

## **Request for Waiver**

Pursuant to the Federal Communications Commission's Certification Order issued on FCC rule 64.604(c)(5)(iii)(N)(1)(iii) on May 2, 2011, ASLwave Inc. is hereby submitting its request for a temporary waiver until such time as it can become certified as an "eligible call center of a VRS provider" of VRS under the new rules. The rules under which ASLwave Inc. could become an eligible provider have not yet been adopted by the FCC (paragraph 61). It is the intention of ASLwave, Inc., to undertake all efforts to come into compliance once the rules are published.

ASLwave, Inc., has served as a call center provider under CSDVRS. For more than a decade CSDVRS, has maintained high-quality VRS operations, typically exceeding the FCC's mandatory minimum standards and offering the best available in interpreting services. Additionally, CSDVRS has been at the forefront of cutting-edge technology, having introduced a wide range of innovative VRS features designed to achieve functional equivalency in the delivery of telecommunication services to consumers who are Deaf and Hard of Hearing. ASLwave Inc. has processed thousands of calls as a white label provider, ASLwave VRS, since June 7, 2010. As time progressed, we began to see and understand the FCC's reservations about white label arrangements, as well as their concerns regarding fraudulent calls. To address these concerns and impending new rulings, we immediately changed our strategy and become a call center for a reputed company, CSDVRS, that has been in full compliance with the FCC since its inception to address any and all concerns, to continue to do business to support local interests, interpreters, and the community as we have since January 1, 2011.

ASLwave Inc. also wishes to demonstrate that a grant of this request is in the best public interest of consumers who are Deaf and Hard of Hearing because ASLwave Inc. (1) meets or exceeds all non-waived operational, technical and functional mandatory minimum standards contained in the Commission's rules; (2) makes available adequate procedures and remedies for ensuring ongoing compliance with the Commission's rules, including the sufficient provision of informational materials to TRS/VRS users on conducting proper procedures to file a complaint should the need arise; and (3) does not differ from the mandatory minimum standards and, therefore, does not violate any applicable mandatory minimum standards.

### **I. Background and History:**

ASLwave, currently ASLwave, Inc., began as a Deaf owned and managed call center with a focus on providing VRS to the local bay area community with CAs holding RID/NAD certification and a minimum of 5 years of community interpreting experience. We believe ASLwave, Inc. is unique in this standard

minimum for years of experience interpreting before assuming the responsibilities of working as a CA, a specialized subset of general interpreting.

The original operational concept was to provide a team of CAs who were familiar to the local community with a pre-established relationship of trust, confidentiality and competencies required for the range of services needed when interpreting calls.

The center was opened as a community based and community driven service aligned with the interpreting resources of a local interpreter referral agency and a newly built Deaf Community space. This space is offered free of charge to entities directly involving the Deaf and Hard of Hearing communities in the greater bay area. It is a concrete example of giving back to the community, which is a central philosophical operating principle of the center.

Two Deaf business partners with strong backgrounds in the interpreting field and TRS/VRS background formed a new company, ASLwave Inc. after trying it out first as a VRS provider, ASLwave VRS through CSDVRS. Steve McClelland, currently co-owner of Bay Area Communication Access (BACA), a sign language interpreting agency that has been operating for nearly 30 years and Russell Stein, a longtime VRS manager who assisted Communication Services for the Deaf (CSD) in launching the nation's first VRS center during the inception of the VRS concept in late 1990's and continues to work in VRS field. They teamed up and combined their strengths and knowledge to form a high-quality state-of-the-art call center, and launched its first call center services on January 1, 2011. This launch was made possible by an agreement with CSDVRS, LLC, who understood and valued the intent of a full-fledged Deaf-owned, Deaf-operated call center provider to process their high quality calls for the long-term.

ASLwave Inc. is dedicated to enabling Deaf individuals the opportunity to own, operate and provide high-quality call center services to any eligible and certified VRS provider in the United States. ASLwave Inc. aims to be a company managed solely by Deaf individuals who will grow as leaders focused on raising the standards in the quality and provision of VRS services as well as fulfilling the telecommunication needs of Deaf and Hard of Hearing consumers as these needs evolve over time. Deaf and Hard of Hearing individuals are uniquely attuned to understanding what Deaf, Hard of Hearing, and hearing consumers want or need from their VRS provider. Enabling opportunities for Deaf and Hard of Hearing individuals to assume the lead as call center providers is critical for ensuring that the services rendered in the VRS industry remain a model emblematic of the relevancy of the service for its Deaf and Hard of Hearing consumers, indeed, all consumers.

ASLwave Inc. has an excellent record of hiring highly skilled, certified interpreters. Sign language interpreters who possess long-term experience in a wide variety of interpreting environments are irreplaceable for their skills and they

add value for our client, CSDVRS. Our sign language interpreters are also grateful to have a geographically local opportunity to work as an interpreter for a call center provider as well as interpret in the field within the San Francisco Bay Area. ASLwave Inc. appreciates the importance of ensuring that our sign language interpreters remain local and can continue to do freelance jobs within the area. Tailoring our call center operations toward the needs of those who live within the local region provides stability and is an ideal way to address and balance the needs of our Deaf and Hard of Hearing consumers in the region while supporting the nation's demand for quality VRS services.

## **II. Qualifications for Certification**

FCC rule 64.604(c)(5)(iii)(N)(1)(iii) sets out the specific documentation required to receive approval for a temporary waiver and subsequently be certified as a third party (call center) for any eligible and certified VRS provider. In response thereto, and as evidence of intent to pursue certification, ASLwave Inc. provides the following information:

### **1. A description of the forms of TRS to be provided.**

By this application, ASLwave Inc. seeks certification for the purpose of providing a call center solution to any VRS provider(s) that will be compensated directly by the Interstate TRS Fund. ASLwave Inc. currently processes VRS services for CSDVRS and offers English-speaking sign language interpreters for Deaf, Hard of Hearing and hearing consumers, and voice carryover technology for consumers who prefer to this form of communication. ASLwave Inc. also processes video mail.

All video relay calls at ASLwave Inc. are currently conducted with the use of a high-bandwidth redundant private network, a video enabled automatic call distributor, standard-based signaling and video compression, interactive video and voice response unit, and high-quality hardware and software.

ASLwave Inc. has installed a high-bandwidth redundant private network interconnecting its call center to conduct multiple concurrent video calls simultaneously. The center at ASLwave Inc. is designed for video calls to be transmitted at speeds up to 512 KB per station. The high-speed circuits also provide connection to our redundant PSTN gateways, along with enhanced video compression for up to a steady 30 frames per second for our video calls.

VRS consumers are able to connect to ASLwave Inc. thru any H.323 and H.263 compliant video device and/or application. As video standards within the industry change, ASLwave Inc. has always been and will continue to be fully interoperable with video relay services offered by all other approved VRS providers and video equipment used for this purpose.

ASLwave Inc. has developed an extensive database system that allows our personnel to track calls for billing, FCC reporting and quality assurance. This system automatically generates start time and end time reporting, duration, agent work time, and more for all call sessions. This system allows us to accurately and effectively track the length of calls waiting in queue and the number of dropped or unanswered calls.

**2. A description of how the provider will meet all non-waived mandatory minimum standards applicable to each form of TRS offered.**

ASLwave Inc. explains below how it currently meets or exceeds and will continue to meet all non-waived mandatory minimum standards for VRS pursuant to 47 C.F.R. 64.604.

**a. *Communication Assistants/Video Interpreters***

ASLwave Inc. utilizes a constitution of employees made up of qualified freelance interpreters and ASLwave full time employees to fill its staffing needs. All sign language interpreters at ASLwave Inc. possess one of the following certifications: RID: CSC/CI/CT; NAD level IV/V; or NIC, NIC Advanced, or NIC Master. ASLwave Inc. also prefers its interpreters have at least five years of community-based interpreting experience to ensure that they have a proven knowledge base of specializations, competencies, and regional signs utilized by Deaf and Hard of Hearing consumers nationwide. Finally, all interpreters staffed at ASLwave Inc. are required to pass skill level assessments prior to being hired or subcontracted. These assessments are intended to ensure that all interpreters are capable of meeting the specialized communication needs of Deaf and Hard of Hearing individuals by interpreting effectively, accurately and impartially, both receptively and expressively using any required specialized vocabulary. In accordance with the FCC's mandatory minimum standards, all interpreters at ASLwave Inc. have demonstrated linguistic competencies, have a strong understanding of and respect for the culture and communication norms of language and etiquette of individuals who are Deaf, Hard of Hearing, and/or have speech disabilities, and possess clear and articulate voice communication skills. All interpreters at ASLwave Inc. must also be sensitive to customer needs and be able to work well under pressure. Failure to meet the FCC's mandatory minimum standards will result in an interpreter being deemed unqualified for employment at ASLwave Inc.

VIs work with call center owners and manager to incorporate recent inception of VRS focused research for the advancement of

- occupational stress and the integration of legal/corporate/professional standards
- competencies and credentials required for the VRS setting
- ergonomics

- job structuring
- ethical decision making / case analysis

All video relay interpreters hired promptly receive comprehensive training containing detailed information about ASLwave Inc. and its origins, timeline (history of VRS), a description of call center operations and the basics of the technology involved. After being given an opportunity to review these materials, all new interpreters will receive thirty-two hours of hands-on training. The training sessions utilized by ASLwave Inc. provide the interpreter with identical platforms and tools that he or she will utilize once he or she provides live VRS calls for a qualified and certified VRS provider(s). To discourage possibility of fraudulent behavior, incentives for interpreters are based on the collective professional and call center norms for providing quality services and not on minutes earned. (See attached list of interpreters and backgrounds).

ASLwave Inc. is dedicated to maintaining the highest level of service through the provision of on-going interpreter training, competitive compensation, and measures designed to deliver performance and flexibility. In addition, ASLwave Inc. provides our interpreters with an ergonomic environment that enhances the quality of services provided from ASLwave Inc. For example, the chairs and the desks at the interpreters' workstations have the flexibility to allow the interpreter to adjust his or her height from a range of sitting and standing modes.

Finally, ASLwave Inc. staffs its call center with floor supervisors, or team leader(s) who will be available to assist or relieve video interpreters when the physical or mental demands of interpreting so require, or when clarification is needed during a conversation. The floor supervisors, or team leader(s), are also available to offer employees breaks throughout their shifts, subject to the rules concerning in-call replacement of the video interpreter (VI). ASLWave Inc. confirms its intent to comply with the Commission's rule requiring video interpreters to stay on each call for the mandatory minimum of ten minutes (unless the interpreter and the user are not communicating effectively), as well as to make every effort possible to accommodate requests for video interpreters of a specific gender when a call-in is initiated or during a transfer to a new video interpreter.

#### ***b. Confidentiality and Conversation Content***

Under the FCC's mandatory minimum standards as well as ethical mandates for maintaining certification, video interpreters are prohibited from disclosing the contents of any relayed conversation, keeping records of the content of calls beyond their duration, and intentionally altering a relayed conversation. Since its inception, ASLwave Inc. has complied with these minimum standards and will continue to do so in the future. ASLwave Inc. will also ensure that all

conversations are translated verbatim unless directed otherwise by the callers, as is required by the Commission's rules.

ASLwave Inc. ensures the confidentiality of all VRS calls by strictly limiting access to its call centers. Access to all centers is controlled via a secured door system that requires either an access code or magnetic key card. Where access codes are used, the codes are changed on a bi-monthly basis to further ensure a secure environment. Additionally, each video interpreter station consists of a private cubicle that utilizes a unique walled structure to ensure private communication between the video interpreter and the customer.

***c. Types of Calls***

In accordance with the FCC's rules, ASLwave Inc. does not impose and will continue to not impose any limits on the type, length, number or content of calls. ASLwave Inc. handles all types of calls that have not been waived by the FCC.

***d. Voice Mail and Interactive Menu***

FCC rules require CAs handling text-based TRS calls to use a hot key that sends text to the consumer to alert callers when they have dialed a number answered by a recorded message and interactive menu. Because VRS takes place in real-time, CAs are able to swiftly inform callers as to the presence of a recorded message and interactive menus as soon as the calls are connected. The CAs are then able to relay the information conveyed by the recordings and assist callers in either routing their calls to their preferred locations or retrieve information from the interactive voice response systems. When requested to do so, CAs can also leave voice messages on voice mail systems and retrieve voice messages for callers. As noted above, ASLwave Inc. also provides video mail service for calls made by hearing consumers to its VRS customers. ASLwave Inc. commits to continuing all of the above practices for the future.

***e. Emergency Call Handling***

ASLwave Inc. is in complete compliance with the FCC's standards established for handling Emergency 911 calls.

***f. Speed of Answer***

Since January 1, 2007, the FCC has required at least 80 percent of all VRS calls to be answered within 120 seconds, the duration of which is calculated on a monthly basis. ASLwave Inc. has always met or exceeded this mandate and commits to continuing to meet this standard for the future.

***g. Twenty-four Hours/Seven Days a Week Operation***

CSDVRS operates, and will continue to operate its services, twenty-four hours a day, seven days a week. ASLwave Inc. currently processes calls from 8:00 am to 8:00 pm (PST) Monday through Friday.

#### ***h. Operations and Uninterruptible Power Source***

The ASLwave Inc. video network incorporates redundancy in every single aspect, throughout its video and data processing and storage facilities, hardware, software, public and private networks, and connections, to ensure reliable and continuous service for the Deaf and Hard of Hearing consumers. All redundant features are functionally equivalent to the equipment used in local exchange central offices, including uninterruptible power for emergency use.

ASLwave Inc. uses multiple points to the public internet and provides each VRS station with redundant connections to all access points. These access points are connected to the internet through four ISPs. If any of these ISPs experience an outage, service is automatically routed around the outage. In addition, automated monitoring can detect a partial or total loss of network at any of the VRS centers at all times. In the rare event of a network loss, video interpreters on the affected VI call center will be logged out of the platform and traffic will route to the next available interpreter located in a different VI call center.

ASLwave Inc. maintains adequate network facilities so that the probability of a busy response due to loop trunk congestion remains functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network as predicted under projected calling volume. All VRS calls handled by ASLwave Inc. are in conducted real-time. ASLwave Inc. intends to continue these various practices and procedures for the future.

#### ***i. Access to Long Distance Calling***

In lieu of providing equal access to interexchange carriers, which is presently waived for VRS providers, CSDVRS has and will continue to handle long distance calls at no charge to its consumers and we will process these calls notwithstanding.

#### ***j. Public Access to Information***

FCC rules require VRS providers to ensure that callers in their service areas are aware of the availability and use of relay services. Efforts to educate the public in this regard are designed to extend to all segments of the public, including people who are Deaf, hard of hearing, speech disabled, senior citizens, and the general public. While ASLwave Inc. is not a VRS provider but instead a call center provider, we firmly believe in the utilization of our Deaf Community Space to promote and increase awareness of VRS as well as services available to Deaf/Hard of Hearing consumers.

**k. Rates**

FCC rules prohibit relay providers from charging consumers rates that are any greater than rates paid for functionally equivalent voice communications services with respect to the duration of the call, the time of day, and the distance from the point of origination and point of termination. ASLwave Inc. will continue complying with this standard whether or not the FCC decides to separate VRS jurisdiction.

**l. Jurisdictional Separation of Costs**

Section 64.605(c)(5) explains that where appropriate, the costs of providing TRS will be separated by intra- and interstate jurisdiction, pursuant to Section 410 of the Communication Act. ASLwave Inc. is already well acquainted with the cost recovery process administered by the Interstate Fund Administrator. CSDVRS has established comprehensive procedures for tracking and reporting call data needed for its annual cost and data submissions. Through CSDVRS, we will continue to be able to provide the Interstate Fund Administrator with the accurate data necessary to determine TRS fund payments, and will comply with all associated obligations with respect to the delivery of such data as contained in the Commission's rules at 47 C.F.R. 64.604(c)(5)(iii)(C).

In the event that the FCC separates VRS by jurisdiction and directs compensation from the Interstate Fund for interstate VRS only, ASLwave Inc. will similarly comply with orders pertaining to the jurisdictional separation of the costs of providing their services.

**m. End-User Information**

While FCC rules governing the treatment of TRS customer information are primarily directed to the transfer of TRS customer profile data from one TRS vendor to another when a state relay program changes vendors, ASLwave Inc. can absolutely assure the Commission that any TRS customer information it acquires will similarly be used only for the purpose of connecting TRS users with called parties, and shall not be sold, distributed, shared or revealed in any other way, unless compelled to so by lawful order.

**n. Notification of Substantive Changes**

FCC rules require certified relay providers to notify the Commission of substantive changes in their TRS programs, services, and features within 60 days from the time such changes occur, and to certify that they will continue to

meet federal minimum standards after implementing any substantive change. ASLwave Inc. will meet that requirement as a call center provider.

**3. A description of the provider's procedures for ensuring compliance with all applicable TRS rules**

In order to ensure compliance with all of the FCC's rules governing ASLwave Inc., all employees at ASLwave Inc. receive training when they are hired and any time company-wide changes are adopted.

**4. A description of the provider's complaint procedures**

ASLwave Inc. is committed to providing the highest quality customer service for all its service offerings. ASLwave Inc. consumers can contact live customer service directly via our contractor's website, videophone, voice, e-mail, or be transferred from an ASLwave Inc. call center to their customer service.

ASLwave Inc. also understands that the FCC may receive either informal or formal complaints about its relay service. ASLwave Inc. is prepared to comply with all procedures and time frames specified in the Commission's rule for the resolution of consumer complaints filed against services provided by ASLwave Inc..

Commission rules require every TRS provider to designate an agent who is principally responsible for receiving complaints, inquiries, orders, decisions and notices from the Commission. ASLwave Inc.'s designated agent for this purpose is Russell Stein, who can be reached at ASLwave Inc., 443 Tehama Street, San Francisco, CA 94103.

**5. A narrative describing any areas in which the provider's service will differ from the applicable mandatory minimum standards.**

ASLwave Inc. meets all unwaived mandatory minimum standards for VRS and does not differ from these standards in any manner.

**6. A narrative establishing that services that differ from the mandatory minimum standards do not violate applicable minimum standards**

Insofar as ASLwave Inc. meets all unwaived mandatory minimum standards, this section does not apply.

**7. Statement on annual compliance reports**

ASLwave Inc. commits to filing annual compliance reports with the Commission that demonstrate the company's continued compliance with these rules. (See attached).

## **8. NECA Notification**

After receiving the certification requested herein, ASLwave Inc. will notify the National Exchange Carriers Administration (NECA) of its intent to provide VRS and to receive compensation from the Interstate TRS Fund thirty (30) days prior to submitting reports of interstate minutes.

## **III. Conclusion**

It is in the best public interest of consumers who are Deaf or Hard of Hearing to grant ASLwave Inc.'s request for temporary waiver and certification to operate as a qualified and eligible call center for any certified VRS provider(s). ASLwave Inc.'s considerable collective experience and expertise in VRS and its commitment to providing superior service that meets the needs of the Deaf and Hard of Hearing consumers make ASLwave Inc. eminently qualified. ASLwave Inc. will supplement any of the answers provided in this application should the need arise. As a new provider founded after the uncovering and prosecution of fraudulent practices, ASLWave began to provide services in this context and therefore believes itself to be more cognizant of, and committed to, fraud prevention since its inception, evidence of which is embedded in its core structure.