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May 24, 2011

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

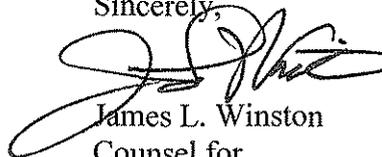
**Re: Request of Malka Communications Group, Inc. for Temporary Waiver
(REDACTED), CG Docket No. 10-51**

Dear Ms. Dortch:

Malka Communications Group, Inc. ("MCG"), by its attorneys, pursuant to Section 1.3 of the Commission's Rules,¹ and the Commission's *Subcontracting Order*,² submits its Request for Temporary Waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's Rules. Pursuant to Section 0.459 of the Commission's Rules,³ MCG has submitted a request for confidential treatment and filed a complete copy, including all information redacted from this copy of its Waiver Request, with the Secretary's Office today.

Please contact undersigned counsel if you require any additional information regarding this request.

Sincerely,



James L. Winston
Counsel for
Malka Communications Group, Inc.

¹ 47 CFR § 1.3.

² *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, released April 6, 2011 (the "*Subcontracting Order*").

³ 47 CFR § 0.459.

Before the
Federal Communications Commission
Washington, DC

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

To: Chief, Disability Rights Office

**REQUEST OF MALKA COMMUNICATIONS GROUP, INC.
FOR TEMPORARY WAIVER**

Malka Communications Group, Inc. (“MCG”), by its attorneys, and pursuant to Section 1.3 of the Commission’s Rules¹ and the Commission’s Report and Order and Further Notice of Proposed Rulemaking, released April 6, 2011,² hereby requests a temporary waiver of the Commission’s prohibition on revenue sharing arrangements between eligible providers and subcontractors in Section 64.604(c)(5)(iii)(N)(1)(iii).³ In support of its request, MCG submits the following:

In the *Subcontracting Order*, the Commission ruled that “an eligible provider is prohibited from engaging any third party entity to provide VRS CAs or call center functions.”⁴

In adopting this new requirement the Commission added:

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

¹ 47 CFR §1.3.

² *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, released April 6, 2011 (the “*Subcontracting Order*”).

³ 47 CFR §64.604(c)(5)(iii)(N)(1)(iii).

⁴ *Subcontracting Order* at ¶ 58.

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.⁵

By Public Notice released May 17, 2011, the Consumer and Governmental Affairs Bureau, Disability Rights Office clarified the requirements regarding requests for waivers of the prohibition on subcontracting and set May 24, 2011 as the date by which such requests should be filed.⁶ MCG has been a subcontractor to Healinc, an eligible provider, since December 2010. MCG submits that the public interest will be well served by a grant of the requested waiver.

I. MALKA COMMUNICATIONS GROUP, INC.

MCG is a company founded in April 2010 by Ms. Nataly Malka, a Deaf individual, who serves as MCG's CEO. As a leading member of the Deaf community, Ms. Malka is deeply committed to improving the quality of life in the Deaf community. In addition to many years of civic and charitable activities serving the Deaf community, Ms. Malka has over fifteen years of experience providing telecommunications services to the Deaf community. In the early 1990's, Ms. Malka initiated a program to bring the Teletypewriter device (TTY/TTD) to Israel in order to bridge the communication barrier. Over her fifteen years of providing telecommunications services to the Deaf community, she has worked with some of the leading businesses that provide services to the Deaf community. One of those businesses was Sorenson Communications, Inc., where she focused on government relations between Sorenson and the Israeli Government.

Ms. Malka is also the founder of TelkoINET, which she has operated since 1998. Ms. Malka includes among her duties at TelkoINET, the recruitment of Deaf consumers to receive services from a certified VRS provider, and the training of interpreters for that VRS provider.

⁵ *Subcontracting Order* at ¶ 62.

⁶ Public Notice, DA 11-893, CG Docket No. 10-51, released May 17, 2011.

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Other charitable endeavors to which she has dedicated her time include Miss Deaf International, a beauty pageant specifically for the Deaf, where she focused on raising funds and empowering Deaf women from around the world, setting examples for other countries to follow.

With the founding of MCG, Ms. Malka began her plan to become a certified VRS provider. Starting out as a subcontractor to an eligible provider, since its inception MCG has been planning to seek certification to become an eligible provider. Operating as a subcontractor to a certified provider, MCG has been very successful at reaching and educating the Deaf community about the availability and benefits of using VRS. MCG has been steadily increasing its number of VRS users and their usage of the service.

As part of its effort to become an integral part of the Deaf community, in addition to its VRS business, MCG has been developing school curricula to assist in the teaching of sign-language to Deaf children. Deaf children are often neglected by hearing-focused school systems, and often hearing parents fail to understand or know how best to aid a Deaf child in developing his or her full potential. The curricula being developed by MCG is designed to help Deaf students overcome these obstacles. MCG has also dedicated capital to philanthropic endeavors within the Deaf community, including providing financial support to the athletic endeavors of Deaf teens. For Deaf teens, special arrangements are sometimes needed to allow a full and rich athletic experience comparable to those of hearing teens. MCG is committed to continuing such philanthropic endeavors so that Deaf teens will have opportunities for constructive athletic experiences that will give them the foundation for future social and employment success.

The Commission's *Subcontracting Order* has required MCG to hasten its efforts to come into compliance with the Commission's certification requirements. MCG therefore submits this request for temporary waiver of the subcontracting prohibition. The public interest will be

served by a grant of MCG's application. With Ms. Malka as its CEO and driving force, MCG brings a personal connection and commitment to the Deaf community.

The Commission's decision to abolish subcontracting was precipitated by fraud and abuse in the industry.⁷ It is clear from the description of the fraud and abuse that the Commission uncovered that the industry had a number of companies operating within it that had no concern for the well-being of the Deaf community. MCG brings the Commission a much needed source of genuine interest in helping to deliver high quality VRS to the Deaf community. As an active leader in the Deaf community and given her long standing commitment to improving telecommunications services to the Deaf community, Ms. Malka would never engage in, or condone on the part of others, any violation of the Commission's rules or any abuse in the provision of VRS. Ms. Malka recognizes that abuse in the provision of VRS damages the Deaf citizens it is designed to assist, and she is committed to helping those citizens.

Therefore, a grant of the requested waiver to allow MCG to continue its service as a subcontractor to an eligible provider until such time as MCG can come into compliance with the Commission's certification rules to be adopted in the FNPRM will serve the public interest and will not undermine the purpose of the Commission's rules.

MCG began taking steps to become a certified provider shortly after it began serving as a subcontractor. As MCG shall demonstrate below, it is positioned to come into compliance with the Commission's *Subcontracting Order* within the time period specified by the Commission.

⁷ *Subcontracting Order* at ¶¶ 47-58.

II. MCG HAS CREATED A MANAGEMENT TEAM AND PLAN WHICH WILL ENABLE IT TO COME INTO COMPLIANCE WITH THE COMMISSION'S CERTIFICATION REQUIREMENTS

MCG is making steady progress in its plan for coming into compliance with the certification requirements. MCG has an ownership and management team with extensive backgrounds in working to improve the lives of Deaf individuals. A list of the individuals that: (1) hold at least 10 percent equity interest in MCG, (2) have the power to vote 10 percent or more of the securities of MCG, or (3) exercise *de jure* or *de facto* control over MCG is shown in Exhibit 1 attached hereto. The employees of MCG are listed on Exhibit 2.

MCG is working on setting up its first call center. A copy of the lease for MCG's first call center is attached as Exhibit 3.

MCG is currently using the technologies of Healinc to provide services. A copy of MCG's agreement with Healinc is attached as part of Exhibit 4. MCG has negotiated a server hosting agreement with a technology company, and that agreement is also attached as part of Exhibit 4. The server hosting agreement provides a 99.99% operating reliability guarantee. MCG is negotiating with a software company for a product to handle call center functions, including call distribution, routing, call setup, mapping, call features, billing for compensation from the Fund and user registration.

MCG has attached as Exhibit 5 copies of its employment agreement. The agreement imposes specific obligations on the part of MCG's employees to comply in all respects with all Commission rules.

MCG has secured the financing required to implement its business plan for becoming a certified VRS provider through the financing sources listed on Exhibit 6.

MCG has not yet employed any CAs. The ownership team of MCG has trained and worked with many CAs over the years and has already identified prospective CAs that it anticipates hiring in the near future.

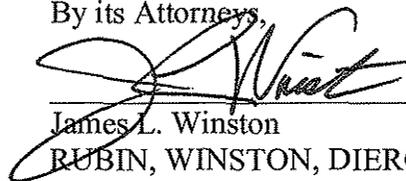
III. CONCLUSION

MCG is a company founded by a Deaf individual who has demonstrated a long term commitment to improving the lives of other Deaf individuals. MCG has a demonstrated record of being able to identify individuals in need of VRS, and has arranged for them to receive that service. MCG has made great progress in developing into a company capable of being certified as a VRS provider. The information provided above clearly demonstrates that the public interest will be served by granting the requested waiver so that MCG can complete the steps it has taken toward becoming a certified VRS provider. Moreover, the public interest would be greatly harmed if MCG were prevented from continuing to provide uninterrupted service to the Deaf community. MCG therefore requests that the Commission grant the requested waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) and allow MCG to continue to provide VRS as a subcontractor until it has obtained certification pursuant to the Commission's new certification rules.

Respectfully submitted,

MALKA COMMUNICATIONS GROUP, INC.

By its Attorneys,


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MCG EXHIBIT 1

OWNERSHIP OF MALKA COMMUNICATIONS GROUP

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MCG EXHIBIT 2

MCG EMPLOYEES

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MCG EXHIBIT 3

CALL CENTER LEASE

REDACTED – FOR PUBLIC INSPECTION

MCG EXHIBIT 4

TECHNOLOGY AGREEMENTS

REDACTED – FOR PUBLIC INSPECTION

MCG EXHIBIT 5

EMPLOYMENT AGREEMENT

REDACTED – FOR PUBLIC INSPECTION

MCG EXHIBIT 6

MCG FINANCING ARRANGEMENTS