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By ECFS and Overnight Delivery

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

RE: Section 64.604(c)(5)(iii)(N)(1)(i) and (ii) Waiver Request of PAH! VRS Support Services, LLC d/b/a PAH Relay ("PAH Relay") - CG Docket Nos. 03-123 and 10-51

Dear Ms. Dortch:

On April 6, 2011, the Commission released the *VRS Fraud Order and FNPRM*¹, which adopted new rules to detect and prevent fraud and abuse in the provision of Video Relay Services ("VRS") and sought comment on proposed revisions to the certification process to better ensure that potential providers are qualified to provide Internet-based relay service. The new rules became effective June 1, 2011.² (However, on May 31, 2011, the Commission stayed the effective date of Section 64.604(c)(5)(iii)(N)(1)(iii) (the "Section (iii) Requirement") until October 1, 2011 (the "Section (iii) Stay").)

PAH Relay initially submitted an application to the Commission for certification as an eligible VRS provider³ in November 2008, and, just yesterday, on September 19th, submitted a new application for certification as an eligible VRS provider pursuant to the new rules. PAH Relay specifically notes that the new application for certification demonstrates its compliance with the new rules and provides the additional information and documentation required under Paragraphs 62 and 63 of the *VRS Fraud Order and FNPRM*, all of which are incorporated herein by reference. Since such time, PAH Relay believes that it has been in compliance with the Commission's rules at all times in that it has never held itself out as an approved provider of VRS, has consistently remained up front and transparent about its subcontractor relationships with certified providers such as ZVRS and CAC, and has always routed all calls through a single URL.

Although PAH Relay believes that it has been in compliance with the Commission's rules at all times, PAH Relay nonetheless submits this letter to the Commission to request a waiver of certain portions of the new rules adopted pursuant to the *VRS Fraud Order and FNPRM*. Specifically, in

¹ *Structure and Practices of the Video Relay Service Program*, report and order and further notice of proposed rulemaking, 26 FCC Rcd 5545, 5546 (Apr. 6, 2011) ("*VRS Fraud Order and FNPRM*")

² FCC, *Structure and Practices of the Video Relay Service Program*, 76 Fed. Reg. 24393 (May 2, 2011)

³ As defined in 47 C.F.R. § 64.604(c)(5)(iii)(F)(1)-(4).

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order to confirm and ensure its rights and eligibility to participate in the VRS market and to retain and/or receive reimbursements as a subcontractor from the TRS Fund Administrator for the period from June 1, 2011 through September 30th, PAH Relay hereby requests a waiver of (i) the requirement that a VRS provider be certified in order for the entity to hold itself out to the general public as providing VRS⁴ (the “Section (i) Requirement”), and (ii) the requirement that VRS providers offer VRS under the name by which the provider was certified and the requirement that the providers must route all VRS calls through a single URL address for that brand (the “Section (ii) Requirement”).⁵ Furthermore, in the event (i) PAH Relay does not receive certification by October 1st or (ii) PAH Relay’s application is not acted on and the Section (iii) Stay is extended beyond October 1st, PAH Relay requests such waiver be extended accordingly.

To the best of its knowledge, PAH Relay has operated in full compliance with existing rules and orders since it began processing VRS calls and applied for certification in 2008. In the months prior to June 1, 2011, when the new rules became effective, PAH Relay had been operating as a subcontractor to Communications Access Center for the Deaf and Hard of Hearing (“CAC”), had held itself out as a subcontractor of CAC (thereby identifying the eligible VRS provider), and had effectively routed all of its calls through a single URL. Although PAH Relay had discussions with representatives from NorthStar Relay, LLC (“NorthStar”) prior to June 1st, PAH Relay terminated such discussions and notes that it has never been acquired by or merged with any other provider. PAH Relay strongly believes that its tenure and track record clearly show that it is qualified to provide Internet-based relay services in full compliance with the Commission’s rules.

Since the new rules became effective, PAH has been working on preparing its new certification application and implementing appropriate changes to its structure and website, which changes to the website indicate PAH Relay is not currently an approved provider but is offering services as a subcontractor of an eligible VRS provider (currently CAC). In addition, PAH Relay has changed its welcome screen to include a disclosure statement present on all live calls stating that PAH Relay is [currently] a subcontractor of CAC. PAH Relay will also be sending out email messages to its customers informing them of its position pending approval of its application for certification. In addition, PAH currently handles all of its own call volume 24X7, thereby eliminating the need to overflow calls to any other providers.

Based on the *VRS Fraud Order and FNPRM*, in addition to the above changes, PAH Relay is further restructuring its business model to become a subcontractor of Snap Video Relay Services (“Snap!”) in a manner consistent with the Commission’s rules and is working diligently to complete this process as soon as possible. Specifically, Snap! and PAH Relay have entered into discussions pursuant to which the VRS products previously offered by PAH Relay will be rebranded under a Snap! logo that would include reference to PAH Relay as a subcontractor of Snap!. Accordingly, PAH Relay would also terminate its contractual arrangement with CAC upon consummation of the arrangement with Snap!. It is PAH Relay’s understanding and belief that these actions further clarify the relationship and will directly support the actions requested by the Commission that VRS providers provide VRS services under the name by which they were certified. The establishment of

⁴ 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(i).

⁵ *Id.* § 64.604(c)(5)(iii)(N)(1)(ii).

such a new structure and relationship with Snap! would presumably obviate the need for any further waiver of the Section (i) and (ii) Requirements; however, PAH Relay is also cognizant of the fact that the stay of the Section (iii) Requirement expires on October 1, 2011. Therefore, PAH Relay is also submitting simultaneously herewith a request for waiver of the Section (iii) Requirement in the event it is not extended or PAH Relay does not receive certification by such time.

As set forth in the *VRS Fraud Order and FNPRM*, it is also PAH Relay's understanding that the Commission has two primary objectives with respect to the Commission's rule regarding URL usage, which requires VRS providers to route all calls through a single URL address used for each name or sub-brand used.⁶ First, the Commission is concerned that the use of multiple URLs prevents VRS users from knowing the identity of the certified provider processing and responsible for the user's calls. Second, the Commission is concerned that the use of multiple URLs enables VRS providers to engage callers to make illicit VRS calls in exchange for a portion of the iTRS Fund compensation associated with such calls. Specifically, to the extent that such users utilize separate URLs, this enables the VRS provider to track the illicit calls made by such user for purposes of compensating the user.⁷ In order to address these concerns, PAH Relay will be changing its previous URL to share a Snap! parent domain in such a way as to even more clearly indicate Snap! is the certified provider.

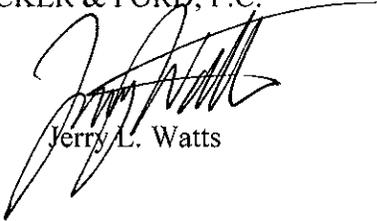
For the reasons set forth herein, PAH Relay is seeking a waiver, effective June 1, 2011 and ending on September 30th (or later as may be appropriate) of (i) the requirement that a VRS provider be certified in order for the entity to hold itself out to the general public as providing VRS and (ii) the requirement that VRS providers offer VRS under the name by which the provider was certified.

The Commission's grant of PAH Relay's Waiver Request as herein stated will enable PAH Relay to receive reimbursement from the TRS Fund Administrator for those VRS minutes relayed by PAH Relay during the above-specified period and will allow PAH Relay to continue to provide invaluable VRS to thousands of customers without interruption. Should you need additional information with regard to this request, please contact Mr. Brian Collins, CEO of PAH Relay at 317-979-6255, or me at the above number.

Respectfully submitted,

PAGE, SCRANTON, SPROUSE,
TUCKER & FORD, P.C.

By:


Jerry L. Watts

⁶47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(ii) ("Providers must route all VRS calls through a single URL address used for each name or sub-brand used.") (emphasis added); see also *VRS Fraud Order and FNPRM*, 26 FCC Rcd at ¶ 50.

⁷*VRS Fraud Order and FNPRM*, 26 FCC Rcd at ¶ 50.