

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	May 19, 2011
)	
NorthStar Relay, LLC)	
Communications Access Center for the)	
Deaf and Hard of Hearing)	
CP&J Investments, LLC d/b/a PAH! Relay)	
Interpretel, LLC)	
Sign Language Access, Inc. d/b/a CallVRS)	
URrelay, Inc.)	
)	
)	
Request for Temporary Waiver of Section)	
64.604(c)(5)(iii)(N)(1)(iii) of the)	
Commission’s Rules)	

To the Commission:

PETITION FOR WAIVER

NorthStar Relay, LLC is an entity that has been formed as the result of the combination of the Communications Access Center for the Deaf and Hard of Hearing (“CAC”), CP&J Investments, LLC d/b/a PAH! Relay (“PAH”), Interpretel LLC (“Interpretel”), Sign Language Access, Inc., d/b/a CallVRS (“CallVRS”) and URrelay, Inc. (“URrelay”), each of which is a currently active VRS provider with an established and substantial consumer base, three of which have applications for certification pending before the Commission for review, and one of which is currently eligible to receive reimbursement from the Telecommunications Relay Service Fund (the “Fund”) on its own accord (collectively, “NorthStar Relay” or the “Company”). By its attorneys, and pursuant to the Sections 1.3 and 1.925 of the Commission’s Rules¹ and the Commission’s April 6, 2011 *Report and Order and Further Notice of Proposed Rulemaking* in

¹ 47 C.F.R. §§1.3 and 1.925.

CG Docket No. 10-51,² NorthStar Relay, LLC, on its own behalf and on behalf of each of the parties named above, hereby respectfully requests that the Commission grant a temporary waiver of newly promulgated Section 64.604(c)(5)(iii)(N)(1)(iii)³ of the Commission’s Rules insofar as this rule currently prohibits an eligible Video Relay Service (“VRS”) provider to “contract with or otherwise authorize any third party to provide interpretation services or call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and registration) on its behalf, unless that authorized third party also is a[n] [Telecommunications Relay Service Fund] eligible provider.” NorthStar Relay requests temporary waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission’s Rules until such time as the Commission grants NorthStar Relay’s (as previously applied for as CallVRS, Interpretel and PAH! and alternatively by way of an application that will be submitted by NorthStar itself) application for Telecommunications Relay Service Fund eligibility under Section 64.606, TRS Certification, when amended, in accordance with the *R&O*.⁴ NorthStar Relay’s request is predicated on its desire and operational imperative to continue providing responsible and compliant VRS to the public through its current underlying Fund eligible partner, CAC, which itself has entered into a definitive purchase agreement by virtue of which it is in the process of being combined with NorthStar Relay, pending a grant of NorthStar Relay’s Fund eligibility certification.

As discussed below, the circumstances surrounding this matter have established a unique situation for NorthStar Relay precipitating the instant Petition. Timing for the promulgation of the proposed amendments to Section 64.606 of the Commission’s rules and subsequent

² *In the Matter of Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, *Report and Order and Further Notice of Proposed Rulemaking* (rel. April 6, 2011) [“R&O”].

³ 47 C.F.R. § 64.604(c)(5)(iii)(N)(1).

⁴ *Id.*, para. 63.

Commission grant of NorthStar Relay's application for Fund eligibility, remain uncertain. Yet the date on which the prohibition against Fund eligible providers engaging Fund ineligible providers, such as NorthStar Relay and each of the entities that have combined to form it, under newly promulgated Section 64.604(c)(5)(iii)(N)(1)(iii) becomes effective June 1, 2011. Under these circumstances, it would appear likely that by the time NorthStar Relay's application for Fund eligibility (as originally submitted by Interpretel, CallVRS and PAH!) certification might be granted, the Company would have since ceased its operations entirely following the prohibition against Fund ineligible entities serving as partner entities pursuant to Section 64.604(c)(5)(iii)(N)(1)(iii) in the absence of the requested temporary waiver, leaving its large number current consumers without their accustomed VRS provider and potentially without access to TRS altogether.

The *R&O* accords Fund ineligible providers an opportunity to request a temporary waiver of the newly promulgated rules "to make adjustments to their operations in order to come into compliance with the new requirements adopted."⁵ NorthStar Relay's request for temporary waiver is necessary to enable the Company to continue serving its subscribers⁶ during the pendency of its application for certification as a fund eligible provider, as will be filed under the new certification rules when promulgated.

NorthStar Relay and its consolidated entities have been successful in attracting substantial funding, and have made considerable investment in VRS operations. NorthStar Relay is confident that it currently meets the entirety of its obligations under the Commission's now amended Mandatory Minimum Standards ("MMS") for the provision of VRS and Internet

⁵ *R&O* at para. 62.

⁶ NorthStar Relay has also undertaken to serve subscribers of Fund ineligible providers who have determined not to pursue Fund eligibility certification.

Protocol (“IP”) Relay, as initially demonstrated herein and in detail through its currently pending applications for certification as a Fund eligible provider. NorthStar Relay maintains that the public interest will be served if NorthStar Relay is allowed to continue as a VRS service provider, and will be damaged if is forced to cease operations. NorthStar Relay submits that good cause exists for the requested waiver, accordingly.

I. INTRODUCTION

NorthStar Relay was organized under the laws of the State of Delaware on the 18th of May 2011. The companies constituting NorthStar Relay have previously provided VRS as follows:

CAC, as an authorized TRS fund eligible provider since June 2002

URrelay, through an agreement with CAC since April 2006
Possessing Common Carrier status in the state of Iowa

CallVRS, through several agreements with eligible providers since 2008
Possessing Common Carrier status in the state of Florida

PAH!, through an agreement with URrelay and CAC since September 2008
Possessing Common Carrier status in the state of Indiana

Interpretel, through an agreement with SNAP LLC since January 2011
Possessing Common Carrier status in the state of Texas

On April 6, 2010, the Commission released the *R&O*, promulgating amendments to the Commission’s relay services rules, principally to Section 64.604, Mandatory Minimum Standards. In pertinent part, the amended rules implement a new prohibition in Section 64.604(c)(5), effectively precluding the provision of compensable VRS by Fund ineligible providers:

An eligible VRS provider may not contract with or otherwise authorize any third party to provide interpretation services or call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and

registration) on its behalf, unless that authorized third party also is an eligible provider.⁷

The newly promulgated rule amendments, including the prohibition of compensable VRS by Fund ineligible providers, go into effect thirty (30) days following publication of the *R&O* in the *Federal Register*,⁸ on May 1, 2011.

Recognizing that some Fund ineligible providers have long intend to pursue or have been pursuing Fund eligibility to be compensated for the provision of VRS and IP Relay on in their own right, the Commission accorded such providers the opportunity to request a temporary waiver of applicable rules,⁹ supported by documentation demonstrating the applicant's plan and ability to come into compliance with applicable Commission relay services requirements.¹⁰ Fund ineligible providers seeking temporary waiver of Commission rules are specifically directed to provide a description of the requirements from which the applicant seeks waiver and documentation demonstrating the applicant's plan and ability to come into compliance with applicable amended (MMS) requirements within three months of the date on which the rules become effective.

The applicant's plan and ability to comply with the amended MMS must include:

- A. A detailed plan for modifying its business structure and operations in order to meet the new requirements, and

⁷ 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(iii).

⁸ *R&O*, para. 116 May 1, 2011

⁹ *Id.*, para. 62: "We recognize that some companies currently offering VRS through an arrangement with an eligible provider may wish to continue providing this service on their own, yet may require additional time to make adjustments to their operations in order to come into compliance with the new requirements adopted in this *Order*. To give these entities 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 pursuant to the accompanying FNPRM, we will consider requests for a temporary waiver of the new requirements. A company requesting a waiver of the rules adopted in this *Order* will have the burden of showing that the waiver is in the public interest, that grant of the waiver request will not undermine the purposes of the rules that we adopt today, and that it will come into compliance with those rules within a short period of time [footnote in original omitted]."

¹⁰ *Id.*, para. 63.

B. Submission of relevant documentation to support the waiver request comprising:

- (1) a copy of each deed or lease for each call center the applicant currently owns or plans to acquire;
- (2) a list of individuals or entities that hold at least a 10 percent equity interest in the applicant, have the power to vote 10 percent or more of the securities of the applicant, or exercise de jure or de facto control over the applicant, a description of the applicant's organizational structure, and the names of its executives, officers, partners, and members of its board of directors;
- (3) a list of the applicant's full-time and part-time employees;
- (4) proofs of purchase or license agreements for the use of equipment and/or technologies that the applicant 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;
- (5) copies of employment agreements for the provider's executives and CAs; and
- (6) a list of financing arrangements pertaining to the provision of VRS, including documentation for financing of equipment, inventory, and other property.

Applicants must further file for certification¹¹ within one month after the amended certification rules become effective.¹²

In light of the fact that NorthStar Relay is poised to file its application for Fund eligibility certification under the upcoming amended rules, that it has several applications pending review under the existing rules, that the effective date proposed prohibition on Fund eligible providers partnering with Fund ineligible providers (June 1, 2011) is fast approaching, the fact that NorthStar Relay has made a considerable investment in its operations and seeks to continue providing service to the public, that NorthStar Relay's constituent parts serve a large number of VRS consumers, and the fact that the combination of NorthStar's constituent parts creates a provider that in and of itself meets all current requirements and is eligible for reimbursement by

¹¹ Or presumably supplement existing applications for Fund eligibility certification.

¹² *R&O* para. 63. "we require applicants requesting a temporary waiver to provide, in writing, a description of the specific requirement(s) for which it is seeking a waiver, along with documentation demonstrating the applicant's plan and ability to come into compliance with all of these requirements (other than the certification requirement) within a specified period of time, which shall not exceed three months from the date on which the rules become effective.¹² In addition, the waiver applicant must file for certification within thirty days after the final certification rules become effective [footnote in original omitted]."

way of one of its constituent parts, NorthStar Relay hereby seeks waiver of Section 64.604(c)(5)(iii)(N)(1)(iii). Pursuant to the Commission's stated temporary rule waiver requirements, NorthStar Relay provides the following in support of its request.

II. DESCRIPTION OF THE REQUIREMENTS FROM WHICH THE APPLICANT SEEKS A WAIVER.

NorthStar Relay requests temporary waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules until such time as the Commission grants NorthStar Relay's application for Telecommunications Relay Service Fund eligibility certification, to be submitted in accordance with amended Section 64.606, TRS Certification, as ultimately promulgated. In anticipation of the likely demands to be placed on the Commission with similar requests by Fund ineligible providers following promulgation of the Commission's rule amendments to Section 64.604, the pendency of the Commission's final certification regulations and the uncertain timing for Commission action on the Company's application for certification, NorthStar Relay seeks this waiver to continue its operations. Specifically, NorthStar Relay seeks this temporary waiver in order to continue the uninterrupted provision of VRS to the public through its Fund eligible arrangement with its constituent part CAC, which itself is the subject of a definitive purchase agreement the result of which is its ultimate combination with NorthStar Relay, to retain its subscribers and attract new subscribers, to retain the professional communications assistants ("CAs") and staff under its employ, to attract new employees, to maintain its current service platform and operations intact, and to fully comply with the Commission's certification requirements when ultimately adopted, pending the Company's final certification as Fund eligible.

Pursuant to 64.604(c)(5)(iii)(N)(1)(iii):

An eligible VRS provider may not contract with or otherwise authorize any third party to provide interpretation services or call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and registration) on its behalf, unless that authorized third party also is an eligible provider.

In consideration of the MMS rule amendments becoming effective June 1, 2001 following publication in the *Federal Register*, NorthStar Relay now seeks to be able to continue providing its services and maintain its current operation, without interruption, under its existing agreement with CAC,¹³ a Fund eligible provider, until NorthStar Relay may provide compensable VRS and IP Relay as a Fund eligible provider. NorthStar Relay has entered into a definitive and binding agreement by which it is in the process of combining with CAC, but nonetheless seeks this waiver to ensure that it is at all times in full compliance with both the letter and the intent of the Commission's rules and regulations.

In addition, NorthStar Relay requests a temporary waiver of Section 64.604(c)(5)(iii)(1)(ii) of the Commission's rules until such time as the Commission grants NorthStar Relay's application for Telecommunications Relay Service Fund eligibility certification, to be submitted in accordance with amended Section 64.606, TRS Certification, as ultimately promulgated. NorthStar Relay requests this waiver to allow it time to educate the public and its established consumer base about the combination of CAC, CallVRS, Interpretel, PAH and URrelay, as well as the integration of several other entities that had previously combined with Interpretel. It is NorthStar Relay's intent that it shall at all times identify itself as the ultimate service provider for each of these entities, attaching the legend "*Powered by NorthStar*" or such similar legend as the Commission deems proper wherever appropriate. In the interim period, however, until certification is granted, or for some shorter period as determined by the Commission, NorthStar

¹³ See Confidential Exhibit 3.

seeks to continue using the trademarks, logos, URLs and IP addresses associated with each of its constituent parts for the purpose of providing continuity of service to the public and educating the public. It is NorthStar Relay's belief that there has not been sufficient time since publication of the MMS rule amendments becoming effective June 1, 2011 for there to be sufficient consumer education of the public with regard to the changes taking place in the relay industry, or for the public to fully appreciate and understand the impact that the changes required by such rules are likely to bring about, and that the public interest would be damaged by the confusion that would result from an immediate and unexpected change in provider identities presented to the public, were NorthStar Relay required to cease reference to the former identities of its constituent parts on June 1, 2011. So that service to the public may be continuous and uninterrupted, NorthStar Relay respectfully requests the temporary waiver of this provision.

III. APPLICANT'S PLAN AND DOCUMENTED ABILITY TO COMPLY WITH THE AMENDED MMS.

Pursuant to the *R&O*, the grant of a temporary waiver request under the amended MMS is predicated in part upon a showing that the requesting party maintains a plan and documents its ability to comply with the amended MMS.¹⁴ NorthStar Relay maintains that it already complies with the entirety of the Commission's existing VRS and IP Relay MMS, as initially demonstrated through the instant Petition. The Company's combined application for Fund eligibility certification will further provide, in addition to those already submitted and in detail, the extent to which NorthStar Relay complies with the MMS established pursuant to Section 64.604 of the Commission's rules.¹⁵ NorthStar Relay continues to invest in, refine and improve

¹⁴ *R&O* para. 63.

¹⁵ 47 C.F.R. §64.604.

on its operations, build its team of professional interpreters and managers to better serve its subscribers, and has been brought into existence with the express purpose of creating an entity that is fully accountable to the Commission and at all times in full compliance with the letter and spirit of its requirements.

NorthStar Relay maintains further that it currently complies with the entirety of the amended MMS regulations, as it will demonstrate through submission of a supplemental application to be submitted upon, if not before, promulgation of the Commission's new certification regulations, and the instant Petition.¹⁶ For purposes of demonstrating a petitioner's immediate plan and documented ability to comply with the amended MMS, the *R&O* establishes that "Evidence of the applicant's plan and ability to come into compliance with the new rules shall include the applicant's detailed plan for modifying its business structure and operations in order to meet the new requirements."¹⁷ Such evidence of a "detailed plan" for modification of the petitioner's business structure and operations to meet the new requirements includes documentation demonstrating compliance with six key obligations and employment plans. Evidence of NorthStar Relay's current compliance and amended certification rule compliance plan and documented ability to comply with the amended MMS pursuant to the *R&O*, is as follows.¹⁸

¹⁶ NorthStar Relay is prepared to demonstrate compliance with the proposed amended TRS Certification rules under 47 C.F.R. §64.604 in anticipation of the promulgation of such rules beyond the information already provided herein as required under para. 63 to the *R&O*.

¹⁷ *R&O* para. 63.

¹⁸ NorthStar Relay considers the entirety of the documents provided in the supporting Exhibits to its Application to be proprietary. Pursuant to Section 0.459 of the Commission's rules, 47 C.F.R. §0.459, NorthStar Relay respectfully requests that the documents contained in Exhibits 1 to 5 be deemed confidential and protected accordingly. In support of its request, NorthStar Relay states as follows: The data submitted in these documents contain sensitive proprietary information including, but not limited to, operations and organizational data. These data specifically reveal company operations and scope that would be useful to competitors. NorthStar Relay would not otherwise make these data publically available. Release of these data to the public could cause NorthStar Relay irreparable and inestimable harm, and would undermine the Company's operations, particularly at a time when a number of entities are seeking Fund eligibility and could seek to replicate NorthStar Relay's operations.

- 1. a copy of each deed or lease for each call center the applicant currently owns or plans to acquire;**

NorthStar Relay currently maintains Six fully supervised commercial call centers in Cedar Rapids, Iowa, Indianapolis, Indiana, Fort Wayne, Indiana, LaPorte, Indiana, Evansville, Indiana and Bloomington, Indiana. Copies of NorthStar Relay's leases for each call center location are attached hereto at confidential **Exhibit 1**.

- 2. a list of individuals or entities that hold at least a 10 percent equity interest in the applicant, have the power to vote 10 percent or more of the securities of the applicant, or exercise de jure or de facto control over the applicant, a description of the applicant's organizational structure, and the names of its executives, officers, partners, and members of its board of directors;**

NorthStar Relay is owned by Interpretel, PAH and URrelay, and in turn owns substantially all of the assets formerly owned by each of those entities, including CallVRS.

NorthStar Relay's Board of Directors is comprised of these individuals:

Barrett F. Kalb

Wesley N. Waite, Sr..

Ashur Kalb

William McClelland

Brian Collins

The following members of NorthStar Relay serve in executive positions with the Company:

Barrett F. Kalb, serving as the Chairman
Wesley Waite, Sr., serving as the President/CEO
William McClelland, serving as the Chief Operating Officer
Ashur Kalb, serving as the Executive Vice President
Brian Collins, serving as the Vice President - Marketing

Ben Dudley, serving as the Vice President - Engineering
Thomas Ratchford, serving as the Chief Financial Officer
Nancie Alcock, serving as the Vice President - Business Development

3. a list of the applicant's full-time and part-time employees;

A list of the NorthStar Relay's full-time and part-time employees attached hereto at confidential **Exhibit 2**.

4. proofs of purchase or license agreements for the use of equipment and/or technologies that the applicant 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;

A copy of NorthStar Relay's Technology and Support Agreement with CAC, for processing TRS minutes under CAC's TRS certification, as well as the subsequent agreement by virtue of which NorthStar Relay has contracted to combine with CAC, is attached as **Exhibit 3**. NorthStar Relay, by virtue of its combination with URrelay has acquired the technology that URrelay has developed, owns and has patent rights to, which provides the technology necessary for all call center and other VRS and IP Relay functions, and that includes, call distribution, routing, call setup, mapping, call features, billing and other functions.

5. copies of employment agreements for the provider's executives and CAs; and

Copies of employment agreements for the provider's executives and the employee handbooks provided to CAs; are attached hereto at confidential **Exhibit 4**.

6. a list of financing arrangements pertaining to the provision of VRS, including documentation for financing of equipment, inventory, and other property.

Specific reference to funding requirements associated with equipment, inventory, and other property is addressed in NorthStar Relay's loan agreement with Community Savings Bank in Cedar Rapids, Iowa. That, and other documentation related to the Company's funding

arrangements are specifically established in the documents attached hereto at confidential **Exhibit 5.**

7. Plan for hiring of new Communications Assistants.

NorthStar Relay currently employs 62 CAs and NorthStar Relay anticipates hiring no fewer than 3 additional CAs by year's end, based on its projected growth presuming the uninterrupted provision of its VRS. In hiring its existing employees, NorthStar Relay has established specific minimum employment standards based on prospective employee interpreting skills and national certification.

Employment offers will first be made to existing independent contractors located in Company call centers. Offers will next be made to in-home CAs, to the extent the CA expresses a willingness to work from a Company call center location. NorthStar Relay will next consider deployment of one or more new call centers to be staffed by senior employees, who will serve in a supervisory capacity, and new hires taken either from the existing employee and contractor pool or qualified CAs located in the area. The location of new call centers will be highly dependent on CA availability in those areas, accordingly. The Company has already identified at least 3 prospective areas in the U.S. where it may deploy additional call center(s).

NorthStar Relay recruits from the RID registry of Interpreters as well as from personal working knowledge of known freelance interpreters. All new NorthStar Relay interpreters must meet the following requirements: Fully RID certified (CI/CT, CSC, NIC - Advanced, or NIC - Master) with a minimum of eight (8) to ten (10) years experience in the Deaf Community. Eight years experience will be considered in cases of full certification and an advanced degree.

Interpreters who have been granted this level of certification through RID in conjunction with the number of years required by NorthStar Relay are already vested in terms of their skill assets. However, during the first three months of employment, Interpreters are monitored for

their skills as they relate specifically to the unique needs of Video Relay. They are also monitored for their interpersonal skills as they relate to our customers service needs, insuring we have a well rounded, seasoned, professional interpreter servicing our diverse clientele.

The *R&O* also establishes that those requesting temporary rule waiver must seek “certification within thirty days after the final certification rules become effective.”¹⁹ NorthStar Relay avers that it is prepared to submit a full application within thirty days following the effective date of the amended certification rules, in addition to those pending applications already submitted by CallVRS, Interpretel and PAH. The Company is prepared to submit an application for Fund eligibility certification immediately in accordance with the certification rules as proposed and in anticipation of the proposed rules ultimately being promulgated with limited amendment, if the Commission deems such desirable and/or if so doing could expedite the grant of NorthStar Relay’s certification application. The Exhibits attached hereto clearly demonstrate that NorthStar Relay is already prepared to supplement its certification application immediately.

The Commission states that a “rigorous showing that the applicant has workable plans and the ability to continue providing VRS in a manner that will not undermine the measures adopted in this *Order* to eliminate the fraud and abuse that have plagued the VRS program.”²⁰ By its showing herein, NorthStar Relay maintains that its submission will withstand the appropriate rigor and scrutiny the Commission seeks to apply in determining the merit of granting NorthStar Relay’s request, and ultimately in granting the Company’s certification application as a responsible, compliant VRS provider. The actions NorthStar Relay has taken to date in combining the existing providers that form its constituent parts into a larger, more robust, and

¹⁹ *R&O* para. 63.

²⁰ *Id.*

immediately compliant entity are just one indication of the substance and workability of NorthStar Relay's plans, as well as its determination and ability to continue providing VRS in a manner that demonstrates its commitment to the highest of standards, and all those requirements which the Commission has imposed to date or will in the future. Documents relating to these actions are other documentation related to the Company's organization are specifically established in the documents attached hereto at confidential **Exhibit 6**.

IV. APPLICANT'S REQUEST FOR TEMPORARY WAIVER IS IN THE PUBLIC INTEREST AND SHOULD BE GRANTED.

NorthStar Relay maintains that the public interest will be served if NorthStar Relay is allowed to continue providing uninterrupted VRS service to the public, and that good cause exists for the requested waiver. That the Commission itself has anticipated the public interest of explicitly according Fund ineligible providers to seek a waiver in order to enable them to pursue Fund eligibility certification, suggests that the Commission readily recognizes the benefits and necessity of enabling responsible providers, including NorthStar Relay, that meet the MMS for the continued provision of VRS to seek temporary rule waivers in anticipation of demonstrating full compliance.

Clearly, a temporary waiver of the prohibition against continued operations by Fund ineligible providers pending certification, as is requested herein, is necessary for legitimate providers who seek to become Fund eligible providers. With respect to NorthStar Relay specifically, in the absence of a grant of the temporary rule waiver sought herein, thousands of NorthStar Relay consumers will be significantly injured by NorthStar Relay's potential inability to continue providing service. NorthStar Relay consumers would experience an immediate service interruption, and would need to migrate to another provider, further eliminating the

ability for NorthStar Relay to recover. NorthStar Relay consumers have developed deep loyalty to those entities that comprise NorthStar Relay, their services, and their CAs. An inability to continue as NorthStar Relay consumers would represent far more than a simple inconvenience, but would require subscribers to establish a rapport with a new provider and new CAs.

Further, existing CA employees and prospective employees would immediately become unemployed as the Company could no longer exist if unable to provide VRS immediately pending completion of the merger of CAC into NorthStar Relay. Though NorthStar Relay could arguably maintain solvency if its application were to be granted in a relatively short period of time, it certainly could not continue to exist for a protracted and open ended period of time, in the absence of a waiver. The Company could not pay CAs as it would arguably not need them until certified, making the prospect of reemploying CAs or employing new CAs even more challenging. Further, the Company would risk defaulting on legal obligations assumed through the provision of its VRS services including, but not limited to, investors and vendors, and under licensing agreements, building lease agreements, and arrangements that ultimately could result in unnecessary insolvency, simply because of the timing of events surrounding the pendency of the Company's certification application. The Company would otherwise need to restart its operations, rather than maintaining them through the certification, which would add to the Company's operational challenges.

The Deaf Community has made their preference for multiple VRS providers clear.²¹ Foreclosing the opportunity to NorthStar Relay, and by extension the established providers that have combined to form it, to continue its operations pending certification would further limit for no sound reason the choices available to the Deaf Community. Furthermore, such limitation is

²¹ See e.g. panelist's comments regarding VRS competition during the Commission's December 17, 2009 public hearing.

unnecessary to the extent that NorthStar Relay has demonstrated its compliance with the existing and proposed rules. NorthStar Relay has through this temporary request for rule waiver and pending application demonstrated that it meets the MMS and proposed additional certification requirements to become a Fund eligible subscriber. The Company has made significant investments in its platform, call centers, CA team and staff, and in its operations, as well as in the efforts resources required to undertake the combination of the several providers that have come together to form NorthStar Relay.

NorthStar Relay is immediately prepared to welcome the Commission to corroborate the Company's representations in person, as proposed under the new certification rules. The grant of the Company's instant request for temporary waiver will simply accord the Company and Commission with the time necessary to enable NorthStar Relay to continue its operations, while the Commission concludes its verification of the Company's ability to provide compensable VRS directly as a Fund eligible provider.

NorthStar Relay has fully disclosed the extent of its operations and compliance with Commission regulations governing the provision of VRS. NorthStar Relay's showing demonstrates that the Company is committed and prepared to provide compliant services as a responsible provider consistent with the Commission's intent to eliminate fraud, waste, and abuse. This commitment and preparation is further demonstrated by the multiple applications for certification that now fall under NorthStar Relay's aegis. NorthStar Relay has already demonstrated its capability of providing responsible compliant VRS to the public by way of its constituent parts, each of which has a dedicated and loyal consumer base. It has also demonstrated its willingness and desire to comply with the Commission's requirements as they evolve, by way of the combination of committed providers that has brought NorthStar Relay into

being. To now preclude NorthStar Relay from the provision of VRS pending certification is unnecessary and would be contrary to the public interest.

V. CONCLUSION

Through the temporary rule waiver process specifically accorded to VRS providers under the *R&O*, responsible, compliant providers such as NorthStar Relay, and those previously existing providers that have combined to form NorthStar Relay, have been accorded the opportunity to demonstrate that they warrant authority to provide uninterrupted VRS, despite their current Fund ineligible provider status, pending Commission verification of their compliance with the entirety of the MMS and new certification requirements. NorthStar Relay has demonstrated that it complies with the MMS, as now amended; has demonstrated its commitment to the responsible provision of VRS through the hiring of CAs, investment in platform and other delivery technologies, and deployment of “brick and mortar” call centers staffed by professional employees and supervisors. NorthStar Relay has also demonstrated that it has “workable plans and the ability to continue providing VRS in a manner that will not undermine the measures adopted in [the *R&O*] to eliminate the fraud and abuse that have plagued the VRS program.”

In view of the foregoing, NorthStar Relay submits that it has established a solid basis and good cause for a waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission’s rules pending a grant of the Company’s application for Fund eligibility certification.

Respectfully submitted,

NORTHSTAR RELAY, LLC

By: 
WESLEY N. WAITE Sr.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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To the Commission:

EXHIBITS LISTING

EXHIBIT	CONTENTS
1	A copy of each deed or lease for each call center the applicant currently owns or plans to acquire (CONFIDENTIAL)
2	A list of the applicant's full-time and part-time employees (CONFIDENTIAL)
3	Master Services Agreement with CAC, and agreements between NorthStar Relay and Interpretel, PAH and URrelay. (CONFIDENTIAL)
4	Copies of employment agreements for the provider's executives and Communications Assistants (CONFIDENTIAL)
5	Evidence of Funding Arrangements (CONFIDENTIAL)
6	Documents related to the creation and organization of NorthStar Relay (CONFIDENTIAL)

Exhibit 1

A copy of each deed or lease for each call center the applicant currently owns or plans to acquire
(CONFIDENTIAL)

(Attached)

Exhibit 2

A list of the applicant's full-time and part-time employees (CONFIDENTIAL)

(Attached)

Exhibit 3

Technology and Support Agreement with CAC, Acquisition Agreement with CAC
(CONFIDENTIAL)

(Attached)

Exhibit 4

Copies of employment agreements for the provider's executives and Communications
Assistants (CONFIDENTIAL)

(Attached)

Exhibit 5

Co Evidence of Funding Arrangements (CONFIDENTIAL)

(Attached)

Exhibit 6

Documents related to the creation and organization of NorthStar Relay (CONFIDENTIAL)

(Attached)