

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
Structure and Practices ) CG Docket No. 10-51  
of the Video Relay Service )  
Program )  
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**PETITION FOR TEMPORARY WAIVER**

**I. Introduction**

CSDVRS, LLC (d/b/a ZVRS, “CSDVRS”) hereby respectfully requests a temporary waiver of the Federal Communications Commission’s (“Commission”) new rule prohibiting CSDVRS from continuing to utilize in its provision of VRS interpreting services contractually provided to it by ASL Holdings, LLC and its subsidiary Gracias VRS (collectively referred to herein as “Gracias”).<sup>1</sup> Currently, CSDVRS provides sign language interpretation for Spanish speaking deaf consumers with the support of Gracias as a subcontractor.<sup>2</sup> The Commission should temporarily waive the rule in this instance to ensure that CSDVRS’ service to Spanish speaking consumers are not interrupted or otherwise degraded by an inability to place in service Gracias’ interpreters.

**II. Discussion**

The objective of the FCC rule is to “ensure that an eligible provider is responsible for providing the core components of VRS, rather than subcontracting out these

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<sup>1</sup> See, *In the Matter of Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket 10-51, ¶ 58 (“2011 Order”) (Adopted April 5, 2011).

<sup>2</sup> Gracias has filed an analogous waiver request, see, *In the Matter of Structure and Practices of the Video Relay Service Program*, ASL Holdings, LLC Petition for Waiver, CG Docket 10-51 (May 23, 2011). For the same reasons provided in the immediate CSDVRS petition regarding Gracias, CSDVRS supports Gracias’ waiver request and is prepared to continue its agreement with Gracias in accordance with Commission rules and guidance.

responsibilities to third party entities, whose operations are not under the direct supervision of the Commission.”<sup>3</sup> However, “[t]he Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.”<sup>4</sup>

The prohibition presented in paragraph 58 of the 2011 Order and codified at 47 C.F.R. 64.604(c)(5)(iii)(N)(1)(iii) which would prevent Gracias’ ongoing provision of its CAs’ to CSDVRS would, at least temporarily, adversely impact CSDVRS’ ability to continue to provide quality video relay services to Spanish speaking relay users within expected service levels. CSDVRS would be extremely hard pressed to maintain sufficient capacity to adequately serve Spanish-speaking members without the subcontracted support of Gracias interpreters. It would likely be technically and logistically infeasible to immediately hire quality Spanish interpreters on a volume basis. It would also be very difficult to attempt to timely replace the services provided by Gracias into the CSDVRS framework without sacrificing quality and increasing cost in the process.

It is in the public interest for the FCC to allow CSDVRS to continue contracting with Gracias to ensure no interruption or degradation of Spanish language interpretation for relay users 24 hours a day, each day of the year. The deaf Spanish speaking community has very few options in sign language interpretation; therefore, Gracias provides this community with increased access and consumer choice. Gracias has expertise in multiple Spanish dialects, a fully certified interpreting workforce, and a dependable and efficient partner in CSDVRS. Gracias has demonstrated its ability to fully comply with TRS regulations.

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<sup>3</sup> See, *2011 Order*, ¶ 58.

<sup>4</sup> 47 C.F.R. § 1.3. See, *2011 Order*, ¶ 62 (citing *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990)).

CSDVRS currently contracts a revenue sharing arrangement with Gracias in that CSDVRS pays Gracias based on the actual minutes that their interpreter service provides and CSDVRS is compensated. This existing business arrangement would be very difficult to alter given the very fluid and erratic nature of the volume of calls received, yet it is absolutely necessary to have sufficient interpreters on duty so that CSDVRS can adequately serve deaf and hard-of-hearing Spanish speaking customers at any time within the mandated average speed-of-answer minimum requirement. CSDVRS thereby also requests a temporary waiver of the 2011 Order regarding revenue sharing to allow this arrangement to continue in the public interest of continuing a stable and predictable compensation mechanism.<sup>5</sup>

### **III. Conclusion**

It is in the public interest for the Commission to grant a temporary waiver of the rule in the instance of CSDVRS' continued use of Gracias' interpreting services so that relay customers do not potentially experience any issue with the quality and average speed of answer of their relayed calls handled by CSDVRS with the contracted support of Gracias. Currently, Gracias provides essential interpretation services for CSDVRS customers through its contractual relationship with CSDVRS. Mandating that CSDVRS immediately hire and incorporate the Spanish interpretation network currently serviced by Gracias would jeopardize deaf Spanish customers' access to relay and potentially incur a significant risk to the public interest. CSDVRS respectfully requests a temporary waiver of the prohibition contained in the FCC's April Order to allow CSDVRS to

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<sup>5</sup> See, 2011 Order, ¶ 57.

continue using Gracias as a subcontractor so Spanish customers do not experience any interruption or degradation to the access or quality of their relay services.

Respectfully Submitted,  
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/s/

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