

IWR informs subscribers of the process for placing emergency VRS 911 calls through promotional materials, IWR's website <http://www.iwrelay.com/Legal.aspx>, and when users access IWR's VRS platform via the Internet.

§64.605 Emergency Calling Requirements

(a) Pursuant to 47 C.F.R. §64.605(a)(1), “(a) Additional Emergency Calling Requirements Applicable to Internet-based TRS Providers. (1) As of December 31, 2008, the requirements of paragraphs (a)(2)(i) and (a)(2)(iv) of this section shall not apply to providers of VRS and IP Relay to which §64.605(b) applies.

(2) Each provider of Internet-based TRS shall:

(ii) Implement a system that ensures that the provider answers an incoming emergency call before other non-emergency calls (i.e., prioritize emergency calls and move them to the top of the queue);

IWR Compliance: IWR routes Emergency 911 calls in such a manner that the platform automatically identifies incoming emergency calls made by VRS callers and routes those calls to the next available CA. This is accomplished in the background by the platform and is transparent to the caller. When an E911 call arrives at IWR's server, the “number to be called” field is queried and forwarded to the interpreter console. If the field presents a data string containing the numerals “911”, the ACD identifies the call as an E911 call and it is given the highest priority status and is routed to the top of the queue to be handled immediately.

(iii) Request, at the beginning of each emergency call, the caller's name and location information, unless the Internet-based TRS provider already has, or has access to, a Registered Location for the caller;

IWR Compliance: Upon the receipt of an emergency call, the IWR CA confirms the caller's identification and temporarily records the caller's name, address and phone number. This procedure is followed in all instances, regardless of whether the caller's registered information appears on the interpreting console or not. Upon confirming the caller's identity and location,

the CA initiates the call using the VRS console by dialing 911 or by routing the call through IWR's 911 subcontractor's ten-digit number access to the subcontractor's Emergency Call Response Center ("ECRC"). A detailed discussion of IWR's emergency 911 call procedures is attached as confidential **Exhibit F**.

(v) In the event one or both legs of an emergency call are disconnected (i.e. , either the call between the TRS user and the CA, or the outbound voice telephone call between the CA and the PSAP, designated statewide default answering point, or appropriate local emergency authority), immediately re-establish contact with the TRS user and/or the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority and resume handling the call;

IWR Compliance: As noted, CAs are trained to immediately confirm the caller's identification, physical location, and phone number and how best to reach the caller in the event of premature disconnection. Upon reaching the PSAP, IWR CAs will also verify the local ten-digit number of the PSAP in the event the voice leg of the call becomes disconnected. In the unlikely event that one or both legs of the call are disconnected, CAs will immediately re-establish contact with the disconnected party through the information collected.

(vi) Ensure that information obtained as a result of this section is limited to that needed to facilitate 911 services, is made available only to emergency call handlers and emergency response or law enforcement personnel, and is used for the sole purpose of ascertaining a customer's location in an emergency situation or for other emergency or law enforcement purposes.

IWR Compliance: IWR agrees to strictly protect the confidentiality of all customer proprietary information pursuant the requirements set forth in this section, Section 64.604(a)(2)(i), and to be voluntarily bound by the provisions of the Commission's Customer Proprietary Network Information rules, at Section 64.2001 *et seq.*³⁷ Information regarding IWR's privacy policies generally is available at <http://iwrelay.com/Privacy.aspx>.

³⁷ 47 C.F.R §64.2001 *et seq.*

(b) E911 Service for VRS and IP Relay

(1) Scope. The following requirements are only applicable to providers of VRS or IP Relay. Further, the following requirements apply only to 911 calls placed by users whose Registered Location is in a geographic area served by a Wireline E911 Network.

(2) E911 Service. As of December 31, 2008:

(i) VRS or IP Relay providers must, as a condition of providing service to a user, provide that user with E911 service as described in this section;

(ii) VRS or IP Relay providers must transmit all 911 calls, as well as ANI, the caller's Registered Location, the name of the VRS or IP Relay provider, and the CAs identification number for each call, to the PSAP, designated statewide default answering point, or appropriate local emergency authority that serves the caller's Registered Location and that has been designated for telecommunications carriers pursuant to §64.3001 of this chapter, provided that "all 911 calls" is defined as "any communication initiated by a VRS or IP Relay user dialing 911";

IWR Compliance: IWR coordinates with other industry representatives in developing procedures for population of Neustar, Inc.'s Registered Location numbering assignment administrator's database. The database is being populated with assigned ten digit numbers that reflect the user's physical location in support of routing of emergency calls to the local public safety access point emergency authority that corresponds to the caller's location. IWR is registered with Neustar, Inc. for access to the numbering database.

Registered location information is requested as part of the subscriber registration process.³⁸ CAs confirm the registered location of each 911 emergency call before directing the call to the appropriate PSAP as a matter of policy, as noted.

IWR transmits all 911 calls using its ACD platform to the subscriber's serving PSAP, along with automatic number identification ("ANI"), the caller's registered location, information indicating that the call is being placed by IWR and the CA's identification number. All 911 calls

³⁸ See, <http://iwrelay.com/legal.aspx>.

will be routed through the use of ANI and, if necessary pseudo-ANI, via the dedicated wireline E911 network.

IWR's ACD platform implements an automated system to prioritize emergency calls so that they are answered before non-emergency calls. Emergency 911 calls are recognized by the calling platform and are given the highest priority in the call queue system ahead of any other non-emergency calls. IWR ensures that CAs are trained to request the caller's name and location at the beginning of any emergency call, even if the caller's registered location information is already on file with IWR. In the event one or both legs of an emergency call is disconnected, IWR does and will ensure that the CAs are trained to re-establish the call by contacting the calling party, the PSAP, or both. IWR recognizes that information obtained by IWR as a result of assisting with an emergency call will be used only for emergency or law enforcement purposes.

Specific information regarding IWR's compliance with emergency calling requirements is provided in response to discussion regarding the Company's compliance with section 64.605 and is detailed in IWR's 911 Call Handling Flow and Process, attached at confidential **Exhibit F**.

(iii) All 911 calls must be routed through the use of ANI and, if necessary, pseudo-ANI, via the dedicated Wireline E911 Network; and

IWR Compliance: As has been noted, IWR transmits all 911 calls using its platform to the caller's local, appropriate public safety answering point ("PSAP"), along with automatic number identification ("ANI") (or pseudo-ANI) based on the caller's registered location information via a dedicated wireline E911 network.

(iv) The Registered Location, the name of the VRS or IP Relay provider, and the CAs identification number must be available to the appropriate PSAP, designated

statewide default answering point, or appropriate local emergency authority from or through the appropriate automatic location information (ALI) database.

IWR Compliance: The registered location, the name of the VRS provider, and CA's identification number is conveyed to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority via the automatic location information ("ALI") database as detailed and illustrated in IWR's 911 Call Handling Flow and Process in **Exhibit F.**

(3) Service Level Obligation. Notwithstanding the provisions in paragraph (b)(2) of this section, if a PSAP, designated statewide default answering point, or appropriate local emergency authority is not capable of receiving and processing either ANI or location information, a VRS or IP Relay provider need not provide such ANI or location information; however, nothing in this paragraph affects the obligation under paragraph (c) of this section of a VRS or IP Relay provider to transmit via the Wireline E911 Network all 911 calls to the PSAP, designated statewide default answering point, or appropriate local emergency authority that serves the caller's Registered Location and that has been designated for telecommunications carriers pursuant to §64.3001 of this chapter.

IWR Compliance: When an E911 call is presented to the IWR CA on the interpreting console, the interpreter immediately collects and verifies the registered VRS caller's name and location information. The second leg of the call is placed to 911 where upon the caller's identification and location information is automatically conveyed as it is embedded in the call string or with an endpoint identifier containing data or Automatic Numbering Information ("ANI") to reference the address already provisioned in the National ALI. Whether a PSAP, statewide answering point or local emergency authority is capable of automatically receiving ANI or location information or not, the CA has already collected and verified the caller's name and location information and is prepared to relay same. As discussed above and in **Exhibit F**, such identification and location information is still transmitted automatically by the platform as 911

calls are delivered via the Wireline E911 to the PSAP, statewide answering point or local emergency authority that services the callers registered location.

(4) Registered Location Requirement. As of December 31, 2008, VRS and IP Relay providers must:

(i) Obtain from each Registered Internet-based TRS User, prior to the initiation of service, the physical location at which the service will first be utilized; and

(ii) If the VRS or IP Relay is capable of being used from more than one location, provide their Registered Internet-based TRS Users one or more methods of updating their Registered Location, including at least one option that requires use only of the CPE necessary to access the VRS or IP Relay. Any method utilized must allow a Registered Internet-based TRS User to update the Registered Location at will and in a timely manner.

IWR Compliance: In order for subscribers to select IWR as a preferred (default) provider and access IWR's platform, subscribers are required to affirmatively register with IWR. Through this registration process, subscribers are required to provide necessary contact information, including physical location, needed to populate the Registered Location database. Subscribers are able to register and update information over a secure Internet web site, <http://www.iwrelay.com/NumberRegistration.aspx> and <https://cloud.iwrelay.com/account.php> via email, or by contacting IWR's customer service in writing or telephonically, with proper verification of identity. Further, IWR's operating procedures dictate that CAs verify Registered Location information on all emergency calls, as noted above. IWR provides users with specific information on the use of customer proprietary network information to be collected for complying with 911 access requirements.

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

Standard: "Relay providers must offer STS users the option to maintain at the relay center a list of names and telephone numbers which the STS user calls. When the STS user

requests one of these names, the CA must repeat the name and state the telephone number to the STS user. This information must be transferred to any new STS provider.”³⁹

IWR Compliance: This is a waived requirement for VRS. Nonetheless, IWR’s VRS platform has the capability to process STS calls, but does not currently have the capability of maintaining a list of names and telephone numbers which STS users might call. IWR’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. Visual privacy screens/idle calls (47 C.F.R. §64.604(a)(6)).

Standard: A VRS CA may not enable a visual privacy screen or similar feature during a VRS call. A VRS CA must 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. Prior to disconnecting the call, the CA must 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.

IWR Compliance: IWR’s training program directs CA’s to never enable a visual privacy screen or any such feature as may obfuscate the CA’s identity. CA’s are also now trained to terminate calls if the caller 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. CAs are trained to announce their intent to

³⁹ The requirement has been waived indefinitely for VRS. See *2004 TRS Report & Order*, 19 FCC Rcd at 12594 (Appendix E: Summary of IP Relay and VRS waivers).

terminate the call and will do so in such instances of non-participation, unless one of the parties indicates an intent to continue the call.

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

Standard: VRS calls that originate from an international IP address will not be compensated, with the exception of calls made by a U.S. resident who has pre-registered with his or her default provider prior to leaving the country, during specified periods of time while on travel and from specified regions of travel, for which there is an accurate means of verifying the identity and location of such callers. For purposes of this section, an international IP address is defined as one that indicates that the individual initiating the call is located outside the United States.

IWR Compliance: IWR affirmatively acknowledges that calls originating from an international IP address will not be compensated, with the exception of calls made by a U.S. resident who has pre-registered with his or her default provider prior to leaving the country, during specified periods of time while on travel and from specified regions of travel, for which there is an accurate means of verifying the identity and location of such callers.

IWR's platform verifies that user registration information and the inbound IP address are originating from a location within the United States and its territories. All VRS calls originating from outside of the U.S. and its territories are blocked from placing a VRS call with IWR unless the registered VRS caller has contacted IWR and notified the company of their dates of travel in advance of their departure. While traveling outside of the United States, as callers place calls to IWR, the call record is flagged and the caller's registration identification is reconciled with a previously received travel notice and only then will the call data be submitted for payment.

A number of VRS users who reside outside of the U.S. and its territories cannot be identified by IP address because their devices are registered with other VRS providers who may employ gateways that represent callers as being within the U.S. When these callers are identified by CAs as originating calls from outside of the U.S. and customer service

representatives are able to verify that the caller is indeed located outside of the U.S., the callers are flagged in the platform software and caller's conversation minutes are not submitted for Fund reimbursement.

B. Technical Standards

IWR processes calls from consumers using various iterations of h.323 video technology currently on the market thus affording interoperability, transparently accommodating caller's preferences via the option of using any number of existing VRS devices and software. Consumers can also reach an IWR using iChat software, shipped on Apple computers. It is notable that IWR was the first provider to bring to market readily portable VRS capabilities for consumers desiring to use Apple iPhones, iPods and iPads and similar devices available with front facing cameras. IWR continues to pursue the development and implementation of technology that will offer functional equivalence to consumers with hearing and speech disabilities.

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

Standard: "TRS shall be capable of communicating with ASCII and Baudot format, at any speed generally in use."

IWR Compliance: IWR's VRS platform has the technical capability of supporting text messaging, and may be accessible through other forms of conventional text/data transmissions including ASCII and Baudot format, generated through most TRS equipment.

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

Standard (i): "TRS providers shall ensure adequate TRS facility staffing to provide callers with efficient access under projected calling volumes, so that the probability of a busy response due to CA unavailability shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network."

IWR Compliance: IWR continually monitors call volume and references call history to tailor CA staffing needs in such a way that calls are answered in keeping with the ASA Standard. By comparing past call volume and monitoring current volume in order to apply call volume analysis modeling techniques, IWR predicts staffing needs throughout a given day with great accuracy. Call center supervisors, managers, trainers and executives are interpreters and readily fill in when the occasional unanticipated spike in volume occurs.

Standard (ii): “TRS facilities shall, except during network failure, answer 85% of all calls within 10 seconds by any method which results in the caller's call immediately being placed, not put in a queue or on hold. The ten seconds begins at the time the call is delivered to the TRS facility's network. A TRS facility shall ensure that adequate network facilities shall be used in conjunction with TRS so that under projected calling volume the probability of a busy response due to loop trunk congestion shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.

- (A) The call is considered delivered when the TRS facility's equipment accepts the call from the local exchange carrier (LEC) and the public switched network actually delivers the call to the TRS facility.
- (B) Abandoned calls shall be included in the speed-of-answer calculation.
- (C) A TRS provider's compliance with this rule shall be measured on a daily basis.
- (D) The system shall be designed to a P.01 standard.
- (E) A LEC shall provide the call attempt rates and the rates of calls blocked between the LEC and the TRS facility to relay administrators and TRS providers upon request.”

Standard (iii): “Speed of answer requirements for VRS providers are phased-in as follows: ...by January 1, 2007, VRS providers must answer 80% of all calls within 120 seconds, measured on a monthly basis. Abandoned calls shall be included in the VRS speed of answer calculation.

IWR Compliance: IWR is in current compliance with the speed of answer requirements for VRS providers, and has adopted the procedures above to ensure that it remains compliant.

In 2010 average speed of answer metrics reflected that 80 percent of all calls were answered within two seconds including abandoned calls. Speed of answer time is projected to average less than six seconds in 2011.

3. Equal access to interexchange carriers. (47 C.F.R. §64.604(b)(3)).⁴⁰

Standard: “TRS users shall have access to their chosen interexchange carrier through the TRS, and to all other operator services, to the same extent that such access is provided to voice users.”

IWR Compliance: To the extent that registered subscribers now rely exclusively on IWR or other IP-based providers as their default service provider, subscribers should not, as a practical matter, require access to a wireline interexchange or local exchange carrier. IWR continues to provide local, domestic intrastate, interstate and international long distance services at no cost to callers. Nevertheless, IWR 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 that such is requested by callers.

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

Standard (i): “TRS shall operate every day, 24 hours a day. Relay services that are not mandated by this Commission need not to be provided every day, 24 hours a day.”⁴¹

IWR Compliance: IWR’s principal call center, located in Utah, schedules CAs to be on duty 24 hours per day, 7 days per week, every day of the year. Additionally, IWR provides system and

⁴⁰ Waived through July 1, 2012. See *2011 MMS Waiver Extension Order*.

⁴¹ Amended by the FCC’s *Report and Order* in CG Docket No. 03-123 and CC Docket No. 98-67, as discussed below. The *2004 TRS Report and Order* notes that pursuant to 47 C.F.R. §64.604(b)(4), “Relay services that are not mandated by this Commission are not required to be provided every day, 24 hours a day.” The FCC goes on to state that “VRS is not a mandatory TRS service” and therefore not subject to perpetual staffing requirements.

call center redundancy via its additional call center capability. Call centers are staffed to operate 24 hours per day, 7 days per week, every day of the year.

Standard (ii): “TRS shall have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use.”

IWR Compliance: All IWR VRS core components (ACDs, internet service, electrical power, 911 emergency call handling, VoIP services, etc.) have the appropriate redundant equipment and capability in place. These safeguards are designed to seamlessly transition to an online status affording automatic backup capabilities to the main system and principal call center if necessary.

Standard (iii): “A VRS CA may not relay calls from a location primarily used as his or her home.”

IWR Compliance: IWR does not employ or otherwise engage CAs who relay calls from a home location. All CAs are employed in IWR commercial call centers.

Standard (iv): “A VRS provider leasing or licensing an automatic call distribution (ACD) platform must have a written lease or license agreement. Such lease or license agreement may not include any revenue sharing agreement or compensation based upon minutes of use. In addition, if any such lease is between two eligible VRS providers, the lessee or licensee must locate the ACD platform on its own premises and must utilize its own employees to manage the ACD platform.”

IWR Compliance: IWR developed its own ACD platform mid-year, 2010. IWR subsequently expanded its capabilities by purchasing a license for the use of its own h.323 ACD capability from a prominent VRS platform developer. The ACD platform is licensed on an established fee basis that is in no way based on revenue sharing or compensated upon call usage. The ACD platform is physically located in IWR’s leased data center and its Utah call center office and is accessed and managed by the Company’s employees. Evidence of IWR’s compliance is attached as confidential **Exhibit C**.

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

Standard: “No regulation set forth in this subpart is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to person with disabilities. TRS facilities are permitted to use SS7 technology or any other type of similar technology to enhance the functional equivalency and quality of TRS. TRS facilities that utilize SS7 technology shall be subject to the Calling Party Telephone Number rules set forth at 47 CFR 64.1600 *et seq.*”

IWR Compliance: IWR has demonstrated its commitment to constantly developing and improving technology. The company has aligned itself with telecommunications providers who are capable of utilizing SS7 technology in accordance with the Calling Party Telephone Number requirements set forth at 47 CFR 64.1600 *et seq.*⁴²

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

Standard: “When a TRS facility is able to transmit any calling party identifying information to the public network, the TRS facility must pass through, to the called party, at least one of the following: the number of the TRS facility, 711, or the 10-digit number of the calling party.”

IWR Compliance: IWR transmits the 10-digit number of the calling party.

C. Functional Standards

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

Standard (i): “States and interstate providers must maintain a log of consumer complaints including all complaints about TRS in the state, whether filed with the TRS provider or the State, and must retain the log until the next application for certification is granted. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.”

IWR Compliance: IWR currently maintains and has submitted a complaint log to the Commission associated with its VRS service.⁴³ Users have, and will continue to have, the ability to initiate complaints to a CA or CA supervisor, via electronic mail to the Company’s customer service address, and via the Company’s web site. Complaints are logged into IWR’s complaint

⁴² 47 C.F.R. §§64.1600 *et seq.*

⁴³ See, e.g. <http://fjallfoss.fcc.gov/ecfs/comment/view?id=6016826226>.

tracking system. The CA who receives the complaint, or an assigned CA in instances where complaints are not directed to an individual CA, will assign a complaint tracking number, will investigate the issue, and will respond to the complainant in no more than 12 hours. The response is recorded in the complaint log. A supervisor will monitor complaint status and will ensure that action is taken within the specified period.

If the complaint entails a technical issue, then a trouble ticket is prepared, and the trouble is immediately investigated and resolved by a technician. The technician is responsible for responding to the assigned CA who then communicates with the complainant, and the result is documented. After business hour technical issues are addressed immediately by an on call technician.

IWR has pursued a proactive customer education initiative to assist customers in better understanding how to use IWR's service and minimize inquiries.

Standard (ii): "Beginning July 1, 2002, states and TRS providers shall submit summaries of logs indicating the number of complaints received for the 12-month period ending May 31 to the Commission by July 1 of each year. Summaries of logs submitted to the Commission on July 1, 2001 shall indicate the number of complaints received from the date of OMB approval through May 31, 2001."

IWR Compliance: IWR agrees to submit complaint logs annually.

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

"Contact persons. Beginning on June 30, 2000, State TRS Programs, interstate TRS providers, and TRS providers that have state contracts must submit to the Commission a contact person and/or office for TRS consumer information and complaints about a certified State TRS Program's provision of intrastate TRS, or, as appropriate, about the TRS provider's service. This submission must include, at a minimum, the following:"

Standard(i): "The name and address of the office that receives complaints, grievances, inquiries, and suggestions."

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

James Harper
IWRelay, Inc.
104 W 12200 S
Draper, UT 84020
801 224-7683
Video: 888-606-0515
Fax: 801 224-7223
www.iwrelay.com
Email: Jim@iwrelay.com

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. Specialized CA customer service representatives are also available if the CA cannot immediately respond to a complaint or inquiry. IWR commits to timely informing the Commission of any changes in contact information for the senior individual responsible for complaints.

Standard(ii): “Voice and TTY telephone numbers, fax number, e-mail address, and web address;”

IWR Compliance: Please refer to Standard (i), above.

Standard(iii): “The physical address to which correspondence should be sent.”

IWR Compliance: Correspondence should be sent to:

Voice telephone: 801.224.7683
Video number: 888-606-0515
Fax Number: 866.334.7697
E-mail Address: support@iwrelay.com
Web Address: www.iwrelay.com
Physical Address to Which Correspondence Should be Sent:
IWRelay, Inc., 104 W 12200 S, Draper, UT 84020

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

Standard: “Public access to information. Carriers, through publication in their directories, periodic billing inserts, placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TTY numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and use of all forms of TRS. Efforts to educate the public about TRS should extend to all segments of the

public, including individuals who are Hard of Hearing, speech disabled, and senior citizens as well as members of the general population. In addition, each common carrier providing telephone voice transmission services shall conduct, not later than October 1, 2001, ongoing education and outreach programs that publicize the availability of 711 access to TRS in a manner reasonably designed to reach the largest number of consumers possible.”

IWR Compliance: IWR engages in public outreach to educate consumers about how to access services and to promote ongoing use of VRS. To reach a wide audience of Deaf, Hard of Hearing, speech disabled, senior citizens, and the general population, IWR has published, and continues to publish, instructions regarding VRS through a variety of conventional and more technologically advanced media.

Inserts are placed in various related community publications and event programs spanning California to Maine. IWR visits and exhibits at various tradeshow and expos in its efforts to reach the largest number of consumers possible about new cutting-edge IWR VRS options. Such public appearances are made at various times and places in an effort to interact with Deaf and Hard of Hearing individuals to further educate them about the newest technologies and services they can use to achieve functional equivalence.

Digital and social media are used successfully to provide ongoing education to the general population as well as all segments of the public who could benefit from VRS. Public access to information about TRS, including availability and instruction of use, is made available via the company’s website, Twitter, Facebook, and Google.

IWR Relay is dedicated to the ongoing education of the largest number of consumers possible about VRS features that will bring them functional equivalence.

4. Rates. (47 C.F.R. §64.604(c)(4)).

Standard: “TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the

call, the time of day, and the distance from the point of origination to the point of termination.”

IWR Compliance: Inapplicable. IWR’s subscribers will not be charged for IWR’s VRS service.

See, Compliance with Types of Calls (47 C.F.R. §64.604(a)(3)), above.

5. Jurisdictional Separation of Costs. (47 C.F.R. §64.604(c)(5)(iii)(C)).⁴⁴

Standard (1): “*Data Collection and Audits from TRS Providers.* TRS providers seeking compensation from the TRS Fund shall provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested to determine the TRS Fund revenue requirements and payments. TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS investment in general in accordance with part 32 of this chapter, and other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements.

Standard (2): “*Call data required from all TRS providers.* In addition to the data requested by section 64.604(c)(5)(iii)(C)(1), TRS providers seeking compensation from the TRS Fund shall submit the following specific data associated with each TRS call for which compensation is sought: (1) the call record ID sequence; (2) CA ID number; (3) session start and end times noted at a minimum to the nearest second; (4) conversation start and end times noted at a minimum to the nearest second; (5) incoming telephone number and IP address (if call originates with an IP-based device) at the time of the call; (6) outbound telephone number (if call terminates to a telephone) and IP address (if call terminates to an IP-based device) at the time of call; (7) total conversation minutes; (8) total session minutes; (9) the call center (by assigned center ID number) that handled the call; and (10) the URL address through which the call is handled.

IWR Compliance: IWR has applied with and thus given notice to the Fund Administrator of its intention to participate in the Fund. IWR affirmatively acknowledges its obligation to provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested to determine the TRS Fund revenue requirements and payments in accordance with the requirements set forth in 47 C.F.R. §64.604(c)(5)(iii)(C)(1) and (2), and any such additional procedures adopted by the administrator. All IWR call data is

⁴⁴ Standards (i), (ii), (iii)(A) and (iii)(B) require no response, and are acknowledged by Applicant.

generated and stored by the ACD platform through its automated data recording program. At no time are CAs able to manually initiate, end, enter, or otherwise alter such data. Furthermore, IWR call data is duplicated on multiple backup servers. IWR has been providing such data to the Fund Administrator through its certificated partner provider and is experienced in the reporting process. A CA can however flag a call as uncompensable if it is suspected that the call is VRI or otherwise not eligible for reimbursement from the Fund.

Standard (3): *Additional call data required from Internet-based Relay Providers.* In addition to the data required by section 64.604(c)(5)(iii)(C)(2), Internet-based Relay Providers seeking compensation from the Fund shall submit speed of answer compliance data.

IWR Compliance: IWR affirmatively acknowledges its obligation to provide speed of answer compliance data to the Fund administrator and Commission.⁴⁵

Standard (4): “Providers submitting call record and speed of answer data in compliance with sections 64.604(c)(5)(iii)(C)(2) and (3) shall (i) employ an automated record keeping system to capture such data required pursuant to section 64.604(c)(5)(iii)(C)(2) for each TRS call for which minutes are submitted to the fund administrator for compensation; and (ii) submit such data electronically, in a standardized format. For purposes of this subparagraph, an automated record keeping system is a system that captures data in a computerized and electronic format that does not allow human intervention during the call session for either conversation or session time.”

IWR Compliance: IWR affirmatively acknowledges its obligation to provide data through an automated record keeping system which captures required data, formats for reporting, and reports, as noted above.

Standard (5): *Certification.* The chief executive officer (CEO), chief financial officer (CFO), or other senior executive of a TRS provider with first hand knowledge of the accuracy and completeness of the information provided, when submitting a request for compensation from the TRS Fund must, with each such request,” certify the truth and accuracy of the data and that such requests for compensation to not result from

⁴⁵ Please refer to IWR Speed of Answer compliance, *supra*.

“impermissible financial incentives or payments to generate calls” pursuant to Section 225 of the Communications Act and the Commission’s rules and orders.

IWR Compliance: IWR affirmatively acknowledges its obligation to, and will, certify through its President and Chief Executive Officer that each and every request for compensation are truthful, accurate, and do not result from any impermissible financial incentives or payments to generate calls.

Standard (6): Audits. The fund administrator and the Commission, including the Office of Inspector General, shall have the authority to examine and verify TRS provider data as necessary to assure the accuracy and integrity of TRS Fund payments. TRS providers must submit to audits annually or at times determined appropriate by the Commission, the fund administrator, or by an entity approved by the Commission for such purpose. A TRS provider that fails to submit to a requested audit, or fails to provide documentation necessary for verification upon reasonable request, will be subject to an automatic suspension of payment until it submits to the requested audit or provides sufficient documentation.

IWR Compliance: IWR affirmatively acknowledges its obligation to, and will, submit to annual or at times determined by the auditing entity, to audits from the fund administrator and the Commission, including the Office of Inspector General. IWR will provide all such data and documentation as requested by the auditing entity to for examination and verification of the data submitted as necessary to assure the accuracy and integrity of TRS Fund payments.

Standard (7): Call data record retention. Internet-based TRS providers shall retain the data required to be submitted by this section, and all other call detail records, other records that support their claims for payment from the TRS Fund, and records used to substantiate the costs and expense data submitted in the annual relay service data request form, in an electronic format that is easily retrievable, for a minimum of five years.

IWR Compliance: IWR affirmatively acknowledges its obligation to, and will, retain the data required to be submitted by this section, and all other call detail records, other records that support its claims for payment from the TRS Fund, and records used to substantiate the costs and

expense data submitted in the annual relay service data request form, in an electronic format that is easily retrievable, for a minimum of five years.

D. Information filed with the administrator. (47 C.F.R. 64.604(c)(5)(iii)(I))⁴⁶

IWR Compliance: IWR affirmatively acknowledges the obligation of its Chief Executive Officer (“CEO”), Chief Financial Officer (“CFO”), or other senior executive to each instance, certify, under penalty of perjury, that the minutes for which Fund compensation is requested are in compliance with section 225 and the Commission's rules and orders, and are not the result of impermissible financial incentives or payments to generate calls. The CEO, CFO, or other senior executive will certify under penalty of perjury to the TRS Fund administrator that such information is true and correct.

E. Procedures for the suspension/withholding of payment. (47 C.F.R. 64.604(c)(5)(iii)(L))

Standard (1): The Fund administrator will continue the current practice of reviewing monthly requests for compensation of TRS minutes of use within two months after they are filed with the Fund administrator.

Standard (2): If the Fund administrator in consultation with the Commission, or the Commission on its own accord, determines that payments for certain minutes should be withheld, a TRS provider will be notified within two months from the date for the request for compensation was filed, as to why its claim for compensation has been withheld in whole or in part. TRS providers then will be given two additional months from the date of notification to provide additional justification for payment of such minutes of use. Such

⁴⁶ Sections 64.604(c)(5)(iii)(D)(Reserved), 64.604(c)(5)(iii)(E), Payments to TRS providers, 64.604(c)(5)(iii)(F), TRS providers eligible for receiving payments from the TRS Fund, 64.604(c)(5)(iii)(G) intention to notify the Fund Administrator of participation in the Fund, 64.604(c)(5)(iii)(H) Administrator reporting, monitoring, and filing requirements, 64.604(c)(5)(iii)(J) The administrator's performance and this plan shall be reviewed by the Commission after two years, and 64.604(c)(5)(iii)(K) All parties providing services or contributions or receiving payments under this section are subject to the enforcement provisions specified in the Communications Act, the Americans with Disabilities Act, and the Commission's rules, require no response, and are acknowledged by Applicant.

justification should be sufficiently detailed to provide the Fund administrator and the Commission the information needed to evaluate whether the minutes of use in dispute are compensable. If a TRS provider does not respond, or does not respond with sufficiently detailed information within two months after notification that payment for minutes of use is being withheld, payment for the minutes of use in dispute will be denied permanently.

Standard (3): If, the VRS provider submits additional justification for payment of the minutes of use in dispute within two months after being notified that its initial justification was insufficient, the Fund administrator or the Commission will review such additional justification documentation, and may ask further questions or conduct further investigation to evaluate whether to pay the TRS provider for the minutes of use in dispute, within eight months after submission of such additional justification.

Standard (4): If the provider meets its burden to establish that the minutes in question are compensable under the Commission's rules, the Fund administrator will compensate the provider for such minutes of use. Any payment by the Commission will not preclude any future action by either the Commission or the U.S. Department of Justice to recover past payments (regardless of whether the payment was the subject of withholding) if it is determined at any time that such payment was for minutes billed to the Commission in violation of the Commission's rules or any other civil or criminal law.

Standard (5): If the Commission determines that the provider has not met its burden to demonstrate that the minutes of use in dispute are compensable under the Commission's rules, payment will be permanently denied. The Fund administrator or the Commission will notify the provider of this decision within one year of the initial request for payment.

IWR Compliance: IWR affirmatively acknowledges, and commits to comply with, the promulgated procedures for suspension/withholding of payment under amended Commission Rules.

F. Whistleblower protections. (47 C.F.R. 64.604(c)(5)(iii)(M))

Standard: Providers shall not 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. Providers shall provide an accurate and complete description of these TRS whistleblower protections, including the right to notify the FCC’s Office of Inspector General or its Enforcement Bureau, to all employees and contractors, in writing. Providers that already disseminate their internal business policies to its employees in writing (e.g. in employee handbooks, policies and procedures manuals, or bulletin board postings – either online or in hard copy) must include an accurate and complete description of these TRS whistleblower protections in those written materials.

IWR Compliance: IWR affirmatively acknowledges, and agrees to comply with the Whistleblower protections promulgated under amended Commission rules. IWR further commits that it shall not 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. IWR provides an accurate and complete description of its whistleblower protections, including the right to notify the FCC’s Office of Inspector General or its Enforcement Bureau, to all employees and contractors, in writing.

IWR’s Manual of Policies and Procedures explicitly states as follows:

With regard to the Code of Ethics set forth within the IWR Call Center Manual of Policies and Procedures the following Whistle Blower Policy is maintained. IWR will not advance any reprisal, discrimination, or punitive action against any current or former employee or contractor who discloses to IWR management or owners, a violation of this Code of Ethics or discloses conduct that is reasonably believed to result in waste, fraud, or abuse or otherwise may result in the improper submission of minutes for reimbursement to the TRS Fund Administrator. Further, this Whistle Blower Policy extends these same employment protections to those who report allegations of violations to law enforcement or regulators in regard to those policies, procedures, rules, laws, and orders implemented by local,

state, the Federal Communications Commission, the FCC's Office of Inspector General or its Enforcement Bureau or other federal authorities. Current or former employees and contractors have the ability to make disclosures either anonymously or by identifying themselves to Company management or to local, state, or federal authorities. All reports will be handled confidentially in efforts to investigate accusations of wrongdoing.

G. Additional Obligations. (47 C.F.R. 64.604(c)(5)(iii)(N))

(1) Eligibility for reimbursement from the TRS Fund.

Standard (i): Only an eligible VRS provider, as defined in subsection (c)(5)(iii)(F), may hold itself out to the general public as providing VRS.

Standard (ii): VRS service must be offered under the name by which the eligible VRS provider offering such service became certified and in a manner that clearly identifies that provider of the service. Where a TRS provider also utilizes sub-brands to identify its VRS, each sub-brand must clearly identify the eligible VRS provider. Providers must route all VRS calls through a single URL address used for each name or sub-brand used.

IWR Compliance: IWR affirmatively acknowledges, and agrees to comply with its obligation to identify itself to the Public as the Fund eligible certified entity. IWR does not offer interpreting for any sub-brands or other labels. The Company does utilize multiple URL accesses to address IWR branded services for specific language/skill needs such as DBVRS.TV for Deaf/blind/low vision consumers. IWR may introduce similar IWR branded services to more clearly distinguish between Spanish and English language VRS in the future. When IWR branded services or sub-brands are to be used, IWR will comply with its obligations to clearly identify each sub-brand as a sub-brand of "IWR Relay, Inc." the certificated entity, to ensure that the public recognizes "IWR Relay, Inc." as the certified provider. Further, IWR has created a single URL address for each sub-brand used. Current IWR URLs are included in confidential **Exhibit G** submitted under seal.

Standard (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.

IWR Compliance: At present, until grant of this Application, it is necessary for IWR to bill for reimbursement by working with a certified provider. However, IWR does not now, nor will it, contract with or otherwise authorize any other third party or ineligible provider to provide interpretation services or call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and registration) on its behalf.

Standard (iv): To the extent that an eligible VRS provider contracts with or otherwise authorizes a third party to provide any other services or functions related to the provision of VRS other than interpretation services or call center functions, that third party must not hold itself out as a provider of VRS, and must clearly identify the eligible VRS provider to the public. To the extent an eligible VRS provider contracts with or authorizes a third party to provide any services or functions related to marketing or outreach, and such services utilize VRS, those VRS minutes are not compensable on a per minute basis from the TRS fund.

IWR Compliance: IWR does not contract for any services or functions related to the provision of VRS, as may be verified by the Commission through a review of the entirety of IWR's contracts.

Standard (v): All third-party contracts or agreements entered into by an eligible provider must be in writing. Copies of such agreements shall be made available to the Commission and to the TRS Fund administrator upon request.

IWR Compliance: IWR acknowledges its obligation under this section and is prepared to provide all contracts or agreements to the Commission or designated auditor upon request.

(2) 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.

IWR Compliance: IWR affirmatively acknowledges its responsibility to, and will make semi-annual call center reports to the Commission and Fund Administrator on or before April 1 and October 1 of each year.

(3) Compensation of CAs. VRS providers may not compensate, give a preferential work schedule or otherwise benefit a CA in any manner that is based upon the number of VRS minutes or calls that the CA relays, either individually or as part of a group.

IWR Compliance: IWR has never in the past, nor does it now, compensate, give a preferential work schedule or otherwise benefit a CA in any manner that is based upon the number of VRS minutes or calls that the CA relays, either individually or as part of a group.

(4) Remote training session calls. VRS calls to a remote training session or a comparable activity will not be compensable from the TRS Fund when the provider submitting minutes for such a call has been involved, in any manner, with such a training session. Such prohibited involvement includes training programs or comparable activities in which the provider or any affiliate or related party thereto, including but not limited to its subcontractors, partners, employees or sponsoring organizations or entities, has any role in arranging, scheduling, sponsoring, hosting, conducting or promoting such programs or activities.

IWR Compliance: IWR affirmatively acknowledges that IWR employee VRS calls of any kind, including those involving remote training session or a comparable activity, will not be compensable from the TRS Fund. IWR states further that it has at no time sought Fund compensation for such calls.

IV. COMPLIANCE WITH THE WAIVED MANDATORY MINIMUM STANDARDS FOR THE PROVISION OF FEDERALLY-FUNDED VRS (47 C.F.R. §64.606(a)(2)(ii))⁴⁷

IWR continues to comply with those MMS that have been waived for VRS subscribers, as follows.

⁴⁷ See 2011 VRS Waiver Extension Order.