

# Healinc Telecom, LLC

3333 Henry Hudson Parkway  
Suite 1A  
Riverdale, NY, 10463  
718.543.4100  
212.563.5000

Via Electronic Comment Filing Submission (ECFS)

June 8, 2011

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RE: Application of Healinc Telecom, LLC, for Certification of Eligibility for Compensation From the Interstate TRS Fund for Video Relay Services and IP Relay, Docket No. 03-123

Dear Secretary Dortch:

Attached for filing with the Federal Communications Commission is Healinc Telecom, LLC's ("Healinc") *Annual Compliance Report*, in the above-referenced matter, now pursuant to Section 64.606(g) of the Commission's rules. By this submission, Healinc demonstrates its compliance with the Mandatory Minimum Standards, as amended, for the provision of Video Relay Services on now the fifth anniversary of its certification as a Telecommunications Relay Service Fund eligible provider. In 2011, Healinc CAs interpreted more than [redacted] incoming calls, [redacted] outgoing calls, and [redacted] emergency 911 calls.

As explained in the attached Report, in light of the proximity of this submission to Healinc's March 10, 2011 *VRS and IP Relay Certification* submission in CG Docket No. 03-123 and its May 24, 2011 *Petition for Waiver* submission in CG Docket No. 10-51, both of which remain accurate as attested to by Healinc's Managing Member, Healinc incorporates these submissions by reference, while providing additional discussion regarding the Company's compliance.

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**Request for Confidential Treatment.** Pursuant to Section 0.459 of the Commission's rules,<sup>1</sup> Healinc respectfully requests that Company specific statistics provided with its compliance report be deemed confidential and protected, accordingly. In support of its request, Healinc states as follows. These statistics constitute "trade secrets" as set forth in Section 0.457 of the Commission's rules,<sup>2</sup> in that the statistics reveal sensitive proprietary information including, but not limited to, company operations that would be useful to competitors. Healinc would not otherwise make these statistics publically available under any circumstance. Release of these data to the public could cause Healinc, or its employees, irreparable and inestimable harm.

Thank you for your attention to this matter. Questions may be directed to the undersigned.

Sincerely,

HEALINC TELECOM, LLC



Stanley Schoenbach, M.D.  
Managing Member

Attachment

cc: Ms. Karen Peltz Strauss (via electronic delivery, [Karen.Strauss@fcc.gov](mailto:Karen.Strauss@fcc.gov))  
Mr. Mark Stone (via electronic delivery, [Mark.Stone@fcc.gov](mailto:Mark.Stone@fcc.gov))  
Mr. Greg Hlibok (via electronic delivery, [Gregory.Hlibok@fcc.gov](mailto:Gregory.Hlibok@fcc.gov))

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<sup>1</sup> 47. C.F.R §0.459.

<sup>2</sup> 47 C.F.R. §0.457.

**Healinc Telecom, LLC**  
**2011 Annual Report**  
**Mandatory Minimum Standards Compliance**

**I. INTRODUCTION**

Healinc Telecom, LLC (“Healinc” or “Company”) hereby provides the following annual report addressing its continued compliance with the Federal Communications Commission’s (“Commission”) Mandatory Minimum Standards (“MMS”) pursuant to Sections 64.604 64.605, 64.606(g) of the Commission’s rules,<sup>3</sup> as amended,<sup>4</sup> for the provision of video relay services (“VRS”).

On June 9, 2006, Healinc was certified by the Commission as eligible to receive compensation from the federal Telecommunications Relay Service fund (“Fund”)<sup>5</sup> pursuant to Section 64.606(c)(2) of the Commission’s rules. On March 10, 2011, Healinc submitted an exceptionally detailed Application for *VRS and IP Relay Certification* describing its compliance with the MMS upon the start of the 90-day period for submission of recertification applications prior to the termination of Healinc’s initial five year certification period.<sup>6</sup> On April 6, 2011, the Commission released its *VRS Fraud Order and FNPRM, inter alia* promulgating amendments to the MMS, and a related *Further Notice of Proposed Rulemaking* which proposes significant amendments to the current Commission Fund eligibility certification requirements in Section 64.606 of the Commission’s rules. On May 5, 2011, the Commission extended the initial Fund termination for all providers whose initial certification period was to expire on or before November 4, 2011 to November 4, 2011.<sup>7</sup> And on May 24, 2011, Healinc submitted a *Petition for Waiver* of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission’s rules, the newly promulgated prohibition against Fund eligible certificated providers engaging with Fund ineligible providers in Section.<sup>8</sup>

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<sup>3</sup> 47 C.F.R. §§64.604, 64.605, 64.606(g).

<sup>4</sup> See, *In the Matter of Structure and Practices of the Video Relay Services, Report and Order and Further Notice of Proposed Rulemaking*, CG Docket No. 10-51, 26 FCC Rcd. 5545 (rel. April 6, 2011) [*“VRS Fraud Order and FNPRM”*].

<sup>5</sup> *Certification Report and Order* at ¶21, citing to *In the Matter of Healinc Telecom, LLC for Video Relay Service and IP Certification of Eligibility for Compensation from the Interstate TRS Fund*, CH Docket No. 03-123 (2006). Healinc withdrew its request for IP certification prior to FCC grant of certification.

<sup>6</sup> *In the Matter of Application of Healinc Telecom, LLC for Eligibility to be Compensated From the Interstate Telecommunications Relay Service Fund for the Provision of Video Relay Service and IP Relay Services*, Docket No. 03-123 (March 10, 2011) [*“Application”*].

<sup>7</sup> See, *Consumer and Governmental Affairs Bureau Announces Extension of Expiring Certifications for Providers of Internet-Based Telecommunications Relay Services*, CG Docket Nos. 03-123 and 10-51, DA 11-849 (May 5, 2011).

<sup>8</sup> See, *In the Matter of Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51 *Petition for Waiver*, Healinc Telecom, LLC (May 24, 2011) [*“Petition for Waiver”*]. Dismissed as moot: *In the Matter of Structure and Practices of the Video Relay Services*, CG Docket No. 10-51, *Order Suspending Effective Date Order Suspending Effective Date*, FCC 11-86 (rel. May 31, 2011).

Healinc's Application for recertification regarding Healinc's pre-amendment MMS compliance submitted less than three months ago. The Company's *Petition for Waiver*, presented Healinc's plan for compliance with the amended MMS<sup>9</sup> and was submitted less than three weeks ago. These documents remain timely, accurate and are incorporated herein by reference, as Healinc's annual MMS Compliance report to the Commission. Healinc further takes this opportunity to update the Commission on the status of its compliance with the MMS.

## **II. HEALINC VIDEO RELAY SERVICES**

Healinc continues to provide advanced VRS solutions to the public. These solutions utilize a combination of a proprietary software-based applications, specialized open architecture IP-enabled telephone equipment, and Voice over Internet Protocol ("VoIP") transmission over broadband facilities. The Company's platform supports ten-digit dialing assignment, full 911 access, and support of default carrier selection. Further, the Company remains prepared to launch its IP Relay service upon Commission grant of the Company's pending Application. The Company's VRS platform is interoperable with all other VRS and TRS applications, including D-Link equipment, Ojo, and V-Pad, and will continue callers to access other TRS/VRS providers.

Healinc is also developing [redacted]. Additional discussion of the specific areas in which the Company's new platform is being enhanced is addressed generally below.

Healinc is pleased to present this annual update on current compliance with the entirety of the MMS.

## **III. HEALINC'S VRS CONTINUES TO COMPLY WITH FEDERAL MANDATORY MINIMUM STANDARDS FOR THE PROVISION OF FEDERALLY FUNDED VRS PURSUANT TO 47 C.F.R. §64.604.**

Section 64.604(a) of the FCC's rules, as amended, establish operational, technical, and functional MMS governing the provision of VRS. Healinc maintains that it continues to meet MMS, as now amended, for the provision of VRS,<sup>10</sup> and merits continued Commission certification to draw compensation from the federal TRS Fund. Though incorporating its recent *VRS and IP Relay Certification* and *Petition for Waiver* by reference to demonstrate its MMS compliance, Healinc further provides the following additional information.

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<sup>9</sup> Submitted in accordance with *VRS Fraud Order and FNPRM*, para 63.

<sup>10</sup> And Internet Protocol relay, when such authority is granted by the Commission.

## **A. Operational Standards**

### **1. Communications Assistant (“CA”) – Training (47 C.F.R. §64.604(a)(1)).**

**Healinc Compliance:** As Healinc’s several former independent contractor Communications Assistants (“CAs”) have become employees now working from Healinc call centers, and more former CAs are expected to become employees, Healinc benefits from the long standing experience and accreditation of its CAs. Nevertheless, with the advent of hiring CAs, Healinc is now engaging in a training program geared primarily to harmonize operations and refine existing procedures, policies, and guidelines for operations in a call center environment, revising employment criteria for new CAs now as employees, and adapting its quality assurance plan to a call center environment.

### **2. Communications Assistant (“CA”) – Confidentiality and conversation content. (47 C.F.R. §64.604(a)(2)).**

**Healinc Compliance:** Healinc’s commercial call centers are designed to inherently maintain communications privacy. CAs remain bound to maintain call content security under national certification standards and Company policy.

### **3. Types of Calls (47 C.F.R. §64.604(a)(3)).**

**Healinc Compliance:** CAs are bound to process all calls, and the standard to do so remains incorporated into Healinc’s policies, training, and compliance checklist provided to all CAs and is verified through Healinc’s Quality Assurance Program. Healinc’s existing and planned proprietary corporate VRS platform are/will be capable of serving all types of calls. Healinc does not charge callers to place relay calls. [redacted].

### **4. Handling of emergency calls. (47 C.F.R. §64.604(a)(4)) and amended Section 64.605 (47 C.F.R. §64.605).**

**Healinc Compliance:** Healinc’s emergency call process capabilities remain compliant. Healinc’s proprietary VRS platform has also been designed to make refinements in the process of completing emergency calls, including additional software enhancements that further automate emergency calling functions to expedite call connection to caller assigned Public Safety Access Points (“PSAPs”). Healinc has also redesigned its initial subscriber registration process to obtain additional subscriber details to ensure that full detailed information is available to PSAPs. The Company is also engaging in a rigorous CA training program through the new platform that entails emergency call simulation.

**5. STS Called Numbers (47 C.F.R. §64.604(a)(5)).**

**Healinc Compliance:** Healinc's new VRS platform has the ability to process STS calls and all call types. Healinc's platform does enable subscribers to maintain a list of frequently contacted individuals and telephone numbers which enable the subscriber to initiate a call to the individual by clicking the option on the screen. The subscriber's personal list is maintained through the platform's user software obviating the need for maintaining a separate listing at the relay center. This creates an additional level of security for the user.

**6. Privacy Screens (47 C.F.R. §64.604(a)(6))**

Healinc has incorporated Commission rules regarding the use of visual privacy screening into its training program. Healinc CAs do not have visual privacy screens and would have no ability to deploy them. CAs are now trained regarding their obligations to "disconnect a VRS call if the caller or the called party to a VRS call enables a privacy screen or similar feature for more than five minutes or is otherwise unresponsive or unengaged for more than five minutes, unless the call is a 9-1-1 emergency call or the caller or called party is legitimately placed on hold and is present and waiting for active communications to commence." Further, training also addresses the new requirements for call disconnection, to, "announce to both parties the intent to terminate the call and may reverse the decision to disconnect if one of the parties indicates continued engagement with the call. "

**7. International Calls (47 C.F.R. §64.604(a)(7))**

Healinc is not billing for international calls originated outside of the U.S. and terminating in the U.S., unless the call is being placed by a pre-registered Healinc subscriber located in the U.S. who has informed Healinc of international travel prior to the subscriber's departure. Healinc's subscriber database has the capability of including account notes such as subscriber travel periods, and is being used to verify subscriber identity. Healinc's VRS platform immediately describes the call as being an international call, prompting the CA to check the identity of the caller if the caller claims to be a Healinc subscriber, and then identifying the call as compensable once the identity of the caller has been verified. Healinc has incorporated this requirement into its training program and is now informing subscribers of the new requirements and resulting Company policies.

**B. Technical Standards**

**1. ASCII and Baudot. (47 C.F.R. §64.604(b)(1)).**

**Healinc Compliance:** Healinc's new VRS platform will also support text messaging, and may be accessible through other forms of conventional text/data transmissions including ASCII and Baudot format, generated through most TRS equipment. Healinc has still never processed a text call.

**2. Speed of Answer. (47 C.F.R. §64.604(b)(2)).**

**Healinc Compliance:** Healinc answers 85 percent of its calls in [redacted] seconds or less. Healinc's provision of service now exclusively through its corporate call centers coupled with the functional enhancements designed into the Company's new VRS platform, are expected to expedite answer time beyond the Company's current average speed of answer timing.

**3. Equal access to interexchange carriers. (47 C.F.R. §64.604(b)(3)).**

**Healinc Compliance:** To the extent that subscribers rely exclusively on Healinc or other IP-based providers as their default service provider, subscribers do not, as a practical matter, require access to a wireline interexchange or local exchange carrier. Healinc continues to provide local, domestic intrastate, interstate and international long distance services at no cost callers. Nevertheless, Healinc retains the technical capability to route interexchange calls to the subscriber's interexchange carrier of choice and place calling card calls to carriers using the subscriber's calling card, in the unlikely event requested by callers.

**4. TRS facilities. (47 C.F.R. §64.604(b)(4)).**

**Healinc Compliance:** Healinc's call centers remain perpetually staffed for full 24 hour operation. With the shift to use of corporate call centers exclusively, Healinc is retrofitting each call centers to ensure continued compliance with all technical requirements with a larger staff. Healinc is phasing out all home-based CA's and will have completed this process in July well before the August 30, 2011 effective date of new section 64.604(b)(4)(iii).

**5. Technology. (47 C.F.R. §64.604(b)(5)).**

**Healinc Compliance:** Healinc's new VRS platform is considered a "state of art" platform. The new platform combines accelerated processing capabilities from its servers and automatic call distribution functions, coupled with enhanced software-enabled functionality that simplifies CA functions and enhances productivity as well as provides an efficient tracking and documentation record of fraudulent and inappropriate calls. Further, development of mobile applications will open up new calling opportunities for Healinc subscribers.

**6. Caller ID. (47 C.F.R. §64.604(b)(6)).**

**Healinc Compliance:** Healinc's VRS platform passes through the number of the center from which the CA is placing the call and will be passing through the user's assigned ten digit telephone number, when assigned and operational. The Company's new platform will, of course, retain this capability.

**C. Functional Standards**

**1. Consumer Complaint Logs. (47 C.F.R. §64.604(c)(1)).**

**Healinc Compliance:** Healinc currently maintains, and annually submits, a complaint log to the Commission associated with its VRS service.<sup>11</sup> Healinc’s complaint procedures remain unchanged, though each call center now has a designated customer service representative, which enhances responsiveness and facilitates problem resolution.

**2. Contact Persons. (47 C.F.R. §64.604(c)(2)).**

**Healinc Compliance:** The senior individual responsible to receive complaints, grievances, inquiries, and suggestions for Healinc is:

Mr. Lamar Stewart  
Healinc Telecom, LLC  
3333 Henry Hudson Parkway, Suite 1A,  
Riverdale, NY 10643  
Telephone: 212.714.2462

All CAs are immediately responsible for receipt of complaints they receive, pursuing timely resolution, responding to the complainant, and for documentation, subject to supervisory review.

Healinc maintains multiple contact points based on the caller’s preference for communicating with the Company:

Voice telephone: 212.714.2900 or 1-VRS-744-6111 (1.877.744.6111)  
TTY Telephone: 212.714.9TTY (9889)  
Spanish Speaking Callers: 1-VRS-SIGN-526 (1.877.744.6526)  
Fax number: 718.601.5400  
Deaf callers to video phone:  
Hearing Callers to video phone: 877.774.6111 Callers then give the interpreter the IP address 173.8.92.30  
E-Mail Address: techsupport@lifelinks.net  
Web Address: <http://www.lifelinksvrs.com>  
Video Phone Access: LLVRS.tv

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<sup>11</sup> Healinc has determined that it has not timely submitted its calendar year 2009 complaint log. Its calendar year 2009 and 2010 complaint logs are being submitted jointly. Healinc believed that the calendar year 2009 complaint log had been submitted by former employees. Upon preparation of its upcoming calendar year 2010 complaint log submission, it was discovered that the 2009 submission had not been made.

**3. Public Access to Information. (47 C.F.R. §64.604(c)(2)).**

**Healinc Compliance:** As noted in Healinc's recent Application for *VRS and IP Relay Certification*, the Company has expanded its outreach in 2010 through concentration on advertising, industry shows, partnerships and affiliations with Deaf Community organizations, and web site enhancements.

**4. Rates. (47 C.F.R. §64.604(c)(4)).**

**Healinc Compliance:** Inapplicable. Healinc's subscribers will not be charged for Healinc's VRS service. See, Compliance with Types of Calls (47 C.F.R. §64.604(a)(3)), *supra*.

**5. Jurisdictional Separation of Costs. (47 C.F.R. §64.604(c)(5)).**

**Healinc Compliance:** Healinc has submitted data collection forms to the National Exchange Carriers Association for the years 2006 through 2010, and responded to all applicable data requests. With respect to the amendments to 64.604(c)(5)(iii)(C), Data Collection and Audits, as a long time Fund eligible provider, Healinc has in practice remained compliant with the entirety of the new requirements established under this section. Healinc's current and new VRS platforms automatically develop all such data as required for submittal. The accuracy of the data can be readily established, as verified by the Company's Managing Member, and Healinc is prepared to, as it has, been engaged in independent Commission audits.

With regard to the newly adopted *Whistleblower Protections* in Section 64.604(c)(5)(iii)(M), Healinc has never, nor does it now intend to "take any reprisal in the form of a personnel action against any current or former employee or contractor who discloses to a designated manager of the provider, the Commission, the TRS Fund administrator or to any federal or state law enforcement entity, any information that the reporting person reasonably believes evidences known or suspected violations of the Communications Act or TRS regulations, or any other activity that the reporting person reasonably believes constitutes waste, fraud, or abuse, or that otherwise could result in the improper billing of minutes of use to the TRS Fund and discloses that information to a designated manager of the provider, the Commission, the TRS Fund administrator or to any federal or state law enforcement entity." The Commission's *Whistleblower Protections* have been incorporated into Healinc's CA training program.

Regarding Section 64.604(c)(5)(iii)(N)(1), *Eligibility for reimbursement from the TRS Fund*, Healinc incorporates its May 24, 2011 *Petition for Waiver*, herein by reference. Healinc's *Petition for Waiver*,<sup>12</sup> detailed its compliance and plan for compliance with the Fund eligibility requirements now in effect under this new section.

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<sup>12</sup> *Petition for Waiver*.

As to Section 64.604(c)(5)(iii)(N)(2), *Call center reports*, Healinc has incorporated into its operating procedures and reporting calendar the obligation to file semi-annual call center reports on April 1 and October 1 of each year demonstrating that Healinc “owns or controls each call center” including (a) the complete street address of the center; (b) the number of individual CAs and CA managers; and (c) the name and contact information (phone number and email address) of the manager(s) at the center. Healinc further avers that it “shall also file written notification with the Commission and the TRS Fund administrator of any change in a center’s location, including the opening, closing, or relocation of any center, at least 30 days prior to any such change.”

As to Section 64.604(c)(5)(iii)(N)(3), *Compensation of CAs*, Healinc is compensating its employees on a salaried basis. No employee is to be compensated, or in any way accorded a bonus or payment of any kind, nor is to be provided with preferential treatment that correlates with VRS minutes or calls.

As to 64.604(c)(5)(iii)(N)(4), *Remote training session calls*, Healinc does not treat any corporate call, including training sessions, as compensable.

And, regarding Section 64.606(g) Healinc avers that it maintains no current “agreements in connection with marketing and outreach activities, including those involving sponsorship, financial endorsements, awards, and gifts made by the provider to any individual or entity.”

## V. CONCLUSION

The MMS amendments introduced under the *VRS Fraud Order and FNPRM* created fundamental changes in how relay service providers may serve the Public. Healinc’s ongoing efforts to design and deploy its own VRS platform, coupled with its years of compliant service as a Fund eligible VRS provider make the Company’s current and ongoing MMS compliance a relatively simplified extension of its current compliance. Healinc maintains that its MMS compliance as detailed in its recently filed Application for *VRS and IP Relay Certification* and *Petition for Waiver*, and address further herein, demonstrate the Company’s full MMS compliance and capability of sustained, ongoing compliance.

Respectfully submitted this 6<sup>th</sup> day of June, 2011.

HEALINC TELECOM, LLC

By:   
Stanley Schoenbach, MD  
Managing Member  
3333 Henry Hudson Parkway, Suite 1A  
Riverdale, NY 10463  
Telephone: 718.543.4100

STATE OF NEW YORK )  
 ) ss.  
COUNTY OF BRONX )

CERTIFICATION

I, Stanley Schoenbach, do hereby certify and affirm under penalty of perjury, that I am a Managing Member of Healinc Telecom, LLC, that I have examined the foregoing *Annual Report*. I further hereby certify and affirm that to the best of my knowledge, information, and belief, all statements of fact contained in this *Annual Report*, Healinc Telecom, LLC's March 10, 2011 Application for *VRS and IP Relay Certification* in CG Docket No. 03-123, and May 24, 2011 *Petition for Waiver* submission in CG Docket No. 10-51, are and remain accurate and to those statements made on belief, I believe them to be accurate and true

Respectfully submitted this 7<sup>th</sup> day of June, 2011.

HEALINC TELECOM, LLC

By:   
Stanley Schoenbach, MD  
Managing Member  
3333 Henry Hudson Parkway, Suite 1A  
Riverdale, NY 10463  
Telephone: 718.543.4100

Sworn and subscribed before me this 7<sup>th</sup> day of June, 2011

  
Signature of official administering oath

FRANCES Y. LAU, Branch Manager  
Print Name and Title

My commission expires July 6, 2013

FRANCES Y. LAU  
Notary Public, State of New York  
Reg. No. 01LA6208436  
My Commission Expires July 6, 2013