February 2011.

**MATERIAL REDACTED**