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Via ECFS and Overnight Delivery

September 21, 2011

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
9300 E. Hampton Drive
Capitol Heights, MD 20743-3813

RE: In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 10-51

Dear Secretary Dortch:

Say-Hey, Inc. ("SAY-HEY"), submits the attached confidential version of the *Internet-based TRS Certification Application Of Say Hey VRS Corporation* ("Application"), in the above-referenced matter. SAY-HEY has operated compliant relay services for nearly two years under a contract with Healinc Telecom, LLC (aka "Lifelinks"), a relay service provider in good standing with the Commission, and it submits this Application pursuant to 47 C.F.R. § 64.604(c)(5)(iii)(N)(*1*)(*iii*). By this Application, SAY-HEY conclusively demonstrates that it meets – or exceeds – the applicable Commission's Mandatory Minimum Standards, Commission

Orders and policies governing the provision of federal Telecommunications Relay Service Fund-compensable video relay services and IP-Relay services. Further, the Application shows that the Company meets or is capable of meeting those Mandatory Minimum Standards presently waived by the Commission. SAY-HEY anticipates the Commission's amendments, as provided in its August 5, 2011, *VRS Practices Second R&O*[1] will become effective, and by this Application, demonstrates that it meets the standards implemented by these rules. SAY-HEY respectfully requests that its Application be granted on or before October 1, 2011 to ensure a seamless continuation of SAY-HEY's services to the public. A redacted Public copy has been filed via the Commission's Electronic Comment Filing System.

Pursuant to 47 C.F.R. § 0.459, SAY-HEY respectfully requests that data contained in confidential Exhibits A-G and I-M and the names of its suppliers be deemed confidential and protected accordingly. The data submitted in these documents contain sensitive proprietary information including, but not limited to, usage data.[2] These data reveal company operations and scope that would be useful to competitors.[3] Say-Hey would not otherwise make these data publically available.[4] Release of these data to the public could cause Say-Hey irreparable and inestimable harm.[5]

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[1] *In re Structure and Practices of the Video Relay Service Program*, Second Report and Order, CG Docket No. 10-51 (July 28, 2011) (*VRS Practices Second R&O*).

[2] § 0.459(b).

[3] *Id.*

[4] *Id.*

[5] *Id.*

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

Sincerely,

SAY-HEY, INC.

Matt Idler

Enclosures

cc: Mr. Joel Gurin (via electronic delivery, Joel.Gurin@fcc.gov)
Ms. Karen Peltz Strauss (via electronic delivery, Karen.Strauss@fcc.gov)
Mr. Greg Hlibok (via electronic delivery, Gregory.Hlibok@fcc.gov)

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

In the matter of	)	
	)	
Telecommunications Relay Services and	)	
Speech-to-Speech Services for	)	CG Docket No. 10-51
Individuals with Hearing and	)	
Speech Disabilities	)	
	)	

Internet-based TRS Certification Application
Of
Say-Hey, Inc. Corporation

Matt Idler
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September 21, 2011

SUMMARY

Say-Hey, Inc. ("SAY-HEY," "Company," or "Applicant"), submits this Application under the applicable Federal Communication Commission's ("FCC" or "Commission") rules as amended,[6] mandating direct certification of all relay service providers. SAY-HEY is eligible to receive reimbursement directly from the federal Telecommunications Relay Service ("TRS") Fund ("Fund") as a provider of Internet-based Video Relay Service ("iVRS"). Formed by members of the Deaf and Hard-of Hearing Community as a Delaware C corporation in 2009, SAY-HEY has operated compliant video relay services for nearly two years under a contract with Healinc Telecom, LLC (aka "Lifelinks"), a relay service provider in good standing with the Commission. By this Application, SAY-HEY conclusively demonstrates that it meets – or exceeds – the applicable Commission's Mandatory Minimum Standards, Commission Orders and policies governing the provision of federal Telecommunications Relay Service Fund-compensable video relay services and IP-Relay services. Further, the Application shows that it meets or is capable of meeting those Mandatory Minimum Standards presently waived by the Commission.

In support of this Application, SAY-HEY submits the following points and authorities, supporting documentation and officer certifications. In light of its existing, compliant provision of vital services to its users, SAY-HEY respectfully seeks certification on or before October 1, 2011 to provide seamless iVRS to its subscribers and the Public.

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[6] 47 C.F.R. § 64.606(a)(2). In this Application, all references are to Title 47 of the Code of Federal Regulations, unless otherwise noted.

TABLE OF CONTENTS

I. INTRODUCTION 2

A. Company Overview 2

B. Procedural History 4

C. Basis for Current Application 5

II. SAY-HEY COMPLIES WITH THE INTERNET-BASED TRS PROVIDER AND TRS PROGRAM CERTIFICATION REQUIREMENTS 6

A. SAY-HEY will provide VRS, IP Relay, and IP Captioned Telephone Services ("IP CTS") 7

B. SAY-HEY will meet all non-waived MMS applicable to each form of TRS offered. 8

1. SAY-HEY operates two call centers 8

2. SAY-HEY owns all technology and equipment used to support call center functions. 9

3. Ownership, equity interest, control, and organizational structure. 9

4. SAY-HEY has fourteen employees involved in TRS operations 9

5. SAY-HEY will retain copies of all employment agreements for five years. 10

6. Sponsorship agreements 10

7. Applicant's complaint procedures meet FCC requirements. 11

8. SAY-HEY will file annual compliance reports demonstrating its continued compliance with these rules 12

9. SAY-HEY will allow on-site assessment of its Application 12

10. SAY-HEY will report any and all Substantive Changes 12

11. SAY-HEY will submit annual reports. 13

12. SAY-HEY will provide service without unauthorized service interruptions 13

III. SAY-HEY COMPLIES WITH ALL APPLICABLE MANDATORY MINIMUM STANDARDS 13

A. SAY-HEY meets all Operational Standards 14

1. SAY-HEY employs qualified Communications Assistants ("CA"). 14

2. SAY-HEY's practices conform to standards applicable to TRS calls 18

3. SAY-HEY's CAs strictly adhere to confidentiality and conversation content standards. 19

4. SAY-HEY conforms to FCC standards regarding types of calls.....21

5. SAY-HEY complies with the Commission's registered location requirement. 24

6. Handling of emergency calls. 25

7. SAY-HEY complies with the Section 64.605 emergency calling requirements.....26

8. SAY-HEY has the ability to process STS Called Numbers. 31

9. SAY-HEY prohibits visual privacy screens/idle calls. 31

10. SAY-HEY complies with the Commission's rules regarding international calls. 32

B. Technical Standards 33

1. SAY-HEY is capable of communicating with ASCII and Baudot formats. 33

2. SAY-HEY meets the speed of answer standard. 33

3. SAY-HEY provides users equal access to interexchange carriers.....35

4. SAY-HEY's TRS meet the Commission's requirements. 36

5. SAY-HEY's technology complies with the Commission's standards. 37

6. SAY-HEY's platform comports with the Commission's Caller ID requirements.....38

C. SAY-HEY's procedures meet the Commission's Functional Standards 38

1. SAY-HEY properly maintains consumer complaint logs.....38

2. Contact Persons....39

3. Public Access to Information....40

4. Rates....41

5. Jurisdictional Separation of Costs....42

D. Information filed with the administrator provided under penalty of perjury....43

E. SAY-HEY implements procedures for the suspension/withholding of payment....44

F. SAY-HEY complies with provisions affording protections to whistleblowers....44

G. Additional Obligations....45

1. Eligibility for reimbursement from the TRS Fund....45

2. Call center reports....46

3. Compensation of CAs....46

4. Remote training session calls....47

IV. SAY-HEY COMPLIES WITH THE WAIVED MANDITORY MINIMUM STANDARDS FOR THE PROVISION OF FEDERALLY-FUNDED VRS....47

A. 2011 VRS Waiver Extension Order....47

1. Types of Calls (Operated Assisted Calls and Long Distance Calls)....47

2. Equal Access to Interexchange Carriers....48

3. Speech-to-Speech....48

V. SAY-HEY MEETS ADDITIONAL COMPLIANCE REQUIREMENTS....49

VI. PUBLIC INTEREST SHOWING....49

A. Applicant's Service Will Introduce A Technologically-Advanced IP-Based VRS Option To the Public That Brings Deaf and Disabled Users a Step Closer to "Functionally Equivalent" Communications....49

B. The Granting of the Instant Application Will Promote Innovation and Improved Service by All Providers....50

C. The Granting of the Instant Application Will Enhance Access to Information Through SAY-HEY's Outreach Efforts 50

D. SAY-HEY Will Contribute to the Expansion of the Pool of Certified CAs. 51

E. SAY-HEY Will Contribute to the Deployment of Broadband Access. 51

VII. CONCLUSION 51

VIII. VERIFICATION 53

TABLE OF AUTHORITIES

Statutes

47 U.S.C. § 222 19

47 U.S.C. § 225 ..... 6, 43

47 U.S.C. § 605 19

Regulations

47 C.F.R. § 52.34 25

47 C.F.R. § 64.604 ..... 2, 13

47 C.F.R. § 64.604(a)(1)(i) 14

47 C.F.R. § 64.604(a)(1)(ii) 14, 15

47 C.F.R. § 64.604(a)(1)(iii) 14, 15

47 C.F.R. § 64.604(a)(1)(iv) 16

47 C.F.R. § 64.604(a)(1)(v) 18

47 C.F.R. § 64.604(a)(1)(vi) 18

47 C.F.R. § 64.604(a)(1)(viv) 18

47 C.F.R. § 64.604(a)(2)(i) 19, 28

47 C.F.R. § 64.604(a)(2)(ii) 20

47 C.F.R. § 64.604(a)(3) 21

47 C.F.R. § 64.604(a)(3)(ii) 22

47 C.F.R. § 64.604(a)(3)(iii) 22

47 C.F.R. § 64.604(a)(3)(iv) 22

47 C.F.R. § 64.604(a)(3)(v) 23

47 C.F.R. § 64.604(a)(3)(vi) 23

47 C.F.R. § 64.604(a)(5) 31

47 C.F.R. § 64.604(a)(6) 31

47 C.F.R. § 64.604(a)(7) 32

47 C.F.R. § 64.604(b) 6

47 C.F.R. § 64.604(b)(1) 33

47 C.F.R. § 64.604(b)(2) 33

47 C.F.R. § 64.604(b)(2)(ii) 34

47 C.F.R. § 64.604(b)(2)(iii) 34, 35

47 C.F.R. § 64.604(b)(3) 35

47 C.F.R. § 64.604(b)(4)(i) 7, 36

47 C.F.R. § 64.604(b)(4)(ii) 36

47 C.F.R. § 64.604(b)(4)(iii) 37

47 C.F.R. § 64.604(b)(4)(iv) 37

47 C.F.R. § 64.604(b)(5) 37

47 C.F.R. § 64.604(b)(6) 38

47 C.F.R. § 64.604(c)(1)(i) 38

47 C.F.R. § 64.604(c)(1)(ii) 39

47 C.F.R. § 64.604(c)(2) 39

47 C.F.R. § 64.604(c)(3) 40

47 C.F.R. § 64.604(c)(4) 41

47 C.F.R. § 64.604(c)(5)(iii)(C)(1) 42

47 C.F.R. § 64.604(c)(5)(iii)(C)(2) 42

47 C.F.R. § 64.604(c)(5)(iii)(C)(3) 42

47 C.F.R. § 64.604(c)(5)(iii)(C)(4) 42

47 C.F.R. § 64.604(c)(5)(iii)(C)(5) 43

47 C.F.R. § 64.604(c)(5)(iii)(C)(6) 43

47 C.F.R. § 64.604(c)(5)(iii)(C)(7) 43

47 C.F.R. § 64.604(c)(5)(iii)(D) 43

47 C.F.R. § 64.604(c)(5)(iii)(E) 43

47 C.F.R. § 64.604(c)(5)(iii)(F) 43

47 C.F.R. § 64.604(c)(5)(iii)(G) 43

47 C.F.R. § 64.604(c)(5)(iii)(H) 43

47 C.F.R. § 64.604(c)(5)(iii)(I) 43, 44

47 C.F.R. § 64.604(c)(5)(iii)(J) 43

47 C.F.R. § 64.604(c)(5)(iii)(K) 43

47 C.F.R. § 64.604(c)(5)(iii)(L) 44

47 C.F.R. § 64.604(c)(5)(iii)(M) 44

47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(i) 45

47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(ii) 45

47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(iii) 5, 45

47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(iv) 45

47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(v) 45

47 C.F.R. § 64.604(c)(5)(iii)(N)(2) 46

47 C.F.R. § 64.604(c)(5)(iii)(N)(3) 46

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

47 C.F.R. § 64.605 2

47 C.F.R. § 64.605(a) 13

47 C.F.R. § 64.605(a)(1)(ii) 26

47 C.F.R. § 64.605(a)(1)(iii) 26

47 C.F.R. § 64.605(a)(2)(i) 27

47 C.F.R. § 64.605(a)(2)(v) 27

47 C.F.R. § 64.605(a)(2)(vi) 28

47 C.F.R. § 64.605(b) 25, 28

47 C.F.R. § 64.605(b)(2)(ii) 29

47 C.F.R. § 64.605(b)(2)(iii) 29

47 C.F.R. § 64.605(b)(2)(iv) 29

47 C.F.R. § 64.605(b)(3) 30

47 C.F.R. § 64.605(b)(4) 24, 30

47 C.F.R. § 64.606 ..... 1, 2

47 C.F.R. § 64.606(a)(1) 6, 7

47 C.F.R. § 64.606(a)(2) 1, 6

47 C.F.R. § 64.606(a)(2)(i) 7

47 C.F.R. § 64.606(a)(2)(ii) 7, 8, 14, 47

47 C.F.R. § 64.606(a)(2)(ii)(A)(1) 8

47 C.F.R. § 64.606(a)(2)(ii)(A)(4) 8

47 C.F.R. § 64.606(a)(2)(ii)(A)(5) 8

47 C.F.R. § 64.606(a)(2)(ii)(B) 9

47 C.F.R. § 64.606(a)(2)(ii)(C) 10

47 C.F.R. § 64.606(a)(2)(ii)(D) 10

47 C.F.R. § 64.606(a)(2)(ii)(E) 10

47 C.F.R. § 64.606(a)(2)(iv) 12

47 C.F.R. § 64.606(a)(3) 12

47 C.F.R. § 64.606(b)(2)(ii) 10

47 C.F.R. § 64.606(f)(2) 12

47 C.F.R. § 64.606(g) 13

47 C.F.R. § 64.606(h)(1) 13

47 C.F.R. § 64.606(h)(2)(i) 13

47 C.F.R. § 64.606(h)(2)(ii) 13

47 C.F.R. § 64.606(h)(2)(iii) 13

47 C.F.R. § 64.606(h)(3) 13

47 C.F.R. § 64.611 ..... 25, 49

47 C.F.R. § 64.613 49

47 C.F.R. §§ 64.2001 to 64.2011 19

47 C.F.R. § 64.2001 *et seq.* 28

Other Authorities

In re Structure and Practices of the Video Relay Service Program, Order Suspending Effective Date, CG Docket No. 10-51 (May 31, 2011) 5

In re Structure and Practices of the Video Relay Service Program, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 10-51(April 6, 2011) 2

In re Structure and Practices of the Video Relay Service Program, Second Report and Order, CG Docket No. 10-51 (July 28, 2011) 2, 5, 13

In re Telecommunications Relay Services and Speech-to-Speech For Individuals with Hearing and Speech Disabilities, Report and Order, Order on Reconsideration and Further Notice of Proposed Rulemaking, CC Dockets No. 90-571, 98-67, 03-123 (June 30, 2004) 18, 31, 34, 36

In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order and Order on Reconsideration, CG Docket No. 03-123 (December 12, 2005) 1, 5, 6

In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123, Order, (Dec. 26, 2007) 22

In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order, CG Docket No. 03-123 (Jan. 8, 2008) 22

In re Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Video Relay and IP Relay Certification Application, CG Docket No. 03-123 (June 22, 2010) 5

In re Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services, Report and Order and Further Notice of Proposed Rulemaking, CG Dockets No. 03-123, 08-15 (June 24, 2008) 25, 35

In re Telecommunications Relay Services And Speech-to-Speech Services For Individuals With Hearing And Speech Disabilities, E911 Requirements For IP-Enabled Service Providers, Report and Order, CG Docket No. 03-123 and WC Docket No. 05-196, (Mar. 19, 2008) 22, 25, 26

In re 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 (Sept. 19, 2008).....25

In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers, Order, Docket Nos. CG Docket No. 03-123 and WC Docket No. 05-196 (June 30, 2011).....23, 35, 47, 48

Other

Interpreter Philosophy, http://say-hey.com/about-us/interpreter-philosophy (last accessed Sept. 15, 2011) 15

Before the
Federal Communications Commission
Washington, DC 20554

In the matter of	)	
	)	
Telecommunications Relay Services and	)	
Speech-to-Speech Services for	)	
Individuals with Hearing and	)	CG Docket No. 10-51
Speech Disabilities	)	
	)	

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

Internet-based TRS Certification Application
Of Say-Hey, Inc.

Say-Hey, Inc. ("SAY-HEY," "Company," or "Applicant") submits this Application pursuant to Section 64.606(a)(2) of the Federal Communications Commission's ("FCC" or "Commission") rules as amended,[7] mandating direct certification of all relay service providers. SAY-HEY hereby demonstrates that it 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"), IP Relay, and IP Captioned Telephone Services ("IP CTS") (collectively referred to herein as "relay services").[8]

[7] 47 C.F.R. § 64.606(a)(2). Hereinafter, unless otherwise noted, all references are to Title 47 of the Code of Federal Regulations.

[8] *See* § 64.606; *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Order on Reconsideration, CG Docket No. 03-123 (December 12, 2005).

By this Application, SAY-HEY demonstrates that it meets or exceeds the entirety of the Commission's Mandatory Minimum Standards ("MMS") for VRS providers.[9] SAY-HEY also meets other applicable Commission regulations,[10] and applicable Commission orders. Finally, SAY-HEY is entitled to a waiver of certain waived MMS because it has and continues to provide Fund-compensable relay services in compliance with the Commission's April 6, 2011, Order. *In re Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 10-51. On this basis, SAY-HEY respectfully requests that it be certified as a Fund-eligible relay services provider.

I. INTRODUCTION

A. Company Overview

In 2009, responding to the perception in the Deaf and Hard-of-Hearing communities ("D/HOH Communities") that entrenched, long-standing providers of relay services were disconnected from the D/HOH Communities, two members of those communities, founded SAY-HEY, Inc., with a mission to deliver reliable, flexible, and inclusive personalized services to the D/HOH Communities. Since November 19, 2009, SAY-HEY has been successfully delivering relay-services under a contract with Lifelinks, a certified relay services provider.

Focusing exclusively on internet-based TRS – and iVRS specifically – the SAY-HEY senior management team comes from major relay services companies and has held key positions in Customer Care, Information Technology, Sales, Operations, Marketing, Finance, and Outreach, collectively bringing over thirty years experience in all aspects of relay-services

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[9] *See* § 64.604, as amended; *In re Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 10-51 (April 6, 2011) *(VRS Practices R&O)*.

[10] *See, e.g.*, §§ 64.605 and 64.606, as amended; *In re Structure and Practices of the Video Relay Service Program*, Second Report and Order, CG Docket No. 10-51 (July 28, 2011) (*VRS Practices Second R&O*).

provision.[11] In keeping with its commitment to operate a business that is in tune with its key users, SAY-HEY's management and its Communication Assistants ("CA") foster and maintain their long-standing associations with the D/HOH Communities, keep close ties to national Deaf organizations, and, importantly management and employees are part of the communities.

SAY-HEY's owners founded the Company in response to the unmet needs of the D/HOH Communities, particularly by entrenched, long-standing providers. The D/HOH Communities perceive the lack of substantial connection between themselves and service providers results in impersonal, inadequate service. SAY-HEY's owners recognized these failings and drew on their technical, managerial, and deaf and hard-of-hearing community experience to deliver reliable, flexible, and inclusive personalized services to the D/HOH Communities. In a highly competitive market, SAY-HEY gives the D/HOH Communities a meaningful choice of relay services providers.

The personnel at SAY-HEY are exceptionally suited to compliant provision of relay services. In addition to its management, SAY-HEY has assembled a team of certified[12] CA professionals, each with years of experience in serving the D/HOH Communities. The Company's mandate is to strive to exceed the MMS and provide an exceptional, personalized client calling experience. The SAY-HEY team of management and CA's use the Company's mandate and its long-standing experience and strong desire to deliver services that surpass the "functionally equivalent" MMS standard. As a result, SAY-HEY is an effective, compliant, and

---

[11] An overview of SAY-HEY's owners and senior management team is attached hereto as confidential **Exhibit A**.

[12] SAY-HEY's CAs must possess valid and current certification through the Registry of Interpreters for the Deaf ("RID"), CSC, a National Interpreter Certificate, CI or CT, or the National Association of the Deaf ("NAD") at level IV or higher, or the Educational Interpreters Performance Assessment ("EIPA") at a 4.0 or higher or an equivalent State certification.

responsible organization, eager and prepared to immediately meet the needs of users and subscribers upon the grant of this Application.

SAY-HEY's infrastructure meets or exceeds the applicable standards for relay services. Applicant has acquired an advanced, interoperable, Internet Protocol ("IP")-based relay calling platform technology, custom-designed to provide maximum flexibility to its users. SAY-HEY designed and developed its relay services platform in conjunction with [REDACTED] an experienced and established service platform designer. A description of the firm is attached as confidential **Exhibit B**. SAY-HEY's platform utilizes a technologically-advanced software application and IP transmission medium, transmitted over broadband facilities. Through Applicant's experience in providing relay services, Applicant has identified specific requirements needed from its relay services platform that have been incorporated and tested to ensure the highest level of quality and flexibility of relay services possible. The relay services platform has also been designed to incorporate extensive automated reporting, ten-digit dialing, and emergency 911 access capabilities to enable effective corporate management and meet regulatory compliance obligations. The relay services platform is scalable to accommodate the Company's anticipated growth, and can be continually updated to incorporate additional features as deemed desirable or necessary in the future. Applicant's relay services platform is interoperable with other VRS and TRS applications, including other VRS provider-specific equipment, and does not preclude callers from accessing other TRS/VRS providers.

B. Procedural History

SAY-HEY has previously made two formal submissions to the Commission. On June 22, 2010, SAY-HEY submitted its *Video Relay and IP Relay Certification Application* (the "First

Application")[13] setting forth the Company's compliance with the then current Commission MMS, certification rules, and other applicable regulations, orders, and policies. The First Application included documentation demonstrating compliance with then-salient amended MMS and then-proposed certification rules that have since been adopted under the Commission's *VRS Practices Second R&O*. Based on subsequent amendments to orders and requirements by the Commission, the Application was never considered by Commission, and it is effectively moot.

On May 23, 2011, SAY-HEY submitted a petition for waiver ("Petition")[14] of the Commission's then-new prohibition against permitted third parties to contract with certified relay providers for the provision of relay services.[15] On May 31, 2011, the Commission dismissed SAY-HEY's Petition as moot.[16]

C. Basis for Current Application

Following release of the Commission's *VRS Practices Second R&O*, SAY-HEY now submits this Application pursuant to the Commission's amended certification rules. In addition to demonstrating its strict and continuing compliance with applicable regulations, SAY-HEY maintains that granting its Application furthers the public interest. Moreover, approval of SAY-HEY as a Fund-eligible relay services provider furthers the objectives of Section 225 of the

[13] *In re Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Video Relay and IP Relay Certification Application, CG Docket No. 03-123 (June 22, 2010).

[14] *In re Structure and Practices of the Video Relay Service Program*, Petition for Waiver, CG Docket No. 10-51 (May 23, 2011).

[15] § 64.604(c)(5)(iii)(N)(1)(iii).

[16] *In re Structure and Practices of the Video Relay Service Program*, Order Suspending Effective Date, ¶ 8, CG Docket No. 10-51 (May 31, 2011).

Communications Act, 47 U.S.C. § 225, and this Commission's stated goals.[17] Certification of SAY-HEY will enhance competition, offering consumers greater choice and innovation to the provision of relay services. Certification of SAY-HEY will indeed introduce an innovative, technologically-advanced competitor to the relay services markets. Certification of SAY-HEY will also stimulate greater broadband deployment,[18] as broadband connectivity is an integral component of SAY-HEY's service, and will bring the provision of relay services a quantum step closer to "functional equivalency" to voice services. SAY-HEY respectfully requests that the Commission certify SAY-HEY's compliance with federal MMS and eligibility for compensation from the federal TRS Fund for VRS, IP relay, and IP CTS accordingly.

For the foregoing reasons, and as specifically demonstrated in the following discussion, SAY-HEY respectfully requests approval of its application.

II. SAY-HEY COMPLIES WITH THE INTERNET-BASED TRS PROVIDER AND TRS PROGRAM CERTIFICATION REQUIREMENTS

SAY-HEY seeks certification as a relay services provider.[19] In order to become eligible to draw upon the TRS Fund, SAY-HEY must submit the following information: (i) describe the forms of TRS it will provide; (ii) describe how it will meet all non-waived MMS; (iii) describe its procedures for ensuring compliance with all applicable TRS rules; (iv) describe its complaint procedures; (v) describe any areas in which its service differs from the applicable MMS; and if so (vi) establish that its deviation from the MMS do not violate applicable MMS; (vii)

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[17] *See, e.g.*, *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order on Reconsideration, ¶ 21, CG Docket No. 03-123 (Dec. 12, 2005).

[18] *See id.* at ¶ 21 & n.81.

[19] § 64.606(a)(2); *nb* § 64.606(a)(1) does not apply because SAY-HEY is not a certified state program.

demonstrate its status as a common carrier; and (viii) aver to file annual compliance reports.[20] SAY-HEY can make each of these showings.

A. SAY-HEY will provide VRS, IP Relay, and IP Captioned Telephone Services ("IP CTS")

The following description of the SAY-HEY's services demonstrates that the Applicant will meet or exceed the standards set forth in the applicable regulations.[21] SAY-HEY seeks certification as a Fund-eligible provider of VRS, IP Relay, and IP Captioned Telephone Services ("IP CTS") services to the Public. SAY-HEY meets applicable standards for these services. First, all of its facilities are capable of operating twenty-four hours a day, seven days a week, three hundred sixty-five days per year.[22] SAY-HEY's Internet-based relay services are available to any D/HOH caller with a high-speed Internet connection, and a videophone device or a personal computer with webcam. Through its advanced relay services platform, SAY-HEY provides relay services with virtually immediate interpreter access, and a multitude of features and reporting data, supported by [REDACTED], an established and recognized communications platform solution developer. SAY-HEY's relay services platform is also designed to support all call types, including Text calling (TRS), and IP relay text messaging, and has the capability to incorporate new supplementary call types, such as Skype-based calls. As such, the services provided meet or exceed all non-waived minimum mandatory standards.[23]

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[20] § 64.604(b).

[21] *See* § 64.606(a)(1); § 64.606(a)(2)(i) (requiring a description of the forms of TRS SH intends to provide); § 64.604(b)(4)(i) **(**requiring relay providers to operate 24 hours a day, every day).

[22] § 64.604(b)(4)(i)

[23] § 64.606(a)(2)(ii)

B. SAY-HEY will meet all non-waived MMS applicable to each form of TRS offered.

SAY-HEY hereby demonstrates that it "will meet all non-waived mandatory minimum standards."[24] In support of this application, SAY-HEY provides "documentary and other evidence," in support of this application. Further, SAY-HEY can "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."[25]

1. *SAY-HEY operates two call centers.*

The Commission's rules with respect to entities operating five or fewer call centers requires the submission of a copy of each deed or lease for each call center. § 64.606(a)(2)(ii)(A)(1). SAY-HEY operates two (2) call centers, one in Roseville, California, and one in Spokane, Washington. Applicant has provided a copy of each lease for each call center it operates as confidential **Exhibit C**. Further, photographs demonstrating the manner in which SAY-HEY's call centers and co-location facilities comply with these regulations are attached as confidential **Exhibits D and E**, respectively (demonstrating the security of each call center, the privacy of each CA station, and back-up power systems).

[24] *Id.*

[25] *Id.*

2. *SAY-HEY owns all technology and equipment used to support call center functions.*

Pursuant to applicable regulations SAY-HEY hereby describes and demonstrates that it owns all the technology and equipment used to support its call centers.[26]. SAY-HEY has purchased an Automatic Call Distribution ("ACD") platform from [REDACTED], an experienced and established service platform provider. SAY-HEY owns all the technology, hardware and services to provision relay services. Evidence of SAY-HEY's ownership and a description of the service platform provider is attached as confidential **Exhibit F** (describing the technology and equipment used to support SAY-HEY's call center functions – including, but not limited to, automatic call distribution, routing, call setup, mapping, call features, billing for compensation from the TRS Fund). In confidential **Exhibit G**, SAY-HEY demonstrates that it owns all its technology and equipment.

3. *Ownership, equity interest, control, and organizational structure.*

Pursuant to the applicable regulation, SAY-HEY identifies its ownership as follows.[27] SAY-HEY is a Delaware C corporation with its headquarters in California. SAY-HEY is wholly owned by Matthew Idler, President and Chief Executive Officer, and Eli Steele. Matthew Idler and Eli Steele are the Company's sole officers and sole members of its Board of Directors. No other individuals or entities currently hold any interest in, or control of, the Company.

4. *SAY-HEY has fourteen employees involved in TRS operations*

Pursuant to the applicable regulation, SAY-HEY provides the following list of its full-time and part-time employees, broken down into executives and officers, video phone installers,

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[26] *See* § 64.606(a)(2)(ii)(A)(4) (requiring description of equipment); § 64.606(a)(2)(ii)(A)(5) (requiring proof of ownership).

[27] § 64.606(a)(2)(ii)(B).

communications assistants, and persons involved in marketing and sponsorship activities.[28] SAY-HEY currently employs six (6) full-time, and eight (8) part-time employees. The distribution of employees is as follows:

> Executives and Officers – four (4) employees (confidential)
> Video Phone Installers – zero (0) employees (confidential)
> Communications Assistants – eight (8) employees (confidential)
> Employees involved in marketing and sponsorship activities – six (6) employees (confidential)

5. *SAY-HEY will retain copies of all employment agreements for five years.*

In compliance with the applicable regulation,[29] SAY-HEY has a policy to maintain "copies of all employment agreements for all of [SAY-HEY's] employees directly involved in TRS operations, executives, and communications assistants, and a list of names of employees directly involved in TRS operations." SAY-HEY also maintains copies of employment agreements not directly involved in TRS operations. Further, SAY-HEY shall retain copies of all employment agreements for a minimum period of five years from the date of this Application, and is prepared to provide copies of employment agreements and a list of all employees to the Commission upon request.[30]

6. *Sponsorship agreements*

At the time of this Application, Applicant declares it has not entered into any sponsorship agreement relating to Internet-based TRS, nor has Applicant entered into any associated written agreements. Therefore, this application does not contain copies of any sponsorship agreements.[31]

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[28] § 64.606(a)(2)(ii)(C)

[29] § 64.606(a)(2)(ii)(D)

[30] *Id.*

[31] *See* § 64.606(a)(2)(ii)(E).

7. *Applicant's complaint procedures meet FCC requirements.*

Pursuant to the applicable regulation, SAY-HEY "makes available for TRS users informational materials on complaint procedures sufficient for users to know the proper procedures for filing complaints."[32] SAY-HEY's complaint procedures are as follows:

Every time SAY-HEY receives a complaint, a representative logs the complaint into SAY-HEY's complaint tracking system. SAY-HEY's customer relationship management system software assigns the complaint a complaint tracking number which is forwarded to the Customer Support Department ("CSD"). The CSD investigates the complaint and responds to the customer within one (1) business day. The CSD achieves a resolution within a reasonable amount of time. The response is recorded in SAY-HEY's complaint log. A supervisor monitors complaint status and ensures that action is taken within the specified period.

If the complaint entails a technical issue, then the complaint is routed to the technical support team, which investigates and resolves the complaint. The technician responsible for resolving the complaint is responsible for responding to the assigned representative, who then communicates with the complainant the resolution when necessary, and the result is documented in the customer relationship management software.

On SAY-HEY's website, a customer may provide feedback. In order to facilitate contact with the customer and provide a resolution when necessary, SAY-HEY requires the customer to provide personal information including the customer's name, email address, video phone number, and a description of the complaint's underlying issues. If relevant, SAY-HEY requests that the customer provide the date and time of the call, the CA's name or number, and their

[32] *See* § 64.606(b)(2)(ii)

internet service provider to allow SAY-HEY more information, thus accelerating the resolution process. In addition, SAY-HEY's website provides its customers direct links to the FCC's website to allow its customers to directly file complaints and/or public comments with the Commission.

8. *SAY-HEY will file annual compliance reports demonstrating its continued compliance with these rules*

SAY HEY will file annual compliance reports demonstrating continued compliance with all applicable FCC rules in the form attached as **Exhibit H**.[33]

9. *SAY-HEY will allow on-site assessment of its Application*

As required by the applicable regulation, SAY-HEY is prepared to welcome the Commission or Commission-designated entity to SAY-HEY's premises at any time and have all such documentation as the Commission may request to demonstrate the representations made herein, and its compliance with the Commission's MMS and additional requirements.[34]

10. *SAY-HEY will report any and all Substantive Changes*

SAY-HEY maintains an internal policy of compliance with all applicable regulations. As part of its policy, if SAY-HEY institutes any substantive change in its TRS programs, services or features, it will notify the Commission within 60 days of such change and provide certification to the Commission that it will continue to meet all applicable MMS following the change. SAY-HEY further acknowledges that "substantive changes" that will trigger notice and certification to the Commission to include, but are not limited to: "(i) The use of new equipment or technologies to facilitate the manner in which relay services are provided; (ii) Providing services from a new

[33] § 64.606(a)(2)(iv).

[34] § 64.606(a)(3).

facility not previously identified to the Commission or the Fund administrator; and (iii) Discontinuation of service from any facility."[35]

11. *SAY-HEY will submit annual reports.*

SAY HEY will file annual compliance reports demonstrating continued compliance with § 64.604 in the form attached as **Exhibit H.**[36]

12. *SAY-HEY will provide service without unauthorized service interruptions*

A certified Fund-eligible provider is required to "provide Internet-based TRS without unauthorized voluntary service interruptions."[37] In the event of a planned interruption or an unforeseen interruption of services, SAY-HEY will comply with the notice and authorization provisions of the applicable regulations.[38]

III. SAY-HEY COMPLIES WITH ALL APPLICABLE MANDATORY MINIMUM STANDARDS

In addition to the aforementioned requirements, the applicable regulations require an applicant to describe how it complies with non-waived mandatory minimum standards.[39] SAY-HEY meets or exceeds the applicable operational, technical, and functional MMS governing the provision of VRS.[40] As such, it merits Commission certification to draw compensation from the federal TRS Fund as a Fund eligible provider.

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[35] § 64.606(f)(2).

[36] § 64.606(g); *VRS Practices Second R&O*.

[37] § 64.606(h)(1).

[38] § 64.606(h)(2)(i), (ii) , and (iii); § 64.606(h)(3).

[39] § 64.606(a)(2)(ii).

[40] § 64.605(a).

A. SAY-HEY meets all Operational Standards

1. *SAY-HEY employs qualified Communications Assistants ("CA").*

SAY-HEY ensures that all CAs it employs for the provision of relay services are "sufficiently trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities."[41] Further, SAY-HEY's "CAs . . . have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette,"[42] and the tested ability to type at least 60 words per minute.[43]

SAY-HEY readily recognizes the importance of engaging professional CAs to serve all callers. SAY-HEY has implemented rigorous hiring and training requirements. To qualify for employment, CA candidates must first meet SAY-HEY's minimum qualifications for employment, and demonstrate complete understanding of SAY-HEY's operating standards, before the CA can begin interpreting. Although many new hires or contractors will have practical interpreting experience, SAY-HEY's CA screening team will also consider educational experience and teacher evaluations for candidates who recently graduated from accredited colleges or training courses. A copy of SAY-HEY's CA hiring guidelines is attached as confidential **Exhibit I**.

At a minimum, SAY-HEY requires a CA to possess State or National certification.[44] The Senior Management Team interviews each CA candidate in American Sign Language ("ASL")

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[41] § 64.604(a)(1)(i).

[42] § 64.604(a)(1)(ii).

[43] § 64.604(a)(1)(iii).

[44] SAY-HEY requires its CAs to maintain professional accreditation through either (a) the Registry of Interpreters for the Deaf (RID), (b) CSC, (c) National Interpreter Certificate, (d) CI or CT, (e) National Association of the Deaf, or (f) EIPA score of 4.0 or higher.

in order to assess whether the CA possesses skill sufficient to meet the established standard, and the high standards set forth by SAY-HEY. That is, SAY-HEY requires CAs to possess the ability to interact with customers from the D/HOH Communities who come from a multitude of backgrounds and preference in language forms. Further, the Senior Management Team assesses whether the CA candidate is capable of working within SAY-HEY's Interpreter's Philosophy, as stated on SAY-HEY's website.[45] SAY-HEY's Interpreter's Philosophy requires a CA to possess "familiarity with hearing and speech disability cultures, languages and etiquette."[46]

As SAY-HEY offers VRS, SAY-HEY's primary focus is placed upon the CA's ability to interpret using ASL. Applicant's relay services platform further utilizes pre-programmed macros to facilitate text interpretation. Nevertheless, because Applicant's relay services platform supports instant text relay, CAs are expected to meet the minimum 60 words per minute standard, which is incorporated into initial screening tests and subsequent evaluation of CAs.

Candidates are then tested in mock calls to determine operating capabilities. If the candidate passes initial testing and is recommended for employment, the candidate's references are verified. Employees may be subject to drug screening. Only after successfully completing all tests and screening, do candidates qualify for employment at the Company's relay centers.[47]

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[45] Interpreter Philosophy, http://say-hey.com/about-us/interpreter-philosophy (last accessed Sept. 15, 2011). According to SAY-HEY's Interpreter's Philosophy, CAs are expected to be able to work in relay services with the functional equivalency of the professional relationship between sign language interpreters and Deaf clients in the field of interpreting. *Id.*

[46] *See* § 64.604(a)(1)(ii).

[47] Contract CAs must also qualify to meet minimum employment standards, even if engaged under contract.

As shown, the initial qualifying process determines whether each CA candidate's experience and skill meets the standard articulated in the applicable regulations.[48] After a CA is hired, SAY-HEY keeps that CA's certifications on file for five years following hire, and periodically reviews them to ensure the CA is up to date on his or her certifications.

In order to ensure that its "VRS CAs are qualified interpreters,"[49] SAY-HEY has implemented extensive training and maintenance procedures. In addition to being required to maintain certification with an approved organization at all times, each newly hired CA undergoes an initial orientation with presentations from senior management regarding company mission, objectives, obligations, and compliance. New hires receive detailed orientation from senior CAs, and are provided reference materials, including a listing of compliance requirements and metrics. CAs are expected to study documents published by the FCC, including the TRS Guide, Consumer Facts, and TRS History Docket. Key points from these documents are then reviewed in detail with the CA in training, emphasizing the role of the CA in remaining compliant with regulations set forth by the FCC. New CAs receive training on each type of call that may be received, and are given an opportunity to engage in mock practice calls to gain confidence in equipment usage and procedures. The new hire is then monitored closely for a minimum of one week, until standards of performance are exceeded. Ongoing monitoring of performance is maintained with identified areas for improvement given a training plan.

In addition, senior management conducts a company workshop every three months to review these documents. Any time the FCC disseminates new compliance information, senior

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[48] §§ 64.604(a)(1)(ii) and (iii).

[49] *See* § 64.604(a)(1)(iv).

management immediately conducts training across the organization to ensure CAs thoroughly understand their responsibilities and roles.

On an ongoing basis, senior management routinely monitors CAs and provides guidance in regards to performance. To evaluate ongoing CA operational standard compliance, Applicant has adopted a quality assurance initiative comprised of three key functions:

1. **Frequent Informal Reviews**. Applicant will conduct periodic informal reviews of CA performance to evaluate work performance, personal effectiveness, and attendance. Results are used to provide CAs with objective performance measures.

2. **Quality Assurance Test Calls**. Test calls will be placed to CAs to evaluate call-processing capabilities. Each CA is given immediate critiques and areas for improvement are underscored.

3. **Subscriber Feedback**. Applicant will also refer to subscriber comments and observations to gauge CA performance.

Applicant's CA review process ensures that standards are met, and moreover, that subscribers' calling experience is exceptional, and that CAs remain proficient in serving subscribers.

In addition to the informational reviews, each CA receives a formal evaluation from a supervisor to ensure that the CA maintains proficiency and meets operational standards. CAs with substandard performance are required to engage in remedial training, are subject to more frequent evaluation, and may be dismissed if performance fails to meet minimum standards.

CAs are required to sign a statement agreeing to be bound by the laws set forth by the FCC and the Registry of Interpreters for the Deaf Code of Professional Conduct throughout the course of their employment with SAY-HEY.

The cumulative effects of SAY-HEY's implementation of these minimum requirements, coupled with extensive screening procedures, ensure that SAY-HEY's CAs are effective in understanding and meeting the communications needs of Applicant's clients.

2. *SAY-HEY's practices conform to standards applicable to TRS calls*

In addition to maintaining the qualifications of its CAs, SAY-HEY complies with applicable, CA-specific regulations[50] in that it has adopted the requirement that "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."[51] SAY-HEY includes this requirement in its training and in performance evaluations. SAY-HEY has incorporated the standard in planning for interpreter staffing requirements, as a function of subscribers served and the probability of TTY-based and STS calls. As a general matter, CAs are instructed to remain on each call until the call is terminated, even if the call extends beyond the CA's shift, unless a change in CA is expressly authorized by the subscriber.

In addition, SAY-HEY currently honors requests for gender-specific CAs upon request.[52] To facilitate the process and enhance a TRS user's access to relay services, Applicant is developing an automated process for enabling callers to select the gender at the time the call is placed and at the time of the call transfer.

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[50] *See* § 64.604(a)(1)(v).

Nb. Speech-to-Speech. ("STS") calling requirements have been waived indefinitely. *In re Telecommunications Relay Services and Speech-to-Speech For Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration and Further Notice of Proposed Rulemaking, ¶¶ 138 and 139, CC Dockets No. 90-571, 98-67, 03-123 (June 30, 2004) ("*2004 TRS Report and Order*").

[51] § 64.604(a)(1)(v).

[52] § 64.604(a)(1)(vi).

At the time of this Application, SAY-HEY has not received any TTY calls. However, in the event SAY-HEY receives any TTY calls, its CAs will transmit the conversation in real time.[53]

3. *SAY-HEY's CAs strictly adhere to confidentiality and conversation content standards.*

The applicable regulations have articulated several confidentiality and conversation content standards:

> 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.[54]

SAY-HEY has adopted strict privacy standards, not only regarding communications content, but also with regard to subscriber data. Communications contact standards pursuant to 47 U.S.C. § 605 and applicable provisions of the Commission Customer Proprietary Network Information rules,[55] are incorporated into SAY-HEY's policies and training programs, including and Code of Professional Conduct compliance training provided to all CAs. *See* confidential **Exhibit J**. CAs are bound to comply with Applicant's confidentiality policy. CAs found to have violated the prohibition against the disclosure of call content and any relayed conversation regardless of content, will be subject to immediate disciplinary action, up to and including termination of employment, following a full investigation of claims of a breach of confidentiality.

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[53] § 64.604(a)(1)(vii).

[54] § 64.604(a)(2)(i).

[55] §§ 64.2001 to 64.2011, implementing Section 222 of the Communications Act of 1934, as amended, 47 U.S.C. § 222.

CAs retain access to call data and the identity of the caller (collectively "call set up data") only so long as the caller is connected to the CA. Call set up data remains confidential and cannot be used for any other purposes, unless in the case of an emergency situation. Following disconnection of a call, the CA does not maintain any ability to review or retain call set up data. Call detail is stored in multiple secure locations, collectively housed at the secure co-location facility, and available exclusively for management reporting purposes in aggregate, and is not accessible to any CA.

Only supervisory staff, solely with the expressed approval of the caller, may monitor a call for quality assurance and training. CAs receive calls in one of SAY-HEY's two call centers, which are physically isolated and preclude inadvertent viewing of a call by other individuals. CAs work from secured premises. CAs work in fully secured and enclosed offices with cubicles, further ensuring privacy of content. CAs utilize hands-free headsets which preclude others from hearing call content.

> 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 SAY-HEY 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.[56]

SAY-HEY CAs are generally bound to this standard through compliance with the Registry of Interpreters for the Deaf's ("RID") Code of Professional Conduct Registry ("CPC"), adopted in whole and without modification by SAY-HEY. Consistent with Applicant's policies regarding

[56] § 64.604(a)(2)(ii).

call content security, prohibitions against altering or summarizing a relayed conversation without the expressed direction of the subscriber are incorporated into SAY-HEY's training program and compliance checklist provided to all CAs. CAs found to have violated such prohibition may be subject to immediate termination of employment following investigation. No call information is retained by the CA once the inbound call is released from the CA position. SAY-HEY's senior management conducts a comprehensive review of the CPC in the initial training. Additionally, during training, senior management emphasizes tenets derived directly from FCC regulations. And SAY-HEY offers quarterly on-site workshops from senior presenters around the country on the subject of the CPC and how it relates to the provision of relay services.

4. *SAY-HEY conforms to FCC standards regarding types of calls.*

The Commission has articulated standards regarding sequential/limited length calls; all types of calls not waived by the Commission; calls requiring credit authorization; pay-per-call calls; and all forms of TRS calls.

a. Sequential/limited length calls

Consistent with the obligations of telecommunications carrier operators, SAY-HEY CAs are prohibited from refusing single or sequential calls or limiting the length of calls utilizing relay services.[57] SAY-HEY has incorporated this standard into its training program and compliance checklist provided to all CAs, and verifies compliance through SAY-HEY's quality assurance. Operationally, the inherent nature of Applicant's relay services platform precludes any CA who is on duty at an interpreting station to refuse any relay call that has been directed to

[57] § 64.604(a)(3).

the CA's station. A confirmed intentional premature call termination by a CA is subject to disciplinary action, up to and including termination of employment.

b. All types of calls not waived by the commission

SAY-HEY's relay services platform is designed specifically to process video relay and text relay calls, which are those types of calls required by the Commission.[58] In addition, Applicant's relay services platform supports other non-VRS calls. Because SAY-HEY does not bill subscribers or called parties for calls, alternative billing calls such as person-to-person, reverse bill, or third-party billed typically placed as operator-assisted calls are inapplicable to SAY-HEY's offerings, and not supported, accordingly. While SAY-HEY does not currently expect to process the types of calls that have been waived by the FCC, SAY-HEY commits to process those types of calls when or if those waivers expire.

c. Say-Hey does not decline calls due to credit authorization

Under § 64.604(a)(3)(iii), "[r]elay service providers are permitted to decline to complete a call because credit authorization is denied." However, this standard is inapplicable because SAY-HEY 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 relay services providers.

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[58] § 64.604(a)(3)(ii). The Commission waived the Types of Calls requirements January 1, 2009. *See In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, *Order*, (Dec. 26, 2007) ("*Extension Order*"). The waivers of certain TRS mandatory minimum standards for VRS and IP Relay will expire on January 1, 2009, except the wavier of the speed dialing requirement for VRS, which will expire on April 30, 2008. *See id.; In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CG Docket No. 03-123 (Jan. 8, 2008); *In re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers*, Report and Order, CG Docket 03–123 and WC Docket No. 05-196 (March 19, 2008) ("*Interim Emergency Call Handling Order*").

d. SAY-HEY is able to handle pay-per-call calls

Further, under § 64.604(a)(3)(iv), "[r]elay services Shall be capable of handling pay-per-call calls." SAY-HEY has the ability to accept pay-per-call calls. When a pay-per-view call is received, CAs simply convey credit or debit card information on behalf of the caller. Such information is translated only and never recorded.

e. SAY-HEY provides all types of TRS Calls

In compliance with applicable regulations, SAY-HEY's platform maintains the capability of supporting all types of calls.[59] SAY-HEY'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. SAY-HEY has the capability to support VCO-VCO calls, VCO-HCO calls, VCO-TTY, and Two-Line VCO calls. SAY-HEY's relay services 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. SAY-HEY supports HCO-HCO calls, HCO-VCO calls, HCO-TTY calls, and Two-Line HCO calls.

[59] *See* § 64.604(a)(3)(v). The Commission extended this requirement 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 re Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers*, Order, Docket Nos. CG Docket No. 03-123 and WC Docket No. 05-196 (June 30, 2011) ("*2011 VRS Waiver Extension Order*").

f. SAY-HEY provides all applicable call functionality

In compliance with applicable regulations,[60] Applicant's VRS platform has built-in subscriber termination capabilities and a frequently called number listing accessible by clicking the appropriate function on the subscriber's computer screen. Callers can also access speed dialing capabilities directly through Applicant's platform. SAY-HEY's relay services platform supports, and CAs are trained to perform, three-way calling**.**

Furthermore, SAY-HEY provides the functionality to record voice mail messages for subscribers who currently use voice mail devices, as requested by the subscriber. Applicant is working with its platform provider to establish a process for recording video mail and informing subscribers of new messages, which can be accessed directly by the subscriber.

5. *SAY-HEY complies with the Commission's registered location requirement.*

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.[61]

In order for subscribers to select SAY-HEY as a preferred (default) provider and access SAY-HEY's platform, subscribers are required to affirmatively register with SAY-HEY. Through this registration process, subscribers are required to provide necessary contact

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[60] § 64.604(a)(3)(vi).

[61] § 64.605(b)(4).

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.say-hey.com, via email to support@say-hey.com, or by contacting SAY-HEY's customer service in writing or telephonically, with proper verification of identity. Further, SAY-HEY's operating procedures dictate that CAs verify Registered Location information on all emergency calls, as noted, *infra*, at Section III.A.6. SAY-HEY provides users with specific information on the use of customer proprietary network information to be collected for complying with 911 access requirements.

6. *Handling of emergency calls.*

As an Internet-based VRS provider, SAY-HEY does not propose to provide TTY-based TRS. As such, it is required to comply with the regulations and orders pertaining to emergency call handling requirements for VRS providers and related provisions for Internet-based TRS Registration.[62] SAY-HEY's relay services platform has been designed to comply with the applicable rules and regulations. As such, SAY-HEY will be able to determine the 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.[63]

The relay services platform has the capability to determine callers' physical locations through access to the Neustar Registered Location database, and route emergency 911 calls to

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[62] *See* § 64.605(b) (emergency call handling requirements for VRS providers); § 64.611 (requirements for Internet-based TRS Registration); § 52.34. SAY-HEY's technology would permit SAY-HEY to support TTY-based TRS, and the Company intends to continue to maintain this ability without actually offering this service.

[63] *See Interim Emergency Call Handling Order*, amended, Order, at App. B, CG Docket No. 03-123 and WC Docket No. 05-196 (Sept. 19, 2008).

the Public Safety Answering Point responsible for serving each caller, through arrangements with other carriers, including incumbent local exchange carriers. Applicant will receive ten digit North American Number Plan telephone number assignments for subscribers through its arrangement with its numbering partner.[64]

Further, SAY-HEY avers to prominently inform subscribers of the process for placing emergency VRS 911 calls in promotional materials, SAY-HEY's website, and when users access SAY-HEY's relay services platform via the Internet.[65] Text of this notice is also attached at confidential **Exhibit K**.

7. *SAY-HEY complies with the Section 64.605 emergency calling requirements*

In compliance with the requirement that it "provide a system that ensures that the provider answers an incoming emergency call before other non-emergency calls," emergency SAY-HEY's relay services platform has a separate high priority queue for emergency calls.[66] When an emergency call enters the queue, all CA positions are notified by an indicator in the queue. The emergency call is directed to the next available CA before any other call is connected. When an emergency call is received by a SAY-HEY CA, the CA follows the regulations by either ascertaining the caller's name and location information or using the Registered Location of the user if it is available.[67]

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[64] *See* § 64.611, as promulgated by the Commission. *In re Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services*, Report and Order and Further Notice of Proposed Rulemaking, CG Dockets No. 03-123, 08-15 (June 24, 2008) (governing assignment of uniform, conventional ten-digit telephone numbers by all Internet based telecommunications relay service providers) ("*Ten-digit Report and Order*").

[65] *See Interim Emergency Call Handling Order*.

[66] § 64.605(a)(1)(ii).

[67] § 64.605(a)(1)(iii)

a. Existing protocols

Until it receives certification by the Commission as eligible for compensation from the federal TRS Fund, SAY-HEY is unable to access Neustar, Inc.'s Registered Location numbering assignment database portal. Currently, absent a direct connection with Neustar's Registered Location database, the CA connects to the E911 service. The E911 service records the caller's ten digit number to place the emergency call and automatically routes the call to the nearest PSAP. The PSAP utilizes the service address information as forwarded by [REDACTED] to determine the location of the caller. The CA utilizes a popup window that displays the caller's full name and physical address, and uses this information to confirm the location of the caller to the PSAP, and to update any differences or changes in location.

If the E911 service is unresponsive or other failure occurs, SAY-HEY's policies comply with the applicable regulations in that the CA records the current location or address of the caller on a small dry erase board, repeats the information to the caller to ensure accuracy and performs an internet search on the address to determine the nearest police dispatch phone number. The CA immediately initiates a static connection to that number and reports the call scenario, address of the caller, and then initiates dialogue about the nature of the emergency call.[68]

Should the CA become disconnected from one or both legs of an emergency call, Applicant's standard operating procedure directs CAs to obtain PSAP contact information immediately, and establish the TRS user's identity to ensure that in the event that the call is

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[68] § 64.605(a)(2)(i) requires a CA 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.

disconnected, the call can immediately be re-established.[69] And in an effort to protect the confidentiality of all customer proprietary information, SAY-HEY strictly complies with the regulations requiring it to:

> 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.[70]

SAY-HEY will continue to follow these policies and procedures with regard to emergency calls upon certification.

b. Protocols to be implemented upon certification

SAY-HEY will implement the following additional steps upon certification by the Commission. If SAY-HEY receives an emergency call initiated by "registered users whose Registered Location is in a geographic area served by a Wireline E911 Network and is available to the provider handling the call,"[71] as a certified provider, SAY-HEY will be able to access Neustar, Inc.'s Registered Location numbering assignment database portal and populate user data with assigned ten digit numbers that reflect the user's physical location for use in proper routing of emergency calls to the local public safety access point emergency authority that corresponds to the caller's location, and to relay the call to that entity. SAY-HEY's relay services Platform is configured to automatically identify the caller's registered location and

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[69] § 64.605(a)(2)(v) requires a CA to "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."

[70] § 64.605(a)(2)(vi); § 64.604(a)(2)(i); § 64.2001 *et seq*. (Commission's Customer Proprietary Network Information rules).

[71] § 64.605(b).

telephone number. The CA identifies the Applicant and provides the CA's identification number to the PSAP, in conjunction with ANI information obtained through Neustar's Registered Location database. These procedures comply with the requirements of the applicable regulations.[72] Certification will permit implementation since Applicant is currently precluded from registering with Neustar, Inc. for access to the Registered Location Database until certified.

As a certified provider, Applicant will begin directly maintaining the caller's registered location from the onset of its operations, the Registered Location will be a matter of record for all subscribers. Nevertheless, in an abundance of caution, CAs will be directed to confirm the registered location on each 911 emergency call before directing the call to the appropriate PSAP through the relay services platform.

Applicant's relay services platform will automatically transmit both the caller's name and Registered Location. The Platform will also identify to the PSAP Applicant as the relay provider and the CA's identification and call back numbers with the data transmitted to the PSAP. Moreover, Applicant will, as required, "route all 911 calls through the use of ANI and, if necessary, pseudo-ANI, via the dedicated Wireline E911 Network."[73] And SAY-HEY's relay platform is configured to automatically both SAY-HEY and the CA's identification number to

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[72] § 64.605(b)(2)(ii), requires that the VRS provider

> 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."

[73] § 64.605(b)(2)(iii).

the PSAP, in conjunction with ANI information obtained through Neustar's Registered Location database.[74]

Furthermore, where the appropriate emergency authority or PSAP is incapable of processing the Automatic Number Identification ("ANI") or location of the emergency caller, SAY-HEY's policy and its training procedures require the CAs to continue:

> 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.[75]

In order for subscribers to select SAY-HEY as a preferred (default) provider and access SAY-HEY's platform, subscribers are required to affirmatively register with SAY-HEY. 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.say-hey.com, via email (support@say-hey.com), or by contacting SAY-HEY's customer service in writing or telephonically, with proper verification of identity. Further, SAY-HEY's operating procedures dictate that CAs verify Registered Location information on all emergency calls, as noted, *supra*. SAY-HEY provides users with specific information on the use of customer proprietary network information to be collected for complying with 911 access requirements.[76]

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[74] § 64.605(b)(2)(iv).

[75] § 64.605(b)(3).

[76] § 64.605(b)(4) (obtaining physical location of user prior to initiation of service and allowing updating of this information).

As discussed in detail in Section III.7.a., *supra*, the SAY-HEY protocols already in place are capable of addressing the failure of the 10 digit ANI method by using back-up methods to confirm the subscriber name and location information at the beginning of any 911 call.

8. *SAY-HEY has the ability to process STS Called Numbers.*

> 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.[77]

SAY-HEY's relay services platform has the ability to process STS calls, as well as the capability of maintaining a list of names and telephone numbers which STS users might call, based on caller usage. SAY-HEY's relay services platform enables 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 user's screen. The subscriber's personal list is maintained on the relay services platform, which obviates the need for maintaining a list at the relay center, and creates an additional level of security for the user.

9. *SAY-HEY prohibits visual privacy screens/idle calls.*

> 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.[78]

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[77] § 64.604(a)(5). The requirement has been waived indefinitely for VRS. *See 2004 TRS Report & Order*, App. E.

[78] § 64.604(a)(6).

SAY-HEY's training program directs CAs to never enable a visual privacy screen or any such feature as may obfuscate the CA's identity. CAs 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 terminate the call in such instances, unless one of the parties indicates an intent to continue the call.

10. *SAY-HEY complies with the Commission's rules regarding international calls.*

> 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.[79]

SAY-HEY 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 no less than two weeks or 14 days prior to departing the United States with his or her default provider prior to leaving the country. When registered, the IP number is placed on a "white/black list." The list is centrally controlled by the relay services platform administrative module to control allowable IP addresses from pre-registered TRS users to connect to the service. The IP number is valid only 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. In no event may an IP address be on the "white" list for longer than four

[79] § 64.604(a)(7).

weeks. In addition, SAY-HEY has established geolocation-based IP address screening measures to ensure that service inbound IP addresses are derived within the United States.

When SAY-HEY's relay services platform receives an incoming call, any non-US conforming IP addresses will be audited first against the "white/black list," then against the geolocation screening service. If either the "white/black list" or the geolocation screening services validates the IP address as originating within the United States, the call is routed to the queue for the next available CA. If the call cannot be validated by either means, it is immediately disconnected. As an additional layer of validation, SAY-HEY will ensure accuracy of the Call Data Record by validating all call record IP addresses as originating from within the United States and IP addresses on the white list prior to billing submission.

B. Technical Standards

1. *SAY-HEY is capable of communicating with ASCII and Baudot formats.*

SAY-HEY's relay services platform supports text messaging, and may be accessible through other forms of conventional text/data transmissions including ASCII and Baudot format, generated through most TRS equipment.[80]

2. *SAY-HEY meets the speed of answer standard.*

To insure adequate staffing and provide callers efficient access to its services,[81] SAY-HEY has acquired an algorithm that enables accurate calculation of the number of CAs needed to support registered subscribers in order to maintain a P.01 voice grade of service equivalency and Commission answer time standards, based on anticipated call volumes by time of day. This algorithm has been tested and has been demonstrated effective in ensuring proper staffing. The

[80] § 64.604(b)(1).

[81] § 64.604(b)(2).

algorithm generally calls for 40 CAs to support the first 1,000 subscribers, and 30 CAs per each additional 1,000 users, based on standard usage data available to the Company. SAY-HEY further engages in active usage monitoring to determine staffing adjustments by time of day, in accordance with actual calling volumes by time, which will be used to refine the algorithm. The relay center supervisor will monitor available interpreters both directly and through real time relay services platform call management reports. If call volumes appear particularly high, the supervisor will be able to contact "on-call" CAs and bring them online within a reasonable amount of time. This flexibility ensures that SAY-HEY maintains sufficient staff to exceed service quality standards, even under exceptional instances of heavy call volumes.

Initial live test data results indicate compliance with the speed of answer requirements under the applicable regulations.[82] Specifically, subscribers are able to reach interpreters within five seconds and no more than 20 seconds from the time a call is connected even during the busiest calling times. The ability to actively monitor call volumes and assign CAs to support Applicant's relay service in real time noted, *supra*, ensures that the minimum service quality standards are met and exceeded on a daily and ongoing basis as projected call volumes are expected to increase. Broadband facility capacity is constantly monitored by SAY-HEY's technical staff to gauge usage and anticipate the need to augment facilities. SAY-HEY is prepared to submit to the FCC an annual MMS compliance report, which summarizes the provider's speed of answer data for the prior twelve-month period, set forth in the *2004 TRS Report and Order*, as amended.

[82] § 64.604(b)(2)(ii).

SAY-HEY is in current compliance of the speed of answer requirements for VRS providers,[83] and has adopted procedures to ensure that it remains compliant on a going forward basis. To ensure continued compliance, SAY-HEY utilizes reports generated by its service platform provider on a weekly, monthly, quarterly, and as demanded, basis. The most recent report is attached as confidential **Exhibit L**.

3. *SAY-HEY provides users equal access to interexchange carriers.*[84]

SAY-HEY's relay services supplements, but does not replace existing subscriber interexchange services if the subscriber is presubscribed to a telecommunications provider. Subscribers retain access to their presubscribed interexchange (and local) carriers.[85] To the extent that subscribers will exclusively rely on SAY-HEY as the subscriber's presubscribed service provider, as envisioned under the Commission's *Ten-digit Report and Order* governing assignment of uniform ten digit telephone numbers, subscribers will not, as a practical matter, require access to a wireline interexchange carrier.

As SAY-HEY's relay services are accessed through the Internet, interexchange calls placed through Applicant are billed to SAY-HEY, rather than to the subscriber, obviating the need for a subscriber to require access to a particular carrier. Applicant intends to provide domestic interstate and international long distance services, as required by the Commission, at no cost to callers. Nevertheless, SAY-HEY has 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, should the subscriber so request.

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[83] § 64.604(b)(2)(iii).

[84] Waived through July 1, 2012. *See 2011 VRS Waiver Extension Order*.

[85] § 64.604(b)(3).

4. *SAY-HEY's TRS meet the Commission's requirements.*

Operating Hours. The Commission's rules require TRS providers to "operate every day, 24 hours a day. SAY-HEY CAs are on duty 24 hours per day, 7 days per week, every day of the year, and each of SAY-HEY's facilities currently or have the capability to operate 24 hours a day, 7 days per week, every day of the year.

Redundancy features. "TRS Shall have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use."[86] SAY-HEY's relay services platform operates on a cluster of servers, in a master/slave system. In the event of a hardware- or software-based failure, new calls are acquired seamlessly regardless of how the system failed. Emergency power is maintained to all CA equipment, servers, and facilities that support the relay center operations. SAY-HEY's platform also utilizes an uninterruptible power supply ("UPS"), to supply emergency backup power to maintain its servers and infrastructure, including calls in progress during the power outage of the system for up to 24 hours after a power failure. Emergency generators are used in the event of a catastrophic emergency at the Company's co-location facilities. Call and other support data are backed up no less than twice a day and copies are backed up off site, to ensure that data cannot be lost. In exceptional cases of extreme service affecting outages, SAY-HEY also has the capability to route relay calls to other call centers that are prepared to support users. SAY-HEY's call centers are housed in commercial buildings that meet applicable codes for fire suppression. SAY-HEY has access to portable fire extinguishers throughout the relay centers to enable immediate fire suppression in the event of containable fires.

[86] § 64.604(b)(4)(ii).

Prohibition against operation out of the home. SAY-HEY CA's perform all functions exclusively from SAY-HEY call centers, which are contained entirely within commercial buildings and not, as prohibited by the Commission, in any private residence.[87]

Requirement regarding ACD platforms.[88] SAY-HEY has purchased its ACD relay services platform from a service platform company. The relay services platform is purchased on an established fee basis that is in no way based on revenue sharing or compensated upon call or per-minute usage. All equipment associated with SAY-HEY's relay services platform is physically located in SAY-HEY's co-location facility and headquarter offices in Roseville, California, and is accessed and managed exclusively by the Company's employees. Evidence of SAY-HEY's compliance is attached as confidential **Exhibits F and G**; photographs of the co-location facilities are attached as confidential **Exhibit D**.

5. *SAY-HEY's technology complies with the Commission's standards.*

> In compliance with applicable regulations, Applicant's relay services platform is designed and built by a service platform manufacturer and represents one of the most technologically advanced relay services solutions available today.[89]

SAY-HEY's relay services platform draws on knowledge gained through the evolution of telecommunications technology and standards. Combining Session Initiation Protocol ("SIP"), Voice over Internet Protocol ("VOIP"), proprietary consumer endpoint gateways, the Internet, and relay center call distribution and management technology, SAY-HEY provides reliable relay service communications for the speech and hearing impaired. SAY-HEY's relay services platform currently utilizes Internet Protocol, although SS7 technology may be used.

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[87] § 64.604(b)(4)(iii).

[88] § 64.604(b)(4)(iv).

[89] § 64.604(b)(5).

6. *SAY-HEY's platform comports with the Commission's Caller ID requirements.*

SAY-HEY's relay services platform passes through the number of the center from which the CA is placing the call. With the advent of ten digit telephone number assignments discussed, *infra*, the Company's platform will also have the capability of passing through the called party's assigned ten digit telephone number. This meets the applicable regulation requirements.[90]

C. SAY-HEY's procedures meet the Commission's Functional Standards

1. *SAY-HEY properly maintains consumer complaint logs.*

SAY-HEY currently maintains a regulation complaint log associated with its VRS service.[91] According to the terms of its contract with Lifelinks, SAY-HEY submits the complaint log to Lifelinks. As a Fund-eligible VRS provider, SAY-HEY will submit the complaint log to the Commission by July 1 of each year, and more often upon request. A sample of the complaint log SAY-HEY will submit to the Commission is attached as confidential **Exhibit M**. Users have, and will continue to have, the ability to initiate complaints to a representative via electronic mail to the Company's customer service address, and via the Company's web site, www.say-hey.com. Complaints are logged into SAY-HEY's complaint tracking system. The representative who received the complaint will assign the complaint a tracking number, investigate the issue, and respond to the complainant in no more than one (1) business day. The response is recorded in SAY-HEY's complaint log. A supervisor monitors complaint status and ensures that action is taken within the specified period.

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[90] § 64.604(b)(6).

[91] § 64.604(c)(1)(i).

If the complaint entails a technical issue, then the complaint is routed to the technical support team, which investigates and resolves the complaint. The technician responsible for resolving the complaint must respond to the assigned representative, who then communicates the resolution with the complainant when necessary, and the result is documented in the customer relationship management software.

SAY-HEY maintains a complaint response time of between 48 to 72 hours for complaints requiring research. Further, SAY-HEY has pursued a proactive customer education initiative to assist customers in better understanding how to use SAY-HEY's service and minimize inquiries. Moreover, SAY-HEY is prepared to submit its complaint logs to the Commission on an annual basis.[92]

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.

As required under the applicable regulations,[93] SAY-HEY publishes on its website and hereby submits the following information regarding the name and address to which complaints, grievances, inquiries, and suggestions should be directed is:

Mr. Matt Idler
Say-Hey, Inc.
1474 Stone Point Drive
Roseville, CA 95661
Telephone: (916) 367-0950
Email: matt [at] say-hey [dot] com

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[92] § 64.604(c)(1)(ii).

[93] § 64.604(c)(2).

Should the designated individual or address change, SAY-HEY shall inform the Commission of the name and address of the senior individual responsible for complaints, grievances, inquiries, and suggestions within one business day of the date of said change. Further, all general contact information for SAY-HEY is:

Voice telephone: (800) 285-7460
Fax number: (916) 404-4899
E-Mail Address: support@say-hey.com
Web Address: http: www.say-hey.com
Say-Hey Access: (855) 855-8125, www.say-hey.com.

And the physical address to which correspondence should be sent.

Say-Hey, Inc.
1474 Stone Point Drive
Roseville, CA 95661

3. *Public Access to Information.*

As part of its marketing strategy and in compliance with applicable regulations,[94] SAY-HEY will engage in an outreach program entailing marketing and targeted educational services targeted to the Deaf and Hard-of-Hearing communities:

Advertising. SAY-HEY presently encourages CAs to work in the field of interpreting outside of the SAY-HEY interpreting center regularly and accommodates the scheduling needs of interpreters to support that. SAY-HEY encourages their CAs to be actively involved in their local RID chapter and local Deaf advocacy organizations. Applicant will encourage its CAs to remain active in the D/HOH Communities, to participate in events, maintain contact with community service organizations, and serve as ambassadors for the Company to the D/HOH Communities. Applicant will also explore effective use of Internet advertising and outreach

[94] § 64.604(c)(3).

through its web site, and outreach activities in person at major events within the D/HOH Communities. Applicant will also advertise to other markets that do not primarily serve the ASL community. These markets include the Oral Deaf and the Late Deafened. Applicant will advertise in various publications and media formats serving these communities.

Partnerships and Affiliations. SAY-HEY will also broaden partnerships and affiliations primarily with local service organizations devoted to serving the D/HOH Communities to make information concerning the Company's relay services widely available. Some of the many partnerships opportunities include partnerships with National Association for the Deaf, Registry of Interpreters for the Deaf, USA Deaf Sports Federation, and Hearing Loss Association with whom Applicant's executive team has ties. Applicant will also form partnerships with various Deaf professional organizations serving hearing loss professionals such as doctors, lawyers, and accountants. In addition to these deaf organizations, Applicants will also seek to partner with organizations such as AARP to reach the Senior Citizen community. Additionally, SAY-HEY will engage in corporate marketing and educational programs, and consider sponsorship opportunities to broaden company name and service recognition. Further, SAY-HEY encourages its CAs to provide interpreting services to local community service groups.

4. *Rates*

SAY-HEY's subscribers will not be charged for SAY-HEY's VRS service. As such, it complies with the rate requirements of the applicable regulations.[95]

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[95] § 64.604(c)(4).

5. *Jurisdictional Separation of Costs.*

SAY-HEY 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 the applicable regulations, and any such additional procedures adopted by the administrator.[96] SAY-HEY's management team has extensive experience in the reporting process. In addition, SAY-HEY shall submit speed of answer data in compliance with applicable regulations.[97]

All required data shall be collected and reported in compliance with the automated record keeping requirements of the applicable regulations.[98] Upon receiving a call, SAY-HEY automatically generates a Call Data Record ("CDR"). The CDR is composed of all the events occurring during the call, e.g., the beginning of the call, when the call was answered, when the call was transferred, and when the call disconnected. The CDRs are compiled, stored in a secure database, and exported to a back up database nightly, weekly, and monthly, and sent to secure off-site locations. SAY-HEY's relay services platform has a localized record keeping system capable of taking in data regarding the database itself and the active call log. Because the active platform has its own proprietary database running, the call detail log is derived via a sub-database, with redundancy features.

Certification. SAY-HEY affirmatively acknowledges and will adhere to its obligation to certify through its President and Chief Executive Officer that each and every request for

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[96] §§ 64.604(c)(5)(iii)(C)(1), (2).

[97] § 64.604(c)(5)(iii)(C)(3).

[98] § 64.604(c)(5)(iii)(C)(4).

compensation is truthful, accurate, and does not result from any impermissible financial incentives or payments to generate calls.[99]

Audits. SAY-HEY affirmatively acknowledges and will adhere to its obligation to submit to annual, or at times determined by the auditing entity, audits from the fund administrator and the Commission, including the Office of Inspector General.[100] SAY-HEY 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.

Call data record retention. SAY-HEY 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.[101]

D. Information filed with the administrator provided under penalty of perjury[102]

SAY-HEY 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 of the Communications Act and the Commission's rules and orders, and are not the result of impermissible financial incentives or payments to generate

[99] § 64.604(c)(5)(iii)(C)(5).

[100] § 64.604(c)(5)(iii)(C)(6).

[101] § 64.604(c)(5)(iii)(C)(7).

[102] Sections 64.604(c)(5)(iii)(D)-(K) require no response, and are acknowledged by Applicant.

calls.[103] 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. SAY-HEY implements procedures for the suspension/withholding of payment.

SAY-HEY presently complies with, and will continue to implement the procedures set forth in the applicable regulations for suspension/withholding of payment.[104]

F. SAY-HEY complies with provisions affording protections to whistleblowers.

SAY-HEY affirmatively acknowledges, and avers compliance with the Whistleblower protections promulgated under amended Commission rules.[105] SAY-HEY avers further 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. SAY-HEY 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. SAY-HEY's whistleblower policies are attached as **Exhibit N**.

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[103] § 64.604(c)(5)(iii)(I).

[104] § 64.604(c)(5)(iii)(L).

[105] § 64.604(c)(5)(iii)(M).

G. Additional Obligations.

1. *Eligibility for reimbursement from the TRS Fund.*

SAY-HEY, under its present contractual obligations, and upon certification by the Commission, complies with its identification obligations to the Public as a Fund-eligible certified entity.[106] SAY-HEY identifies its website as www.say-hey.com, and its videophone number to be (855) 855-8125. Moreover, upon certification by the Commission, users may connect to SAY-HEY through their videophones by dialing say-hey.tv and sayhey.tv. At this time, SAY-HEY does not intend to identify itself as a provider of Spanish VRS.

Moreover, SAY-HEY does not now, nor will it, 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.[107] As documented in confidential **Exhibits B-F**, and all documentation, SAY-HEY will only contract with Fund-eligible providers for all call center functions, and then only to the extent necessary and permitted by law.

Finally, SAY-HEY 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 SAY-HEY's contracts, which has and will continue to enter into in writing in accordance with the applicable regulations.[108] Further, SAY-HEY does not contract with any other entities for its functions related to marketing or outreach.

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[106] §§ 64.604(c)(5)(iii)(N)(1)(i), (ii).

[107] § 64.604(c)(5)(iii)(N)(1)(iii).

[108] §§ 64.604(c)(5)(iii)(N)(1)(iv); 64.604(c)(5)(iii)(N)(1)(v).

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: (i) the complete street address of the center; (ii) the number of individual CAs and CA managers; and (iii) 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.[109]

SAY-HEY 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.*

In compliance with applicable regulations,[110] and as a matter of corporate policy, SAY-HEY 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, as can be verified by the Commission.

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[109] § 64.604(c)(5)(iii)(N)(2).

[110] § 64.604(c)(5)(iii)(N)(3).

4. *Remote training session calls.*

In compliance with applicable regulations,[111] SAY-HEY affirmatively acknowledges that VRS calls to a remote training session or a comparable activity will not be compensable from the TRS Fund. SAY-HEY states further that it has at no time sought Fund compensation for such calls.

IV. SAY-HEY COMPLIES WITH THE WAIVED MANDITORY MINIMUM STANDARDS FOR THE PROVISION OF FEDERALLY-FUNDED VRS

A. 2011 VRS Waiver Extension Order

SAY-HEY demonstrates as follows that it continues to comply with those MMS that have been waived for VRS subscribers.[112]

SAY-HEY has complied with the *One-line VCO, VCO-to-TTY, VCO-to-VCO, Call Release, and Pay-Per-Call (900)* call requirements since its inception.[113] SAY-HEY's infrastructure has the ability to VRS for all call types even though some of these types have never been sought by users.

1. *Types of Calls (Operated Assisted Calls and Long Distance Calls).*

SAY-HEY maintains procedures that enable use of operator assisted calling through the caller's preferred carrier or SAY-HEY's default presubscribed carrier's operator services, and the ability to pass along caller credit card information for purposes of billing pay-per-call calls.[114] Since its inception, SAY-HEY has not billed callers for long distance services as a partner of a Fund-eligible certified provider, consistent with Equal Access obligations.

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[111] § 64.604(c)(5)(iii)(N)(4).

[112] § 64.606(a)(2)(ii); *2011 VRS Waiver Extension Order*.

[113] *2011 VRS Waiver Extension Order*, at ¶¶ 8, 9.

[114] *Id.* at ¶ 16.

2. *Equal Access to Interexchange Carriers.*

SAY-HEY has complied with the *Equal Access to Interexchange Carriers* requirement since its inception as a partner of a Fund eligible certified provider, by not charging callers to place long distance calls.[115] SAY-HEY maintains that the new numbering and registered location requirements adopted in 2009 moot the very need to maintain this exemption. Subscribers are effectively presubscribed to each VRS provider. It is virtually inconceivable that a subscriber would request to be routed to an interexchange carrier. The D/HOH Communities have come to expect that interexchange calls placed via VRS will not be subject to separate charges. Those subscribers who may also maintain separate interexchange services are otherwise not impacted. SAY-HEY has not experienced an instance where a caller has requested to be routed over a specific interexchange carrier before or after implementation of the numbering and registered location requirements as a partner of a Fund eligible certified provider.

3. *Speech-to-Speech.*

"In the *2000 TRS Report & Order*, the Commission recognized STS as a form of TRS and required that it be offered as a mandatory service. The Commission waived this requirement indefinitely for VRS, noting that STS is a speech-based service, whereas VRS is a visual service using interpreters to interpret in sign language over a video connection."[116] As is the case with TTY-to-TTY calls, SAY-HEY maintains the technical capability to process such calls, though its experience with such calls is virtually non-existent.

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[115] *Id.* at ¶¶ 12-13.

[116] *Id.* at ¶¶ 20.

V. SAY-HEY MEETS ADDITIONAL COMPLIANCE REQUIREMENTS.

In addition to the foregoing, Applicant affirmatively acknowledges, and will comply with, all applicable regulations associated with the provision of VRS including but not limited to, Section 64.611 (addressing Internet-based TRS registration), and Section 64.613 (addressing Numbering directory for Internet-based TRS users), as amended, applicable Commission orders and policies, as may be amended from time to time.

VI. PUBLIC INTEREST SHOWING

Though no public interest showing is explicitly required under the Commission's certification rules as amended, SAY-HEY maintains that the grant of the instant Application is in the public interest. Although certification of compliance with federal MMS is fact-based and does not impose a public interest standard test, Applicant maintains that the granting of the instant Application is in the public interest and will benefit the public throughout the United States.

A. Applicant's Service Will Introduce A Technologically-Advanced IP-Based VRS Option To the Public That Brings Deaf and Disabled Users a Step Closer to "Functionally Equivalent" Communications.

SAY-HEY's relay services platform will enable users to gain additional flexibility in communications. SAY-HEY's relay services is accessible from any computer having a wireline or wireless broadband connection users gain mobility and enhanced ease in connection. Users will not require specialized equipment, but will be able to expand the utility of their computers for sight-based, interactive communications from a home, office, or remote location. These capabilities bring the speech and hearing disabled a major step closer to the "functionally equivalent" communications they deserve, and that Congress and the FCC have established as a matter of public policy.

B. The Granting of the Instant Application Will Promote Innovation and Improved Service by All Providers

The granting of the instant Application will provide the public, and Deaf users in particular, with an added choice of service providers. This new alternative will create competitive pressure on existing providers to innovate, incorporate new advanced technology approaches, and improve service offerings and capabilities, to the ultimate benefit of consumers. While SAY-HEY will use a relay services platform that adopts some standard conventions, the platform nevertheless is technologically advanced, and has allowed the Company to further invest in innovative technology designed to meet the MMS, and moreover, approximate functionally equivalency. Yet the key to SAY-HEY's success will ultimately be in how the Company differentiates itself from other providers, consistent with basic competitive business practices. SAY-HEY maintains that its established connection with the Deaf Community and dedication to providing an exceptional caller experience by focusing on caller needs through service and technology, among other factors, will directly contribute toward making SAY-HEY a desirable provider of relay services.

C. The Granting of the Instant Application Will Enhance Access to Information Through SAY-HEY's Outreach Efforts

SAY-HEY will engage in outreach, which will include information regarding relay service accessibility and moreover, a host of information that will benefit the speech and hearing impaired community, as discussed above. SAY-HEY commits to fund an outreach program that will increase the accessibility of information and program content geared to enhancing the lives of speech and hearing impaired.

D. SAY-HEY Will Contribute to the Expansion of the Pool of Certified CAs.

SAY-HEY will devote resources to accredited educational institutions that maintain certified CA training programs to help expand the pool of CAs. SAY-HEY is evaluating a number of successful interpreter training programs to improve access and quality of such programs with the goal of expanding the supply of highly qualified interpreters available to the Deaf community in all settings. SAY-HEY offers mentoring for students in local interpreter training programs by its senior CAs. Further, SAY-HEY will create job opportunities for graduates, and will assist educational institutions with job placement, as desired by the institution.

E. SAY-HEY Will Contribute to the Deployment of Broadband Access.

As SAY-HEY's relay services is broadband-based, use of SAY-HEY's relay services will increase demands for broadband services. This will accelerate broadband deployment, consistent with federal and state policies.

VII. CONCLUSION

By the instant Application, Exhibits, and statements made by the Company's President and Chief Executive Officer subject to penalty of perjury, SAY-HEY hereby demonstrates that it meets or exceeds the Commission's MMS, has met the Commission's certification requirements, as amended, and is otherwise in compliance with Commission orders and policies governing the provision of video relay services as a federal Telecommunications Relay Service Fund eligible certificated provider. SAY-HEY respectfully requests that the Commission now grant SAY-HEY certification as a Telecommunications Relay Service Fund eligible provider, accordingly. SAY-HEY further requests that it be granted certification as a Telecommunications Relay

Service Fund eligible provider on or before October 1, 2011, to ensure the seamless provision of VRS to its subscribers and the Public.

A Verification attesting to the truth, accuracy, and completeness of this Application under penalty of perjury signed by me as President and Chief Executive Officer of SAY-HEY and notarized, is attached.

Respectfully submitted this 21 day of September, 2011,

Say-Hey, Inc.

By: _____

Matt Idler
President and Chief Executive Officer
Say-Hey, Inc.
1474 Stone Point Drive
Roseville, CA 95661
Telephone: (916) 367-0950

STATE OF CALIFORNIA)
) ss.
COUNTY OF PLACER)

VIII. VERIFICATION

I swear under penalty of perjury that I am Matt Idler, President and Chief Executive Officer of Say-Hey, Inc. an officer of the above-named applicant, and that I have examined the foregoing submissions, and that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.

Say-Hey, Inc.

By: _____
Matt Idler
President and Chief Executive Officer
Say-Hey, Inc.
1474 Stone Point Drive
Roseville, CA 95661
Telephone: (916) 367-0950

Subscribed and sworn to before me this 21 day of September, 2011

Notary Public in and for the State of California

State of CALIFORNIA, County of PLACER
Subscribed and sworn to (or affirmed) before me this 21 day of September 2011, by MATT IDLER proved to me on the basis of satisfactory evidence to be the person(s) who appears before me.
(Signature of Notary)

HOLLY A. ROYE
Commission # 1798433
Notary Public - California
Placer County
My Comm. Expires May 18, 2012

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

In the matter of	)	
	)	
Telecommunications Relay Services and	)	
Speech-to-Speech Services for	)	CG Docket No. 10-51
Individuals with Hearing and	)	
Speech Disabilities	)	
	)	

Internet-based TRS Certification Application
Of Say-Hey, Inc.

LISTING OF EXHIBITS

A CONFIDENTIAL: Say-Hey owners and the Senior Management Team

B CONFIDENTIAL: A description of service platform provider

C CONFIDENTIAL: A copy of each lease for each call center operated by Say-Hey

D CONFIDENTIAL: Roseville and Spokane call center photographs

E CONFIDENTIAL: Co-location facilities photographs

F CONFIDENTIAL: Proof of ownership of the service platform

G CONFIDENTIAL: A description of the technology and equipment used to support call center functions including proofs of purchase, leases or license agreements for all technology and equipment used to support their call center functions.

H Statement that Say-Hey, Inc. will file annual compliance reports demonstrating continued compliance with Commission rules.

I CONFIDENTIAL CA Hiring Guidelines

J CONFIDENTIAL CA Training Materials

K CONFIDENTIAL 911 Call Processing

L CONFIDENTIAL Call Data Records

M CONFIDENTIAL Complaint Log

N Whistleblower Policy

CONFIDENTIAL Exhibit A

Say-Hey Owners and the Senior Management Team

[REDACTED]

CONFIDENTIAL Exhibit B

A description of service platform provider

[REDACTED]

CONFIDENTIAL Exhibit C

A copy of each lease for each call center operated by Say-Hey

[REDACTED]

CONFIDENTIAL Exhibit D

Photographs of Say-Hey Call Centers

[REDACTED]

CONFIDENTIAL Exhibit E

Photographs of co-location facilities

[REDACTED]

CONFIDENTIAL Exhibit F

Proof of ownership of the Service Platform

[REDACTED]

CONFIDENTIAL Exhibit G

A description of the technology and equipment used to support call center functions including proofs of purchase, leases or license agreements for all technology and equipment used to support their call center functions.

[REDACTED]

Exhibit H

Statement that Say-Hey, Inc. will file annual compliance reports demonstrating continued compliance with Commission rules.

(Attached)

STATE OF CALIFORNIA)
) ss.
COUNTY OF PLACER)

STATEMENT OF COMPLIANCE REGARDING ANNUAL REPORTS

I, Matt Idler, first being duly sworn upon oath, depose and say I am President and Chief Executive Officer of Say-Hey, Inc. ("Applicant"), an Applicant for certification as a federal Telecommunications Relay Service Fund ("Fund") provider eligible for compensation from the Fund. Pursuant to 47 C.F.R. § 64.606(a)(2)(iv), applicants for certification as a Fund eligible provider are to make a statement that the applicant will file annual compliance reports demonstrating continued compliance with applicable Commission rules following certification. I swear under penalty of perjury that upon a grant of certification, Say-Hey, Inc. will file annual compliance reports demonstrating continued compliance with applicable Commission rules for the provision of video relay services on or before the date on which such compliance reports are due.

Pursuant to Section 64.606(g) of the Commission's rules "such [annual compliance] reports must update the information required in paragraph (a)(2) of this section and include updated documentation and a summary of the updates, or certify that there are no changes to the information and documentation submitted with the application for certification, application for renewal of certification, or the most recent annual report, as applicable." I further swear under penalty of perjury that upon a grant of certification, Say-Hey, Inc. will file annual compliance reports in accordance with the entirety of Section 64.606(g). Such annual reports will be examined by me first hand, and the accuracy and completeness thereof will be further verified by me under oath as President and Chief Executive Officer of Say-Hey, Inc. subject to penalty of

perjury in accordance with the specific officer certification language set forth in Section 64.606(g)(2) (interim).

Say-Hey, Inc.

By: _____

Matt Idler
President and Chief Executive Officer
Say-Hey, Inc.
1474 Stone Point Drive
Roseville, CA 95661
Telephone: (916) 367-0950

Subscribed and sworn to before me this 21 day of September, 2011

Notary Public in and for the State of California

State of CALIFORNIA County of PLACER
Subscribed and sworn to (or affirmed) before me this 21 day of SEPTEMBER, 2011, by MATT TOLER proved to me on the basis of satisfactory evidence to be the person(s) who appears before me _____ (Signature of Notary)

HOLLY A. ROYE
Commission # 1798433
Notary Public - California
Placer County
My Comm. Expires May 18, 2012

CONFIDENTIAL Exhibit I

CA Hiring Guidelines

[REDACTED]

CONFIDENTIAL Exhibit J

CA Training Materials

[REDACTED]

CONFIDENTIAL Exhibit K

911 Call Processing

[REDACTED]

CONFIDENTIAL Exhibit L

Call Data Records

[REDACTED]

CONFIDENTIAL Exhibit M

Complaint Log

[REDACTED]

Exhibit N

Whistleblower Policy

(Attached)

1474 Stone Point Drive
Roseville, CA 95661
P: 800.285.7460
F: 916.404.4899

Say-Hey Whistleblower Policy

This policy is intended to encourage Say-Hey Board members, staff (paid/full-time/part-time/volunteers) and others to report suspected or actual occurrence(s) of illegal, unethical or inappropriate events (behaviors or practices) without retribution.

1. The Whistleblower should promptly report the suspected or actual event to his/her supervisor.

2. If the Whistleblower would be uncomfortable or otherwise reluctant to report to his/her supervisor, then the Whistleblower could report the event to the next highest or another level of management, including to an appropriate Board committee or member. This includes the CEO/President.

3. The Whistleblower can report the event with his/her identity or anonymously.

4. The Whistle blower shall receive no retaliation or retribution for a report that was provided in good faith – that was not done primarily with malice to damage another or the organization.

5. A Whistleblower who makes a report that is not done in good faith is subject to discipline, including termination of the Board or employee relationship, or other legal means to protect the reputation of the organization and members of its Board and staff.

6. Anyone who retaliates against the Whistleblower (who reported an event in good faith) will be subject to discipline, including termination of Board or employee status.

7. Crimes against person or property, such as assault, rape, burglary, etc., should immediately be reported to local law enforcement personnel.

8. Supervisors, managers and/or Board members who receive the reports must promptly act to investigate and/or resolve the issue.

9. The Whistleblower shall receive a report within five business days of the initial report, regarding the investigation, disposition or resolution of the issue.

10. If the investigation of a report, that was done in good faith and investigated by internal personnel, is not to the Whistleblower's satisfaction, then he/she has the right to report the event to the appropriate legal or investigative agency.

11. The identity of the Whistleblower, if known, shall remain confidential to those persons directly involved in applying this policy, unless the issue requires investigation by law enforcement, in which case members of the organization are subject to subpoena.

1474 Stone Point Drive
Roseville, CA 95661
P: 800.285.7460
F: 916.404.4899

If the Whistleblower wishes to report occurrences related to the FCC (Federal Communications Commission) matters as it relates to TRS (telecommunications relay service), they may do so directly by contacting the FCC directly :

Online : https://esupport.fcc.gov/ccmsforms/form2000.action?form_type=2000C

Phone : Monday Through Friday 8am to 530pm EST

888-Call-FCC (888-225-5322) voice

888-Tell-FCC (888-835-5322) TTY

Postal : Federal Communications Commission

Consumer & Government Affairs Bereau

Consumer Complaints

445 12th Street, SW

Washington, D.C. 20554.

Fax : Completed complaint forms can be faxed to : 866-418-0232

Email : fccinfo@fcc.gov

My signature below indicates my receipt and understanding of this policy. I also verify that I have been provided with an opportunity to ask questions about the whistleblower policy.

_____

Employee Name

_____

Signature

_____

Date