

FOR PUBLIC INSPECTION

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September 21, 2011

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

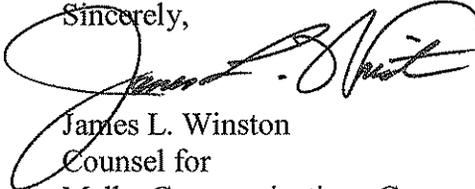
**Re: Malka Communications Group, Inc. Request for Clarification (REDACTED), CG
Docket No. 10-51**

Dear Ms. Dortch:

Malka Communications Group, Inc. ("MCG"), by its attorneys, submits a redacted copy of its "Request for Clarification." Pursuant to Section 0.459 of the Commission's Rules,¹ MCG has filed today with the Secretary's office a request for confidential treatment and a complete copy of its Request for Clarification, including all information redacted from this copy.

Please contact undersigned counsel if you require any additional information regarding this application.

Sincerely,



James L. Winston
Counsel for
Malka Communications Group, Inc.

¹ 47 CFR § 0.459.

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September 21, 2011

Mr. Gregory Hlibok
Chief, Disability Rights Office
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

**Re: Malka Communications Group – Request for Clarification, (REDACTED)
CG Docket No. 10-51**

Dear Mr. Hlibok:

Malka Communications Group (“MCG”) submits this letter to request clarification of the rule that permits certified VRS providers to enter into contractual arrangements for overflow. Specifically, MCG requests clarification that Section 64.604(c)(5)(iii)(N)(1)(iii) permits reimbursement on a per minute basis between certified VRS providers.

As was set forth in greater detail in MCG’s Application for Certification as a VRS Provider, filed September 15, 2011, MCG is a Deaf-owned company formed in April 2010. MCG began providing VRS service as a “white label” with the intent to develop its business to the point where it could become a certified provider. The Commission’s recent rule changes required MCG to hasten its plans to become a certified provider. As demonstrated in its Certification Application, MCG has obtained all of the necessary facilities, hired the necessary staff, and is fully prepared to meet the requirements to become a certified provider. However, as a small company, MCG is not able to provide the staff and facilities to completely avoid the possibility that it will require overflow coverage for occasions when its staff is unable to handle all incoming calls.

[REDACTED]

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[REDACTED]

[REDACTED]

Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's Rules reads:

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.

This section permits contracts between certified providers to provide interpretation services and call center functions. It would appear that this provision was included by the Commission to allow the type of overflow coverage that many VRS providers will probably need.

[REDACTED]

As noted above, it would appear that Section 64.604(c)(5)(iii)(N)(1)(iii), was intended to allow certified providers to provide overflow coverage. Indeed, it is difficult to image in what other context the rule would have any value. To be certified, a VRS provider must have a complete self-contained VRS operation, including ACD, leased premises, full call center functionality and its own CAs. Given these requirements for each certified VRS provider, it is unlikely that any certified VRS provider will have a reason other than overflow coverage to contract with another certified VRS provider.

The Commission has made clear that its new rules, requiring all VRS providers to be certified, are designed to prevent waste, fraud and abuse. By having all VRS providers certified by the Commission and subject to detailed reporting requirements, on-site inspections and certifications under penalty of perjury, the Commission has put in place very substantial

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safeguards to prevent waste, fraud and abuse, and MCG supports such measures. Therefore, given all these new protections in place to prevent use of white labels and other sources of waste, fraud and abuse, it would appear there is very little potential harm that could occur from allowing certified providers to contract for overflow protection. And, if the Commission acknowledges that overflow assistance is desirable, it would seem that per minute compensation would also be the most reasonable and fair method for allowing such compensation.

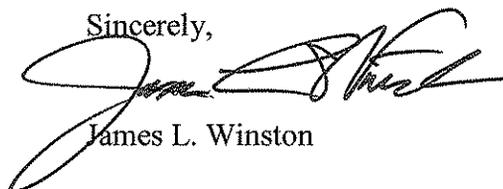
As a certified provider, the financial incentives favor never letting messages overflow to another carrier. Any overflow arrangement means that the original certified provider, which could have sought full reimbursement for the call, must instead share some portion of that call revenue with a second certified provider. Therefore, unlike the situation with white labels, which could not obtain revenues on their own, a newly certified provider has every incentive not to share revenues with a second certified provider.

If instead, the Commission permits overflow agreements, but requires them to be on a payment basis other than per minute, such as flat-rate, one of the certified providers in that agreement is going to lose reimbursement for which it would rightfully be entitled. If the flat-rate is too high, the newly certified provider will be under compensated, and the second VRS provider will be over compensated. If the flat-rate is too low, the second VRS provider will lose out. Neither arrangement seems to be in the overall best interest of improving the VRS service.

MCG notes that Section 64.604(c)(5)(iii)(N)(1)(iv) precludes a certified VRS provider from contracting for per minute compensation with third parties. However, when read alongside Section 64.604(c)(5)(iii)(N)(1)(iii), the prohibition on per minute compensation would only be applicable to third parties that are not certified providers. Given the Commission's new rules and procedures for monitoring and overseeing the conduct of certified VRS providers, the application of Section 64.604(c)(5)(iii)(N)(1)(iv) to certified VRS providers would appear unnecessary and counterproductive.

Therefore, MCG requests clarification of the rule allowing certified VRS providers to enter into contractual arrangements for overflow. Specifically, MCG requests that the Commission allow certified VRS providers to enter into overflow agreements that permit reimbursement on a per minute basis. MCG requests that such clarification be provided prior to October 1, 2011, to allow MCG time to conform any agreements it may have to such clarification.

Sincerely,



James L. Winston