

Strategies Law Group, PLLC

September 9, 2011

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Via Overnight Delivery

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
Attn: Joel Gurin, Chief, Consumer & Governmental Affairs Bureau,
TRS Certification Program

RE: **Internet-based TRS Certification Application of IWRRelay, Inc.**
In the Matter of Structure and Practices of the Video Relay Service Program, CG
Docket No. 10-51

Dear Secretary Dortch:

IWRRelay, Inc. ("IWR"), pursuant to Section 64.606(a)(2) of the Commission's rules, as amended, submits the attached *Internet-based TRS Certification Application of IWRRelay, Inc.* ("Application"), in the above-referenced matter.

By its Application, IWR seeks certification to provide video relay services as a Telecommunications Relay Service Fund eligible provider. In support of its request, IWR conclusively demonstrates that it meets – or exceeds – the entirety of the Commission's Mandatory Minimum Standards, waived Mandatory Minimum Standards, and Commission Orders and policies governing the provision of federal Telecommunications Relay Service Fund-compensable video relay services and IP-Relay services, as amended. IWR respectfully requests that its Application be granted on or before October 1, 2011 to ensure a seamless continuation of IWR's services to the public.

IWR understands that certain rules adopted by the Commission's recent VRS Practices Second Report and Order (76 FCC Rcd 47469), which require the collection of information by the Commission, are not yet effective. In particular, IWR understands that the Office of Management and Budget ("OMB") must approve certain rules (including the rule that governs the attached application, Commission Rule 64.606(a)(2)) before they can be effective. IWR nonetheless files this Application in order to ensure timely compliance with the VRS Second Report and Order. To the extent that Commission consideration of this Application cannot be conducted prior to the completion of the OMB rule approval process, IWR respectfully requests that this Application be held in abeyance pending such approval.

Ms. Marlene H. Dortch
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Because portions of the Application contain highly confidential and proprietary information, a Request for Confidential Treatment has also been enclosed and the confidential portions of the Application (Exhibits A, B, C, E, F and G) have been submitted under-seal.

An original and four (4) copies of the redacted version of this filing and the Request for Confidential Treatment are enclosed, along with one (1) original copy of the redacted confidential information provided under seal. Redacted and unredacted copies of the Application have also been provided on CD-ROM. Please date-stamp and return the enclosed extra copy of this filing in the enclosed self-addressed stamped envelope. Thank you for your attention to this matter. Questions may be directed to the undersigned.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'SR SR', is written over a faint, illegible stamp.

Brian McDermott
Edward S. Quill, Jr.

Counsel for IWRelay, Inc.

Enclosure

cc: Mr. Greg Hlibok (via electronic delivery, Gregory.Hlibok@fcc.gov)

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

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In the Matter of)

Structure and Practices of the Video Relay Service)
Program)

CG Docket No. 10-51

**Internet-based TRS Certification Application
of IWRelay, Inc.**

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Counsel for IWRelay, Inc.

September 6, 2011

SUMMARY

IWRelay, Inc. (“IWR,” “Company,” or “Applicant”), pursuant to, to Section 64.606(a)(2) of the Commission’s rules,¹ as amended, hereby submits its Application to the Federal Communications Commission (“FCC” or “Commission”) for certification that IWR is eligible to receive reimbursement directly from the federal Telecommunications Relay Service (“TRS”) Fund (“Fund”) as a provider of Internet-based Video Relay Service (“VRS”). IWR is the Video Relay Service arm of InterWest Interpreting, Inc. (“InterWest”). InterWest has been providing quality Sign Language interpreting services in Utah and neighboring states for more than twenty-five years. The company is fortunate to have an exceptional reputation providing highly skilled, certified interpreters to accommodate Deaf and hearing-impaired people in a variety of interpreting settings. InterWest interpreters provided the first VRS interpreters when the industry was in its infancy.

By its Application, supporting documentation, and officer certifications and assertions made under penalty of perjury, IWR maintains that it meets or exceeds the Mandatory Minimum Standards, pursuant to Section 64.604 of the Commission’s rules,² complies with other applicable Commission regulations, Commission orders, and policies, and warrants a Commission grant of certification to provide compensable VRS to the Public as a Fund eligible provider. IWR seeks certification on or before October 1, 2011 to provide seamless VRS to its subscribers and the public.

¹ 47 C.F.R. §64.606(a)(2).

² 47 C.F.R. §64.604.

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**Before the
Federal Communications Commission
Washington, DC 20554**

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

To: Chief, Consumer and Governmental Affairs Bureau, TRS Certification Program,
Washington, DC 20554

**Internet-based TRS Certification Application
of IWRelay, Inc.**

IWRelay, inc. (“IWR,” “Company,” or “Applicant”), pursuant to, to Section 64.606(a)(2) of the Commission’s rules,³ as amended, hereby submits its Application to the Federal Communications Commission (“FCC” or “Commission”) for certification that IWR is eligible to receive reimbursement directly from the federal Telecommunications Relay Service (“TRS”) Fund (“Fund”) as a provider of Internet-based Video Relay Service (“VRS”).⁴

By its Application, IWR demonstrates that it meets or exceeds the entirety of the Commission’s Mandatory Minimum Standards (“MMS”) for VRS pursuant to Sections 64.604,⁵ as amended,⁶ other applicable Commission regulations principally including Sections 64.605,⁷

³ 47 C.F.R. §64.606(a)(2).

⁴ See 47 C.F.R, § 64.606; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Order on Reconsideration. 20 FCC Rcd. 20577 (December 12, 2005).

⁵ 47 C.F.R. §64.604.

⁶ *Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 5545 (2011) (*VRS Practices R&O*).

⁷ 47. C.F.R. §64.605.

and 64.606,⁸ as amended,⁹ of the Commission's rules, applicable Commission orders, and waived MMS for the provision of Fund-compensable VRS, and respectfully requests that it be certified as a Fund eligible VRS provider.

In support of its Application, IWR states as follows.

I. INTRODUCTION

IWR is a privately-held Utah corporation with significant experience providing Internet-based VRS services to the public. IWR is the Video Relay Service arm of InterWest Interpreting, Inc. ("InterWest"). InterWest has been providing quality Sign Language interpreting services in Utah and neighboring states for more than twenty-five years. The company is fortunate to have an exceptional reputation providing highly skilled, certified interpreters to accommodate Deaf and hearing-impaired people in a variety of interpreting settings. InterWest interpreters provided the first VRS interpreters when the industry was in its infancy.

In 2008, InterWest formed a separate company, IWRelay, Inc. with the belief that it could extend its exceptional interpreting services to include offering its own customer-driven view of Video Relay and IP Relay Services. IWR is comprised of talented individuals with substantial experience in working with Deaf and hearing-impaired persons. By assembling a group consisting of experienced management, innovative technology providers, and superb interpreting talent, IWRelay forged a team that strives to offer the best Sign Language interpreting available anywhere. In opening its first call center, the Applicant forged the means to provide an

⁸ 47 C.F.R. §64.606.

⁹ *Structure and Practices of the Video Relay Service Program*, Second Report and Order, 76 FCC Rcd 47469 (2011)(VRS Practices Second R&O).

environment where interpreters could thrive and enjoy the flexibility afforded by working in both the community and video relay fields sharing their commitment and talents with the Deaf consumers they serve. IWRRelay is commencing its fourth year of providing Relay services to the public.

IWR now submits its Application to demonstrate that it complies with the entirety of the Commission's requirements for provision of VRS as a Fund eligible certificated provider and should be granted certification as a Fund eligible provider. On January 10, 2011, IWR submitted an *Application of IWRRelay, Inc. For Certification as a Video Relay Service and IP Relay Service Provider* to the Commission under then-applicable Commission regulations.¹⁰ On May 23, 2011, IWR submitted a *Petition for Waiver*¹¹ of 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules. Following release of the Commission's *VRS Practices Second R&O*, IWR now submits this Application pursuant to the Commission's amended certification rules in Section 64.606. This Application incorporates part of the discussion from its initial January application (where the then current regulations have not since been amended and the Company's compliance also remains unchanged), in addition to providing current information regarding its present compliance under the certification rules as amended. This Applications demonstrates Applicant's compliance with applicable regulations and IWR maintains that the public interest is served by granting IWR's Application.

¹⁰ See, *In the Matter of Application of IWRRelay, Inc. for Certification To be Compensated from the Interstate Telecommunications Relay Service Fund For Providing Video Relay Service and IP Relay Service*, CG Docket No. 03-123, *Application of IWRRelay, Inc. For Certification as a Video Relay Service and IP Relay Service Provider* (January 11, 2011).

¹¹ *In the Matter of Structure and Practices of the Video Relay, Service Program*, CG Docket No. 10-51, *IWRRelay, Inc. Petition for Waiver* (May 23, 2011), dismissed as moot. See *In the Matter of Structure and Practices of the Video Relay, Service Program*, CG Docket No. 10-51, *Order Suspending Effective Date*, para. 8 (May 31, 2011).

As described below, IWR demonstrates that it meets all of the MMS, as amended, waived MMS applicable Commission regulations, and applicable Commission orders for certification as a Fund eligible VRS provider and respectfully requests that the Commission grant the requested certification to become effective on or before October 1, 2011.

II. NARRATIVE AND DOCUMENTATION DEMONSTRATING COMPLIANCE WITH THE INTERNET-BASED TRS PROVIDER AND TRS PROGRAM CERTIFICATION REQUIREMENTS (47 C.F.R. §64.606(a)(2); §64.606(a)(1) is inapplicable)

A. A description of the forms of Internet-based TRS to be provided (i.e., VRS, IP Relay, and/or IP captioned telephone relay service) (47 C.F.R. §64.606(a)(2)(i))

IWR seeks certification as a Fund eligible provider of Internet-based video relay services. IWR does not intend to provide Fund-compensable conventional telecommunications relay services, Internet Protocol (“IP”) Relay, or IP Captioned Telephone Services (“IP CTS”), though has the capability to process such calls if received. IWR operates twenty-four hours a day, seven days a week, and three hundred sixty-five days per year.

IWR processes calls from hearing, speech disabled, Deaf, and Hard of Hearing VRS callers using various iterations of h.323 video technology including MVP and P3 Software, XMeeting, VP100 and 200, NetMeeting, Vision, Polycom PVX, Z4, and the like in current use by the Deaf Community providing full system interoperability, and transparently accommodating caller’s calling preferences for use of a variety of existing VRS devices, software and media. Consumers can also reach an IWR using the iChat software, shipped on Apple computers. IWR was the first provider to offer mobile VRS capabilities for consumers desiring to use Apple iPods, iPads and iPhones to make such calls. The Company offers similar VRS access using a variety of other consumer owned mobile and portable devices available with front-facing cameras. Last year, IWR expanded its Internet-based VRS offerings by implementing its own

web-based solution, called “Cloud.” The Company continues to pursue the development and implementation of technology that will offer functional equivalence to consumers with hearing and speech disabilities.

B. A detailed description of how the applicant will meet all non-waived mandatory minimum standards applicable to each form of TRS offered, including documentary and other evidence, and in the case of VRS, such documentary and other evidence shall demonstrate that the applicant leases, licenses or has acquired its own facilities and operates such facilities associated with TRS call centers and employs communications assistants, on a full or part-time basis, to staff such call centers at the date of the application. Such evidence shall include, but not be limited to: (A) In the case of VRS applicants or providers, (47 C.F.R. §64.606(a)(2)(ii)(A))¹²

1. Operating five or fewer call centers within the United States, a copy of each deed or lease for each call center operated by the applicant within the United States (47 C.F.R. §64.606(a)(2)(ii)(A)(1));

A copy of each lease for each call center operated by IWR is attached under seal as confidential **Exhibit A**.

2. Operating more than five call centers within the United States, a copy of each deed or lease for a representative sampling (taking into account size (by number of communications assistants) and location) of five call centers operated by the applicant within the United States, together with a list of all other call centers that they operate that includes the information required under §64.604(c)(5)(iii)(N)(2)¹³ (47 C.F.R. §64.606(a)(2)(ii)(A)(2));;

¹² Applicant’s compliance with the Mandatory Minimum Standards pursuant to 47 C.F.R. §64.606(a)(2)(ii) is set forth in Section III, *infra*.

¹³ “*Call center reports*. VRS providers shall file a written report with the Commission and the TRS Fund administrator, on April 1 and October 1 of each year for each call center that handles VRS calls that the provider owns or controls, including centers located outside of the United States, that includes: (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. VRS providers 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.”

Inapplicable. IWR currently maintains fewer than five call centers in the United States. As noted, below, call centers operate on a perpetual basis, providing redundancy in IWR's operations.

- 3. Operating call centers outside of the United States, a copy of each deed or lease for each call center operated by the applicant outside of the United States (47 C.F.R. §64.606(a)(2)(ii)(A)(3));**

Inapplicable. IWR's call centers are located in the U.S.

- 4. A description of the technology and equipment used to support their call center functions – including, but not limited to, automatic call distribution, routing, call setup, mapping, call features, billing for compensation from the TRS Fund, and registration -- and for each core call center function, a statement whether such technology and equipment is owned, leased or licensed (and from whom if leased or licensed) (47 C.F.R. §64.606(a)(2)(ii)(A)(4)); and**

A description of the technology and equipment used to support their call center functions – including, but not limited to, automatic call distribution, routing, call setup, mapping, call features, billing for compensation from the TRS Fund, and registration is attached under seal as confidential **Exhibit B**. All technology agreements and leases are attached under seal as confidential **Exhibit C**.

IWR provides the Public with access to VRS using a number of different modalities as noted above. Each modality makes use of an Automatic Call Distribution (“ACD”) platform and software running on dedicated servers owned or leased by IWR. This software provides and generates the routing, setup, mapping, call features and billing data for each call placed by consumers. For h.323 compatible devices and software, the Company has licensed and implemented a customizable ACD platform.. The ACD platform's software is run on servers and subsystems that are owned or leased by IWR and reside in IWR's call centers as well as in

rack space leased in secure corporate data centers.¹⁴ For iChat, iPhone, iPad, iPod and web accessed VRS applications, the ACD platform software and related hardware is owned by IWR and likewise housed in leased space within secure corporate data centers. The ACD software necessary to accommodate VRS on other portable devices was developed by IWR. Additionally, IWR has service agreements in place with Voice over Internet Protocol (“VoIP”) provider(s) to address the platform’s need to place outbound voice calls and who have relationships with incumbent local exchange carriers enabling the acquisition of local 10 digit numbers for its registered users. See confidential **Exhibit C** for the list of VoIP Carriers. Emergency call processing for all platforms is resolved by the use of services provided by an Emergency Routing Service that supports VoIP deployments according to Federal Communications Commission (FCC), Canadian Radio and Television Commission (CRTC), and National Emergency Number Association (NENA) i2 standards and is described in detail in confidential Exhibit F. Corresponding agreements are included in confidential **Exhibit C**.

- 5. Proofs of purchase, leases or license agreements for all technology and equipment used to support their call center functions, including a complete copy of any lease or license agreement for automatic call distribution. (47 C.F.R. §64.606(a)(2)(ii)(A)(5));**

Proofs of purchase, leases or license agreements for all technology and equipment used to support IWR’s call center functions, including a complete copy of the applicable agreements for automatic call distribution, is included in confidential **Exhibit C**.

- C. For all applicants, 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, members of its board of directors, general partners (in the case**

¹⁴ See, item B.2, *supra*.

of a partnership), and managing members (in the case of a limited liability company) (47 C.F.R. §64.606(a)(2)(ii)(B));

IWR ownership is detailed in the attached confidential **Exhibit E** filed under seal.

- D. For all applicants, a list of the number of applicant’s full-time and part-time employees involved in TRS operations, including and divided by the following positions: executives and officers; video phone installers (in the case of VRS), communications assistants, and persons involved in marketing and sponsorship activities (47 C.F.R. §64.606(a)(2)(ii)(C));**

IWR employment figures and positions are included in confidential **Exhibit E**.

- E. For all applicants, copies of employment agreements for all of the provider’s employees directly involved in TRS operations, executives, and communications assistants, and a list of names of employees directly involved in TRS operations, need not be submitted with the application, but must be retained by the applicant for five years from the date of application, and submitted to the Commission upon request (47 C.F.R. §64.606(a)(2)(ii)(D)); and**

IWR affirmatively acknowledges its obligation to maintain, and maintains, copies of employment agreements for all of employees directly involved in TRS operations, executives, and communications assistants, and a list of names of employees directly involved in TRS operations. IWR also maintains copies of employment agreements not directly involved in TRS operations. Further, IWR will retain copies of all employment agreements for a minimum period of five years from the date of its Application, and is prepared to provide copies of employment agreements and a list of all employees to the Commission upon request.

- F. For all applicants, a list of all sponsorship arrangements relating to Internet-based TRS, including any associated written agreements (47 C.F.R. §64.606(a)(2)(ii)(E));**

IWR contributes to worthy causes and events on an *ad hoc* basis. IWR does not maintain ongoing sponsorship of any specific organizations or events relating to Internet-based TRS. Accordingly the Company has no applicable written agreements.

G. A description of the provider's complaint procedures. (47 C.F.R. §64.606(a)(2)(iii) and 64.606(b)(2)(ii)):

Subscribers and members of the Public may register complaints with IWR through the following contact information.

- Video Phone: 888-606-0515
- Web: www.iwrelay.com
- Email: feedback@iwrelay.com
- Mail: 104 W 12200 S, Draper, UT 84020
- Facebook: www.facebook.com/iwrelay

Each complaint is documented in using Ticket Tracking software and then assigned to the relevant department (interpreting, technology, customer service, etc) for resolution. Ninety percent (90%) of Company complaints are resolved in less than 24 hours.

IWR maintains an active complaint log that is filed annually, consistent with Commission rules.¹⁵

H. A statement that the provider will file annual compliance reports demonstrating continued compliance with these rules. (47 C.F.R. §64.606(a)(2)(iv)):

IWR confirms that it will file annual compliance reports demonstrating continued compliance with Commission rules. A statement of compliance is attached as **Exhibit D**.

I. Assessment of Internet-Based Provider Certification Application (47 C.F.R. §64.606(a)(3)):

IWR affirmatively acknowledges that pursuant to Section 64.606(a)(3) of the Commission's Rules,¹⁶

In order to assess the merits of a certification application submitted by an Internet-based TRS provider, the Commission may conduct one or more on-site visits of the applicant's premises, to which the applicant must consent.

¹⁵ The 2010/2011 Annual complaint logs has been submitted to the Commission. See, e.g. <http://fjallfoss.fcc.gov/ecfs/comment/view?id=6016826226>

¹⁶ 47 C.F.R. §64.606(a)(3).

IWR is prepared, upon reasonable notice, to welcome the Commission or Staff to IWR's premises at any time and have all such documentation as the Commission may reasonably request to demonstrate the representations made herein, and the Company's compliance with the Commission's MMS and additional requirements.

J. Substantive Changes (47 C.F.R. §64.606(f)(2))¹⁷

IWR affirmatively acknowledges its obligation as a certificated VRS provider to notify the Commission of substantive changes to the Company's TRS programs, services, and features within 60 days (or such shorted deadline as may be required by Commission Rules) of when such changes occur. With any such notifications, the Company will certify that its operations continue to meet federal minimum standards after implementing the substantive change. IWR recognizes that substantive changes subject to notification include: (a) The use of new equipment or technologies to facilitate the manner in which relay services are provided; (b) Providing services from a new facility not previously identified to the Commission or the Fund administrator; and (c) The discontinuation of service from any facility.

K. Annual Reporting (47 C.F.R. §64.606(g))

IWR affirmatively acknowledges its obligation as a certificated VRS provider to file with the Commission, on an annual basis, a report demonstrating that IWR is in compliance with Section §64.604 of the Commission's Rules. Such reports must update the information required in paragraph 47 C.F.R. §64.606 (a)(2) and include updated documentation and a summary of the updates, or certify that there are no changes to the information and documentation submitted

¹⁷ Sections 64.606(b), Requirements for state certification, 64.606(c), State certification period, 64.606(d), Method of funding, and 64.606(e), Suspension or revocation of state certification, are either inapplicable or require no response or acknowledgement. Section 64.606(f)(1) governing state notifications is inapplicable.

with the application for certification, application for renewal of certification, or the most recent annual report, as applicable. IWR's certification of compliance is attached as **Exhibit D**.

L. Unauthorized Service Interruptions (47 C.F.R. §64.606(h))

IWR affirmatively acknowledges its obligation as a certificated VRS provider to, and will, "provide Internet-based TRS without unauthorized voluntary service interruptions." In the event that IWR must interrupt service for a period of 30 minutes or more in duration, the Company will submit a written request to the Commission's Consumer and Governmental Affairs Bureau ("CGB") at least 60 days prior to any planned service interruption, with detailed information required pursuant to subsections 64.606(h)(2)(i), (ii), and (iii). Further, in the event of unforeseen service interruptions due to circumstances beyond IWR's control, or if a voluntary service interruption is less than 30 minutes in duration, IWR will submit a written notification to CGB within two business days of the commencement of the service interruption, with an explanation of when and how IWR has restored service or its plan to do so imminently. In the event IWR has not restored service at the time such report is filed, the Company will submit a second report within two business days of the restoration of service with an explanation of when and how it has restored service. IWR will also provide notification of service outages covered by this paragraph to consumers on an accessible website, and that notification of service status must be updated in a timely manner. IWR affirmatively acknowledges that if it fails to obtain prior Commission authorization for a voluntary service interruption or fails to provide written notification after a voluntary service interruption of less than 30 minutes in duration, or fails to provide written notification after the commencement of an unforeseen service interruption due to circumstances beyond its control in accordance, the Company may be subject to revocation of

certification, suspension of payment from the TRS Fund, or other enforcement action by the Commission, as appropriate.

III. MANDATORY MINIMUM STANDARDS COMPLIANCE (47 C.F.R. §64.606(a)(2)(ii))

Section 64.604(a) of the FCC’s rules, as amended, establish operational, technical, and functional MMS governing the provision of VRS. As set forth below, IWR maintains that it meets or exceeds the entirety of the Commission’s Mandatory Minimum Standards for the provision of Fund compensable relay services and merits Commission certification to draw compensation from the federal TRS Fund as a Fund eligible provider.

A. Operational Standards

1. Communications Assistant (“CA”) – Training (47 C.F.R. §64.604(a)(1)).¹⁸

Standard (i): “TRS providers are responsible for requiring that all CAs be sufficiently trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities.”

Standard (ii): “CAs must have competent skills in typing, grammar, spelling, interpretation of type written IWR, and familiarity with hearing and speech disability cultures, languages and etiquette. CAs must possess clear and articulate voice communications.”

Standard (iii): “CAs must provide a typing speed of a minimum of 60 words per minute. Technological aids may be used to reach the required typing speed. Providers must give oral-to-type tests of CA speed.”

Standard (iv): “TRS providers are responsible for requiring that VRS CAs are qualified interpreters. A “qualified interpreter” is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.”

Standard (v): “CAs answering and placing a TTY-based TRS or VRS call must stay with the call for a minimum of ten minutes. CAs answering and placing an STS call must stay with the call for a minimum of fifteen minutes.”¹⁹

¹⁸ Standard vii governing TTY services is effectively inapplicable in light of the nature of the Company’s services.

Standard (vi): “TRS providers must make best efforts to accommodate a TRS user's requested CA gender when a call is initiated and, if a transfer occurs, at the time the call is transferred to another CA.”

Standard (vii) TRS shall transmit conversations between TTY and voice callers in real time.²⁰

IWR Compliance: IWR maintains an experienced workforce comprised exclusively of certified interpreters. Quality interpreting begins with the screening process upon hiring. Candidates are screened for language proficiency (both signed and spoken), language certification(s), interpreting proficiency and familiarity with the culture of deafness. Candidates are screened to evaluate CA knowledge and sensitivity to the communication needs of the Deaf and Hard of Hearing and sensitivity regarding various languages and related cultures of native users. Further, CA applicants are screened for proficiency in typing ability, signed and spoken grammar, spelling, and of type written ASL. Once employed, interpreters spend the first week in training becoming familiar with the various aspects of the call center and its operations. Emphasis is placed not only on the particulars of the technology involved, but also on the application of Commission Standards. During the observation and training period, prospective CAs are assigned to observe qualified CAs. The foundation of IWR’s reputation and ability to maintain and exceed the required MMS lies in the quality of its CAs. CAs are required to review the IWR’s Policies and Procedures Manual on a quarterly basis. The manual’s key contents address the non-waived Commission MMS and the manual is continually updated with Commission rules, orders, and pertinent and timely publications pertaining to VRS. CAs represent in writing

¹⁹ Applicant notes that Speech-to-Speech (“STS”) calling requirements have been waived indefinitely. *2004 TRS Report and Order*, at paras. 138 & 139.

²⁰ IWR has not received any TTY calls.

that they have reviewed the manual and will uphold the expectations and MMS. This requirement is then reviewed through management interviews semi-annually.

All CAs must also adhere to the Code of Professional Conduct espoused by numerous state and national interpreter organizations. In addition to the CA certification requirements, CAs are encouraged to enroll and participate in ongoing continuing education. IWR also provides quarterly training workshops. As an employment incentive, full-time interpreters are reimbursed for educational expenses upon completion of classes and workshops.²¹ Upon satisfactory completion of a certification upgrade, interpreters are reimbursed for expenses they have incurred in the process.

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

Standard (i): “Except as authorized by section 605 of the Communications Act, 47 U.S.C. 605, CAs are prohibited from disclosing the content of any relayed conversation regardless of content ... from keeping records of the content of any conversation beyond the duration of a call, even if to do so would be inconsistent with state or local law. The CA may retain the information only for as long as it takes to complete the subsequent calls.”

Standard (ii): “CAs are prohibited from intentionally altering a relayed conversation and, to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes, must relay all conversation verbatim unless the relay user specifically requests summarization, or if the user requests interpretation of an IWR call. An STS CA may facilitate the call of an STS user with a speech disability so long as the CA does not interfere with the independence of the user, the user maintains control of the conversation, and the user does not object. Appropriate measures must be taken by relay providers to ensure that confidentiality of VRS users is maintained.”

IWR Compliance: CAs are prohibited from disclosing the contents of any relayed conversation, keeping records of the content of calls beyond their duration, and/or intentionally

²¹ This is exclusively an employee benefit and in no way connected to the CA’s processing of calls.

altering a relayed conversation.²² Since its inception, IWR has complied with these minimum standards and will continue to do so in the future. IWR will also ensure that all conversations are translated verbatim unless directed otherwise by the callers, as is required by the Commission's rules.²³ IWR, through its comprehensive training and supervision, will ensure that CAs and IWR personnel adhere to these obligations and all FCC minimum standards regarding confidentiality and conversation content.

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

Standard (i): “Consistent with the obligations of telecommunications carrier operators, CAs are prohibited from refusing single or sequential calls or limiting the length of calls utilizing relay services.”

IWR Compliance: IWR does not, and will not, refuse calls or limit the length of calls. All calls, including long distance calls, are and will continue to be completed without charge to the consumer. While IWR does not currently expect to process the types of calls that have been waived by the FCC, as set forth below, IWR commits to process those types of calls when those waivers expire.

Standard (ii): “Relay services shall be capable of handling any type of call normally provided by telecommunications carriers unless the Commission determines that it is not technologically feasible to do so. Relay service providers have the burden of proving the infeasibility of handling any type of call.”²⁴

²² 47 C.F.R. §64.604(a)(2).

²³ *Id.*

²⁴ Types of Calls requirements was waived through January 1, 2009. *2004 TRS Report and Order*, para 113 through 115. “The waivers of certain TRS mandatory minimum standards for VRS and IP Relay will expire on January 1, 2009, except the waiver of the speed dialing requirement for VRS, which will expire on April 30, 2008.”. See, e.g. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, *Order*, DA 07-5098 (Dec. 26, 2007) [“*Extension Order*”]; See also *Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities*, CG Docket 03–123, DA 07–098; DA 08–45; *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers*, CG Docket 03–123 and WC Docket No. 05-196, *Report and Order*, FCC 08-78 (Mar. 19, 2008).

IWR Compliance: IWR’s VRS platform is designed to process a variety of relay calls. IWR does not bill subscribers or called parties for calls. Therefore IWR has no alternative-billing for calls such as person-to-person, reverse bill, or third-party billed typically placed as operator-assisted calls.

Standard (iii): “Relay service providers are permitted to decline to complete a call because credit authorization is denied.”

IWR Compliance: This standard is inapplicable as IWR does not charge users for any call, and therefore does not conduct credit authorizations or checks, as part of its obligations to retain the Equal Access to Interexchange Carrier waivers for VRS providers.

Standard (iv): “Relay services shall be capable of handling pay-per-call calls.”

IWR Compliance: IWR has the ability of accepting pay-per-call calls in such a way that CAs will simply convey credit or debit card information on behalf of the caller by interpreting the information as the call progresses. Such information is translated and conferred only and never recorded.

Standard (v): “TRS providers are required to provide the following types of TRS calls: (1) Text-to-voice and voice-to-text; (2) VCO, two-line VCO, VCO-to-TTY, and VCO-to-VCO; (3) HCO, two-line HCO, HCO-to-TTY, HCO-to-HCO.”²⁵

IWR Compliance: IWR’s platform maintains the capability of supporting all types of calls required under this standard. IWR’s VRS platform has the capability of supporting Voice Carry Over (“VCO”), allowing a user to speak directly to the person he or she is calling and receiving responses through the CA and vice-versa. IWR has the capability to support VCO-VCO calls,

²⁵ This standard extended through July 1, 2012 conditioned upon the filing of a status report due April 16, 2012, detailing the progress made in complying with the requirement to provide the following services. *See, In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers*, Docket Nos. CG Docket No. 03-123 and WC Docket No. 05-196, *Order*, DA 11-1159, (Jun. 30, 2011) [“2011 VRS Waiver Extension Order”].

VCO-HCO calls, VCO-TTY, and Two-Line VCO calls. IWR's VRS platform is also capable of supporting Hearing Carry Over ("HCO") that allows an individual to listen to the called party and respond in text to be voiced by the CA and vice-versa. HCO users are able to hear the call set-up, ringing, and the called party answering the telephone. IWR supports HCO-HCO calls, HCO-VCO calls, HCO-TTY calls, and Two-Line HCO calls.

Standard (vi): "TRS providers are required to provide the following features: (1) Call release functionality; (2) speed dialing functionality; and (3) three-way calling functionality."

IWR Compliance: Both callers and CAs have the ability to release calls immediately. This is accomplished through the VRS platform software application or device for users, and platform interpreting console capabilities for CAs. The application software inherently allows for speed dialing once the called number is input into the calling screen. IWR CAs retain the ability to initiate three-way calls through the platform.

Standard (vii): "Voice mail and interactive menus. CAs must alert the TRS user to the presence of a recorded message and interactive menu through a hot key on the CAs terminal. Relay providers shall electronically capture recorded messages and retain them for the length of the call. Relay providers may not impose any charges for additional calls, which must be made by the relay user in order to complete calls involving recorded or interactive messages;" and

Standard (viii): "TRS providers shall provide, as TRS features, answering machine and voice mail retrieval."

IWR Compliance: IWR has the capability of offering all callers the option of leaving messages. Hearing callers may leave messages that are conveyed using Sign Language messages that are recorded for later viewing by registered IWR call recipients.

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

Standard: "(4) Emergency call handling requirements for TTY-based TRS providers. TTY-based TRS providers must use a system for incoming emergency calls that, at a

minimum, automatically and immediately transfers the caller to an appropriate Public Safety Answering Point (PSAP). An appropriate PSAP is either a PSAP that the caller would have reached if he had dialed 911 directly, or a PSAP that is capable of enabling the dispatch of emergency services to the caller in an expeditious manner.”²⁶

“Our rules require TRS providers to automatically and immediately transfer emergency calls to an appropriate public safety answering point (PSAP).²⁷ The *VRS Waiver Order* granted VRS providers a two-year waiver of this requirement, but also required VRS providers to clearly explain on their website and in any VRS promotional materials “the shortcomings and potential dangers of using VRS to place an emergency call using 911.”^{28,29}

“In the *Interim Emergency Call Handling Order*, the Commission terminated the temporary waivers of the emergency call handling rule, effective May 21, 2008, for VRS, IP Relay, and IP CTS in light of the “present imperative to provide Internet-based TRS users a reliable means of accessing emergency services.”³⁰ The Commission required Internet-based TRS providers to “accept and handle emergency calls” and to access, either directly or via a third party, a commercially available database that will allow the provider to determine an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority that corresponds to the caller’s location, and to relay the call to that entity. Further, the Commission promulgated the following Standards under Section 64.605, as amended by the Commission’s June 2008 *Report and Order and Further Notice of Proposed Rulemaking*.^{31,32}

²⁶ See *Telecommunications Relay Services And Speech-to-Speech Services For Individuals With Hearing And Speech Disabilities, E911 Requirements For IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, *Report and Order*, 23 FCC Rcd 5255 (Mar. 19, 2008) [“*Interim Emergency Call Handling Order*”], [FCC 08-78](#), amended *Telecommunications Relay Services And Speech-to-Speech Services For Individuals With Hearing And Speech Disabilities, E911 Requirements For IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, *Order*, [FCC 08-210](#), (rel. Sep. 19, 2008), Appendix B.

²⁷ See 47 C.F.R. § 64.604(a)(4); see also, *Second Improved TRS Order & NPRM* at ¶¶ 37-42.

²⁸ *VRS Waiver Order* at ¶ 14.

²⁹ 2004 *TRS Report and Order*, ¶ 116, footnotes from original.

³⁰ *Interim Emergency Call Handling Order*, para. 16.

³¹ *Id.*; 47 C.F.R. § 64.605 (setting forth additional operational standards applicable to Internet-based TRS).

³² See, e.g. *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123 and WC Docket No. 05-196, *Report and Order and Further Notice of Proposed Rulemaking*, [FCC 08-151](#) (Rel. June 24, 2008)[“*Report and Order and Further Notice of Proposed Rulemaking*”].

IWR Compliance: IWR does not provide TTY-based TRS services although it maintains the capability to process TTY calls if received. The provisions of Section 64.604(a)(4), as amended, governing TTY-based TRS services are therefore inapplicable.³³ IWR’s compliance focuses on the amended provisions of Section 64.605(b) governing emergency call handling requirements for VRS providers, and related requirements for Internet-based TRS Registration promulgated under Sections 64.611³⁴ and 52.34³⁵ applicable to Internet-Based TRS providers adopted under the *Interim Emergency Call Handling Order and Report and Order and Further Notice of Proposed Rulemaking*, addressed further below. IWR’s calling platform has been designed to comply with Section 64.605(b) for emergency call. In 2010, IWR processed eight (8) emergency 911 calls without incident.

The IWR’s platform is coupled with an Emergency Routing Service. The Emergency Routing Service (“ERS”) is a monthly subscription service that connects organizations to Public Safety Answering Points (“PSAPs”) across the US and Canada. Using a SIP or PSTN connection, 911 calls are routed to the ERS, which then delivers the call and precise location information to the appropriate PSAP. IWR’s ERS boasts that they have the largest coverage in the United States. IWR’s platform, paired with the ERS’s expertise, yields a system that has the capability to determine callers’ physical location using data included in the Neustar Registered

³³ “We note that, as amended by the *Interim Emergency Call Handling Order*, section 64.604(a)(4) now applies exclusively to TTY-based TRS providers. The emergency call handling requirements applicable to Internet-based TRS providers are now set forth in section 64.605 of the Commission’s rules. See *Interim Emergency Call Handling Order*, 23 FCC Rcd at 5275–76, Appendix B.” *Report and Order and Further Notice of Proposed Rulemaking* footnote 36.

³⁴ 47 C.F.R. §64.611, as amended.

³⁵ 47 C.F.R. §52.34.

Location database and verified independently by the 911 emergency routing service,³⁶ and that can route emergency 911 calls to the Public Safety Answering Point (“PSAP”) responsible for serving each caller. This is accomplished through the ERS’s arrangements with other carriers including incumbent local exchange carriers. IWR receives ten digit North American Number Plan telephone number assignments for subscribers through its arrangement with its VoIP providers who have relationships with incumbent local exchange carriers enabling the acquisition of local ten digit numbers, pursuant to Section 64.611 of the Commission’s Rules, as promulgated under the Commission’s June 24, 2008 *Report and Order and Further Notice of Proposed Rulemaking* governing assignment of uniform, conventional ten-digit telephone numbers by all Internet based telecommunications relay service providers.

Many newer mobile devices are configured to incorporate global positioning satellite functionality to integrate with a variety of other applications. When an emergency 911 call is placed using a device with GPS capability and that capability is active, this same location information is readily accessible by IWR’s server - an IWR innovation.

In order to ensure that 911 callers have the ability to communicate with first responders when they arrive, IWR CAs will stay on the call to assist. Upon the arrival of first responders, IWR terminates the connection to the PSAP, but will remain with the caller, performing non-billable video relay interpreting for as long as is needed, to ensure the caller’s safety. This is done as a community service only. The associated interpreting time is clearly un-compensable and is no way reflected in the compensable minutes reported by IWR to the Fund administrator.

³⁶ The terms Registered Location database and TRS Numbering Directory are used synonymously herein.