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September 27, 2011

Federal Communications Commission
Chief, Consumer and Governmental Affairs Bureau
TRS Certification Program
Washington, DC 20554

Re: Internet-based TRS Certification Application of Communication Service for the Deaf, Inc.

Communication Service for the Deaf, Inc. ("CSD") submits the attached confidential version of the Internet-based TRS Certification Application of Communication Service for the Deaf, Inc (the "Application").

Communications Service for the Deaf, Inc. ("CSD") has provided Video Relay Service (VRS) or VRS related services continually since 2002, either utilizing its own platform (2002 through 2006), or though subcontract with CSDVRS, LLC (a private spin-off of CSD of which CSD is a minority owner) (since 2007). CSD continues to provide a significant number of qualified video interpreters ("VRS CA's" or Video Interpreter ("VI's")) to CSDVRS, LLC. Additionally, CSD is providing a significant number of Public Access Videophones (PAV's) in support of various programs including the National Telecommunications and Information Administrations Broadband Technical Opportunities Program. The majority of these PAV's are deployed in government, healthcare, and educational installations and provide free access to communication for deaf and hard-of-hearing individuals. This program is particularly vital to those deaf and hard of hearing individuals who have low incomes, are homeless, or transient. Further, CSD has developed a communications platform which fully supports VRS operations and meets or exceeds all of the applicable mandatory minimum specifications for VRS as provided in 47 CFR 64.604. This platform is owned, operated, and controlled by CSD independent of any other VRS provider. CSD desires to use this communication platform ("VRS Platform") to support the needs of the deaf and hard-of-hearing community in conjunction with the provision of Public Access Videophones. Additionally CSD desires to continue supporting CSDVRS through the provision of qualified video interpreters, across a geographically diverse area, through a sub-contract arrangement.

Therefore, CSD believes that it is in the public interest for the Federal Communications Commission (herein after "FCC" or the "Commission") to approve its application to become a certified provider of Video Relay Services, and requests that the commission grant CSD conditional certification until the Commission completes its full review of this application and CSD's platform and issues full certification of CSD as VRS provider in accordance with its rules.

Pursuant to 47 C.F.R. § 0.459, CSD respectfully requests that the data contained in the Confidential Documentary Support section of this application and the names of its suppliers be deem confidential and protected accordingly. The data submitted in these documents contain sensitive proprietary information. Further the data submitted reveal company operations and scope that would be useful to competitors. CSD would not otherwise make this information publically available. Release of this data to the public could cause CSD irreparable and inestimable harm.

Thank you for your attention to this matter and your timely consideration.

Respectfully Submitted,

Communication Service for the Deaf, Inc.
By:

Hagen Wilka & Archer, LLP
Mark A. Ekse

Enclosure

CC: Mr. Joel Gurin (via email, Joel.Gurin@fcc.gov)
Ms. Karen Peltz Strauss (via email, Karen.Strauss@fcc.gov)
Mr. Greg Hlibok (via email, (Gregory.Hlibok@fcc.gov)

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

INTERNET-BASED TRS CERTIFICATION APPLICATION

Filed by:
Communication Service for the Deaf, Inc.
102 N Krohn Place
Sioux Falls, SD 57103

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1. Summary:

Communications Service for the Deaf, Inc. ("CSD") has provided Video Relay Service (VRS) or VRS related services continually since 2002, either utilizing its own platform (2002 through 2006), or though subcontract with CSDVRS, LLC (a private spin-off of CSD of which CSD is a minority owner) (since 2007). CSD continues to provide a significant number of qualified video interpreters ("VRS CA's" or Video Interpreter ("VI's")) to CSDVRS, LLC. These VI's have substantial expertise in deaf and hard-of-hearing culture as well as strong receptive and expressive interpreting skills. The use of these VI's allows for access to a pool of geographically diverse interpreters who may also actively support the deaf and hard-of-hearing communities through community based interpreting. Because of CSD's ability to schedule these interpreters, to provide video interpreting services from within its call centers, across not only VRS requirements, but also community interpreting needs, CSD is able to provide these interpreters on a sub-contract basis to CSDVRS at a low cost. Without such an arrangement, many of these interpreters would not be available to support VRS operations. Reducing the number of qualified and experienced interpreters available to VRS will have a detrimental effect on such areas of VRS operations as Speed-of-Answer, and Quality of service. Additionally, CSD is providing a significant number of Public Access Videophones (PAV's) in support of various programs including the National Telecommunications and Information Administrations Broadband Technical Opportunities Program. The majority of these PAV's are deployed in government, healthcare, and educational installations and provide free access to communication for deaf and hard-of-hearing individuals. This program is particularly vital to those deaf and hard of hearing individuals who have low incomes, are homeless, or transient.

CSD has developed a communications platform which fully supports VRS operations and meets or exceeds all of the applicable mandatory minimum specifications for VRS as provided in 47 CFR 64.604. CSD desires to use this communication platform ("VRS Platform") to support the needs of the deaf and hard-of-hearing community in conjunction with the provision of Public Access Videophones. Additionally CSD desires to continue supporting CSDVRS through the provision of qualified video interpreters, across a geographically diverse area, through a sub-contract arrangement.

Therefore, CSD believes that it is in the public interest for the Federal Communications Commission (herein after "FCC" or the "Commission") to approve its application to become a certified provider of Video Relay Services, and requests that the commission grant CSD conditional certification until the Commission completes its full review of this application and CSD's platform and issues full certification of CSD as VRS provider in accordance with its rules.

2. Background:

Communication Service for the Deaf, Inc. ("CSD") is a private nonprofit organization dedicated to providing broad-based services for the deaf and hard-of-hearing, ensuring publically-accessible communications, and increasing public awareness of issues affecting deaf and hard-of-hearing individuals. CSD began providing communication relay services in 1976. CSD was an early pioneer of Video Relay Service ("VRS") and began providing VRS services in 2002. At the end of 2006, CSD sold the majority of its interest in its video relay service to CSDVRS, LLC ("CSDVRS"). Since that time CSD has remained a minority owner in CSDVRS and has continued to provide a substantial percentage of Video Interpreters (VI's) to CSDVRS through a sub-contract relationship. CSD currently provides VI's in four locations: Sioux Falls, SD; Austin, TX; Waco, TX; and Frederick MD. CSD also provides TRS services in conjunction with Sprint and has state contracts for the provision of TRS in South Dakota, Alaska, and Minnesota. CSD has continually provided VRS or VRS related services since 2002, in compliance with the Commission's rules.

In 2005, CSD saw a need to provide publically accessible videophones (PAV's), which would allow deaf and hard-of-hearing individuals to place point-to-point video calls as well as VRS calls. CSD along with a commercial provider of video communications systems developed and began deploying the PAV's to support accessible communication for deaf and hard-of-hearing individuals in public setting, such as airports, government installations, and educational facilities. CSD believes that providing accessible communication to deaf and hard-of-hearing individuals in a public setting is crucial for equal access. To date CSD has either deployed or has approval to deploy approximately 60 PAV's in Kansas, California, Oklahoma, Nevada, Maryland, Idaho, Florida, Wisconsin, South Dakota, and the District of Columbia. The majority of these units have been places in locations such as airports, healthcare facilities, and educational facilities. CSD has plans to deploy approximately 150 more PAV's over the next 12 to 18 months in similar locations throughout the country. The PAV's in conjunction with VRS provide reliable access to communications for many deaf and hard of hearing individuals who have no other reliable means of accessing the nation's telecommunication system.

CSD desires to continue supporting the VRS capabilities of the PAV's as well as continuing to support CSDVRS through subcontract. Between 2002 and 2006, CSD actively developed an interoperable platform to support its VRS business. As part of the sale of its majority interest in its VRS operations CSD sold this platform to CSDVRS, LLC. Over approximately the last 18 months, CSD has used its knowledge and experience of that first platform to build and deploy a new multi-modal

communications platform capable of supporting VRS calls consistent with the regulatory standards set out in 47 CFR §§64.604 -64.606. CSD owns, controls, and operates this new platform independent of any other provider. Upon approval by the Commission of CSD's application for Certification as a VRS provider, CSD intends to offer VRS via PAV under its own brand: "USA Relay".

CSD has more than nine years of experience in the provision of VRS and has been a leader in developing and expanding VRS capabilities and connectivity for deaf and hard-of-hearing individuals. CSD has developed several products and services to work towards functional equivalence in communication for deaf and hard-of-hearing individuals including the development and deployment of PAV's to support publically accessible communications for the deaf and hard-of-hearing. It is for these reasons, among others, that CSD believes that it would be in the public interest for the Commission to approve CSD's application for Certification as a VRS provider.

The next several sections will provide a brief narrative in support of CSD's application; address the applicable mandatory minimum standards for VRS; and provide brief overview of the platform. CSD would welcome the opportunity to meet with a representative of the Commission and to provide a detailed tour of CSD's facilities and VRS platform.

3. Narrative in Support of Application:

In accordance with the requirements of §64.606 Communication Service for the Deaf, Inc. ("CSD") provides the following narrative (code sections listed in **bold** for convenience):

(i) A description of the forms of TRS to be provided;

CSD desires to provide Video Relay Services (VRS) in two forms. First, CSD desires to support the Public Access Videophones (PAV's) either currently deployed or scheduled to be deployed. The provision of VRS through the PAV's shall be conducted under CSD's trademark "USA Relay" to avoid any confusion with the service provided by CSDVRS, LLC. The PAV's provide a critical link to accessible communication for the deaf and hard-of hearing in public areas, such as government buildings, hospitals, health centers, and educational institutions. The PAV's provide access to those anyone, but are of particular importance to deaf and hard-of-hearing individuals who have low incomes, are homeless or are transient. Second, CSD, as a minority owner of CSDVRS, has continually provided qualified interpreters ("VRS CA's" or video interpreters "VI's") through sub-contract. CSD desires to maintain this relationship, and allow its qualified interpreters in multiple geographic locations to continue to provide quality service to the deaf and hear-of-hearing through CSDVRS.

(ii) Description of how the provider will meet all non-waived mandatory minimum standards;

CSD has developed its own platform for providing VRS services. This platform is based upon CSD's prior platform (sold to CSDVRS), as well as additional development efforts to provide further automation of call prioritization, routing, and collection of information. This platform is described in more detail in Section 5 of this application. Section 4 of this application provides a section-by-section analysis of each of the minimum standards contained in §64.604 along with a statement confirming or describing CSD's compliance with the standard.

(iii) A description of the provider's procedures for ensuring compliance with all applicable TRS rules;

To the extent possible, CSD has built safeguards into its platform to support compliance with each of the technical standards and to support interoperability. With regard to operational standards, CSD utilizes only individuals who have either a National Interpreter Certification of NIC, NIC Advanced or NIC Master or for interpreters in Texas and equivalent certification from

BEI. The training necessary to reach at least this level of certification is significant. Additionally, CSD requires each video interpreter to complete an internal forty (40) hours of training related specifically to the requirements of VRS and the best practices for supporting VRS calls prior to beginning to provide service as a video interpreter. Further, each of CSD's VRS centers utilizes a supervisor to monitor, assist, and mentor the video interpreters on an on-going basis. CSD does not use home-based video interpreters.

(iv) A description of the provider's complaint procedures;

CSD is dedicated to providing the best communication experiences possible to the deaf and hard-of-hearing community. Accordingly, all complaints are directed to Mr. Chris Soukup the Senior Vice President of the company, and reports directly to the Chief Executive Officer of the company. Mr. Soukup is responsible for personally investigating each VRS complaint and developing any appropriate corrective actions including but not limited to procedural changes, additional training, and technology and platform changes. Each complaint, whether formal or informal is logged along with the name and contact information for the individual making the complaint, the date of the complaint, the nature of the complaint, the resolution of the complaint, and the date the complaint is resolved. Internally, CSD works to provide at least an initial response within one business day and to resolve all complaints, within ten business days if possible.

Additionally, to the extent that a corrective action may impact video interpreter training, Mr. Soukup is also charged with developing an implementation schedule for any additional or remedial training to insure that the training is provided to all of CSD's video interpreters as soon as possible. Similarly, to the extent that a corrective action may impact the platform, Mr. Soukup is also charged with overseeing the technical changes, testing and validation to insure the proper functionality of the platform.

Further, upon receiving certification form the FCC as being eligible for compensation from the Interstate TRS fund, CSD shall provide a link from its home page to an informational page about VRS as well as a link for user feedback and complaints ("Complaint Page"). The Complaint Page will provide a simple form for the user to complete. All such completed forms shall be routed to Mr. Soukup for review and resolution.

(v) A narrative describing any areas in which the provider's service will differ from the applicable mandatory minimum standards;

CSD's VRS service will meet all applicable mandatory minimum standards.

(vi) A narrative establishing that services that differ from the mandatory minimum standards do not violate applicable mandatory minimum standards.

CSD's VRS service will meet all applicable mandatory minimum standards.

(vii) A statement that the provider will file annual compliance reports demonstrating continued compliance with these rules;

Communication Service for the Deaf, Inc. will file annual compliance reports demonstrating its continued compliance with these rules. Additionally, in accordance with §64.606(f)(2) CSD will provide the Commission with written notice of any substantive change in its VRS programs, services, and features within 60 days of any such change, and will certify that it continues to meet federal minimum standards after implementing any such substantive change.

(viii) Documentary Support of the Application

(A) A copy of the lease for each of the three call centers located off of CSD's headquarters campus.

(B) CSD is a Nonprofit Corporation and as such has no individuals or entities that hold an equity interest in the organization.

(C) A list of all full-time and part-time employees associated with CSD's VRS operations is attached to this application.

(D) A copy of the invoices showing CSD's ownership in the major components of CSD's VRS platform, specifically including but not limited to the Automatic Call Distribution, routing, call setup, mapping, call features, billing for compensation from the TRS fund , and registration is attached to this application.

(E) CSD does not have employment agreements for its VRS executives or CAs.

(F) CSD does not have any subcontracting agreements pertaining to the provision of the Internet-based relay service.

(G) CSD does not have any financing arrangements related to the provision of Internet-based relay services.

(H) CSD has no other agreements related to its provision of Internet-based relay services.

(I) CSD has no sponsorship arrangements associated with its provision of internet-based relay.

4. Compliance with §64.604 Mandatory minimum standards:

(Code sections are listed in **bold** for convenience.)

***604(a) Operational Standards* – (1) Communications Assistanct (CA).**

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

Comment: For its VRS service, either directly or as part of sub-contract staffing to CSDVRS, CSD utilizes only Video Interpreters (VI's) who have obtained either a National Interpreter Certification of NIC, NIC Advanced or NIC Master or for interpreters in Texas and equivalent certification from BEI to insure a proper level of skill in real-time interpreting between spoken English or Spanish and American Sign Language (ASL). Additionally, each VI must complete an internal training course of approximately 40 hours prior to beginning to process VRS calls. Further, each VI is actively mentored by a qualified VI as they begin to provide service to insure that proper methodologies are followed throughout the VRS call process.

(ii) CAs must have competent skills in typing, grammar, spelling, interpretation of typewritten ASL, and familiarity with hearing and speech disability cultures, languages and etiquette. CAs must possess clear and articulate voice communications.

Comment: CSD does require CA's processing TRS calls to have each of these skills. However, for VI's, CSD does not require typing or interpretation of typewritten ASL. Apart from these two requirements, CSD does require that each of its VI's have competent skills in grammar, spelling, and familiarity with hearing and speech disability cultures, languages and etiquette, along with clear and articulate voice communications. CSD's requirement of having either a National Interpreter Certification of NIC, NIC Advanced or NIC Master or for interpreters in Texas and equivalent certification from BE for its VI's along with its own internal training course support the VI's knowledge in each of these areas.

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

Comment: CSD does maintain this requirement for its CAs providing TRS services. However, this requirement is not applicable for VI's providing VRS services.

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

Comment: CSD utilizes only individuals who have either a National Interpreter Certification of NIC, NIC Advanced or NIC Master or for interpreters in Texas and equivalent certification from BEI as VRS CAs (VI's). Additionally, CSD supplements this level of skill through its own internal training of VI's.

(v) CAs answering and placing a TTY-based 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.

Comment: CSD requires that any VI answering and placing a VRS call must stay with the call for a minimum of ten minutes.

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

Comment: To the extent possible, CSD honors a TRS users request for specific CA gender, both at the time a call is initiated, and at the time of any transfers. The CSD system allows the VI's to see which additional CSD VI's are available to fulfill such a request if possible.

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

Comment: Although this requirement is directed towards TTY users, CSD does transmit conversations between VRS Video Phone users and voice callers in real time. To the extent that an overlap in the conversation occurs between the deaf or hard-of-hearing user and the voice user, the CSD VI's give priority to voicing what Video Phone user is signing, and to the extent possible will simultaneouly sign what is being said by the voice caller.

(2) Confidentiality and conversation content.

(i) Except as authorized by section 705 of the Communications Act, 47 USC 605, CAs are prohibited from disclosing the content of any relayed conversation regardless of

content, and with a limited exception for STS CAs, 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. STS CAs may retain information from a particular caller in order to facilitate the completion of consecutive calls, at the request of the user. The caller may request the STS CA to retain such information, or the CA may ask the caller if he wants the CA to repeat the same information during subsequent calls. The CA may retain the information only for as long as it takes to complete the subsequent calls.

Comment: CSD requires the highest degree of confidentiality from its VI's with regard to User calls and content. VI's are prohibited by policy from disclosing any information related to a VRS call, including the name or location of the caller, the party called, the call duration, the call content, or anything visible in the background of the call. For purposes of clarity, this requirement does not extend to emergency calls to Public Safety Answering Points (PSAPs), during which a VI may provide information related to a disconnected call, or what they observe in the background of the call to the extent such information may assist in the emergency response.

(ii) CAs are prohibited from intentionally altering a relayed conversation and, to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes, must relay all conversations verbatim unless the relay user specifically requests summarization, or if the user requests interpretation of any ASL call. An STS CA may facilitate the call of an STS user with a speech disability so long as the CS 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.

Comment: CSD by policy specifically prohibits VRS CAs from altering relayed conversations, apart from the normal interpretation of ASL into spoken English or Spanish. CSD takes the confidentiality of VRS Users very seriously. In addition to policies and procedures to prohibit VRS CAs from disclosing user or call information, CSD also utilizes physical safeguards to protect the confidentiality of the VRS users. Illustrative examples of such physical safeguards include, but are not limited to providing locked environments for the VRS CAs, providing partitioned workspace to minimize sound transmittal from one work station to another, limiting access to call facilities to only those persons currently interpreting or having a legitimate management or technical support need for access to the facility.

(3) Types of calls.

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

Comment. CSD is committed to equivalent access to communications for the deaf and hard-of-hearing. Accordingly, CSD does not limit the number of length of calls placed by or two VRS users.

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

Comment: CSD's VRS service is capable of handling any type of call normally provided by telecommunications carriers. CSD has long been committed to removing technological barriers to call types, as has been demonstrated by CSD's push for adding VRS and IP relay endpoints to the North American Numbering Plan in November 2005 to achieve dialing uniformity for VRS Users and better access to the nations Public Safety Answering Points (PSAPs) including the ability for a PSAP to "call-back" to the VRS user in the event of a disconnection or other disruption of the call. As new call types and technologes evolve, CSD will continue to develop means to overcome these technical challenges and provide equivalent access for the VRS users.

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

Comment: CSD interprets this section to allow a call to be disconnected prior to completion for a "pay-per-call" call due to the rejection of payment authorization of the VRS user by the party being called (see iv below).

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

Comment: CSD's method of operation allows for pay-per-call calls, and VRS CAs are trained in how such calls are to be placed. CSD does not advance any fees for the VRS user, nor does CSD process any billings or payments for such calls.

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

Comment: This section is not applicable for VRS.

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

Comment: This section is not applicable for VRS.

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

Comment: This section is not applicable for VRS.

(vii) Voice mail and interactive menus. CAs must alert the TRS user to the presence of a recorded message and interactive menu through a hot key on the CA's terminal. The hot key will send text from the CA to the consumer's TTY indicating that a recording or interactive menu has been encountered. Relay providers shall electronically capture recorded messages and retain them for the length of the call. Relay providers may not impose any charges for additional calls, which must be made by the relay user in order to complete calls involving recorded or interactive messages.

Comment: This section is not applicable for VRS.

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

Comment: This section is not applicable for VRS.

604(a)(4) through 604(a)(5) – Not Applicable.

604(b)(1) through 604(b)(2)(ii) – Not Applicable.

604(b)(2)(iii) Speed of answer requirements for VRS providers are phased-in as follows: by January 1, 2006, VRS providers must answer 80% of all calls within 180 seconds, measured on a monthly basis; by July 1, 2006, VRS providers must answer 80% of all calls within 150 seconds, measured on a monthly basis; and by January 1, 2007, VRS providers must answer 80% of all calls within 120 seconds, measured on a monthly basis. Abandoned calls shall be included in the VRS speed of answer calculation.

Comment: CSD's VRS platform and operations support answering more that 80% of all calls in less than 120 seconds, measured on a monthly basis, and including abandoned calls in the VRS speed of answer calculation.

(3) Equal access to interexchange carriers. – Not Applicable

(4) TRS facilities. (i) TRS shall operate every day, 24 hours a day. Relay services that are not mandated by this Commission need not be provided every day, 24 hours a day, except VRS.

Comment: CSD's VRS platform and operations support the provision of service 24 hours a day, every day.

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

Comment: As described more fully in the technical attachment to this application, CSD has developed a VRS platform with full redundancy of key functional components including the ACD (Automatic Call Distribution) functionality to limit the likelihood of system failure. Both ACD's have uninterruptible power systems including backup generators for emergency use.

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

Comment: CSD in the past has developed several technological advances to improve the provision of VRS services. CSD intends to continue to improve its service offerings through a variety of methods, including continued development of improved technology for VRS.

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

Comment: The CSD VRS platform is capable of transmitting the 10-digit number of the calling party.

(c) Functional standards —(1) Consumer complaint logs. (i) States and interstate providers must maintain a log of consumer complaints including all complaints about TRS in the state, whether filed with the TRS provider or the State, and must retain the log until the next application for certification is granted. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.

Comment: CSD maintains such a log of all consumer complaints, including the date the complaint was filed, the nature of the complaint, the date of resolution and an explanation of the resolution.

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

Comment: Upon certification by the FCC, CSD shall provide a summary of the logs indicating the number of complaints received for the 12 month period ending May 31, 2011. Additionally, CSD shall provide a summary of the logs indicating the number of complaints received between May 31, 2011 and the date of certification within 30 days of certification. CSD shall then provide summaries on an on-going basis to the FCC by July 1 of each year for the 12-month period ending May 31.

(2) Contact persons. Beginning on June 30, 2000, State TRS Programs, interstate TRS providers, and TRS providers that have state contracts must submit to the Commission

a contact person and/or office for TRS consumer information and complaints about a certified State TRS Program's provision of intrastate TRS, or, as appropriate, about the TRS provider's service. This submission must include, at a minimum, the following:

(i) The name and address of the office that receives complaints, grievances, inquiries, and suggestions;

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

(iii) The physical address to which correspondence should be sent.

Comment: All requests for consumer information and all information related to complaints should be forwarded to the following:

Communication Service for the Deaf, Inc.
Attn: Consumer Complaints
Mr. Chris Soukup
102 N. Krohn Place
Sioux Falls, SD 57103
Voice: 605-367-5760
Toll Free Voice: 800-642-6410
TTY: 605-367-5761
Toll Free TTY: 866-273-3323
Facsimile: 605-367-5958
Videophone 605-496-0738
Email: Complaint@c-s-d.org (Email currently held pending certification)

604(c)(3) through 604(c)(5)(iii)(B) – Not Applicable.

604(c)5(iii) (C) Data collection from TRS providers. TRS providers shall provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested by the administrator, necessary to determine TRS Fund revenue requirements and payments. TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS operating expenses and total TRS investment in general accordance with part 32 of this chapter, and other historical or projected information

reasonably requested by the administrator for purposes of computing payments and revenue requirements. The administrator and the Commission shall have the authority to examine, verify and audit data received from TRS providers as necessary to assure the accuracy and integrity of TRS Fund payments.

Comment: CSD shall comply with section and will provide the administrator with the required data.

(D) [Reserved]

(E) Payments to TRS providers. TRS Fund payments shall be distributed to TRS providers based on formulas approved or modified by the Commission. The administrator shall file schedules of payment formulas with the Commission. Such formulas shall be designed to compensate TRS providers for reasonable costs of providing interstate TRS, and shall be subject to Commission approval. Such formulas shall be based on total monthly interstate TRS minutes of use. TRS minutes of use for purposes of interstate cost recovery under the TRS Fund are defined as the minutes of use for completed interstate TRS calls placed through the TRS center beginning after call set-up and concluding after the last message call unit. In addition to the data required under paragraph (c)(5)(iii)(C) of this section, all TRS providers, including providers who are not interexchange carriers, local exchange carriers, or certified state relay providers, must submit reports of interstate TRS minutes of use to the administrator in order to receive payments. The administrator shall establish procedures to verify payment claims, and may suspend or delay payments to a TRS provider if the TRS provider fails to provide adequate verification of payment upon reasonable request, or if directed by the Commission to do so. The TRS Fund administrator shall make payments only to eligible TRS providers operating pursuant to the mandatory minimum standards as required in §64.604, and after disbursements to the administrator for reasonable expenses incurred by it in connection with TRS Fund administration. TRS providers receiving payments shall file a form prescribed by the administrator. The administrator shall fashion a form that is consistent with parts 32 and 36 procedures reasonably tailored to meet the needs of TRS providers. The Commission shall have authority to audit providers and have access to all data,

including carrier specific data, collected by the fund administrator. The fund administrator shall have authority to audit TRS providers reporting data to the administrator. The formulas should appropriately compensate interstate providers for the provision of VRS, whether intrastate or interstate.

Comment: CSD shall file the form prescribed by the administrator and shall submit reports of VRS minutes of use.

(F) TRS providers eligible for receiving payments from the TRS Fund are:

(1) TRS facilities operated under contract with and/or by certified state TRS programs pursuant to §64.606; or

(2) TRS facilities owned by or operated under contract with a common carrier providing interstate services operated pursuant to §64.604; or

(3) Interstate common carriers offering TRS pursuant to §64.604; or

(4) Video Relay Service (VRS) and Internet Protocol (IP) Relay providers certified by the Commission pursuant to §64.606.

Comment: With this application, CSD is pursuing certification pursuant to §64.606.

(G) Any eligible TRS provider as defined in paragraph (c)(5)(iii)(F) of this section shall notify the administrator of its intent to participate in the TRS Fund thirty (30) days prior to submitting reports of TRS interstate minutes of use in order to receive payment settlements for interstate TRS, and failure to file may exclude the TRS provider from eligibility for the year.

Comment: CSD shall provide notice to the administrator of its intent to participate in the TRS fund after receiving certification from the FCC and thirty (30) days prior to submitting reports of TRS interstate minutes of use in order to receive payment settlements.

604(c)(5) (iii)(H) through 604(c)(5)(iii)(J) – Not Applicable.

(K) All parties providing services or contributions or receiving payments under this section are subject to the enforcement provisions specified in the Communications Act, the Americans with Disabilities Act, and the Commission's rules.

Comment: CSD understands that it is subject to the enforcement provisions specified in the Communications Act, the Americans with Disabilities Act, and the Commission's rules.

(6) Complaints —(i) Referral of complaint. If a complaint to the Commission alleges a violation of this subpart with respect to intrastate TRS within a state and certification of the program of such state under §64.606 is in effect, the Commission shall refer such complaint to such state expeditiously.

(ii) Intrastate complaints shall be resolved by the state within 180 days after the complaint is first filed with a state entity, regardless of whether it is filed with the state relay administrator, a state PUC, the relay provider, or with any other state entity.

(iii) Jurisdiction of Commission. After referring a complaint to a state entity under paragraph (c)(6)(i) of this section, or if a complaint is filed directly with a state entity, the Commission shall exercise jurisdiction over such complaint only if:

(A) Final action under such state program has not been taken within:

(1) 180 days after the complaint is filed with such state entity; or

(2) A shorter period as prescribed by the regulations of such state; or

(B) The Commission determines that such state program is no longer qualified for certification under §64.606.

(iv) The Commission shall resolve within 180 days after the complaint is filed with the Commission any interstate TRS complaint alleging a violation of section 225 of the Act or any complaint involving intrastate relay services in states without a certified

program. The Commission shall resolve intrastate complaints over which it exercises jurisdiction under paragraph (c)(6)(iii) of this section within 180 days.

Comment: Understood.

(v) Complaint procedures. Complaints against TRS providers for alleged violations of this subpart may be either informal or formal.

(A) Informal complaints —

(1) Form. An informal complaint may be transmitted to the Consumer & Governmental Affairs Bureau by any reasonable means, such as letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, or some other method that would best accommodate a complainant's hearing or speech disability.

(2) Content. An informal complaint shall include the name and address of the complainant; the name and address of the TRS provider against whom the complaint is made; a statement of facts supporting the complainant's allegation that the TRS provided it has violated or is violating section 225 of the Act and/or requirements under the Commission's rules; the specific relief or satisfaction sought by the complainant; and the complainant's preferred format or method of response to the complaint by the Commission and the defendant TRS provider (such as letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, or some other method that would best accommodate the complainant's hearing or speech disability).

Comment: Understood.

(3) Service; designation of agents. The Commission shall promptly forward any complaint meeting the requirements of this subsection to the TRS provider named in the complaint. Such TRS provider shall be called upon to satisfy or answer the complaint within the time specified by the Commission. Every TRS provider shall file with the Commission a statement designating an agent or agents whose principal responsibility will be to receive all complaints, inquiries, orders, decisions, and notices

and other pronouncements forwarded by the Commission. Such designation shall include a name or department designation, business address, telephone number (voice and TTY), facsimile number and, if available, Internet e-mail address.

Comment: CSD shall file with the commission a statement designating an agent whose principle responsibility will be to receive all complaints, inquiries, orders, decisions, and notices and other pronouncements forwarded by the Commission. That agent is:

Communication Service for the Deaf, Inc.
Attn: Consumer Complaints
Mr. Chris Soukup
102 N. Krohn Place
Sioux Falls, SD 57103
Voice: 605-367-5760
Toll Free Voice: 800-642-6410
TTY: 605-367-5761
Toll Free TTY: 866-273-3323
Facsimile: 605-367-5958
Videophone 605-496-0738
Email:Complaint@c-s-d.org (Email currently held pending certification)

(B) Review and disposition of informal complaints.

(1) Where it appears from the TRS provider's answer, or from other communications with the parties, that an informal complaint has been satisfied, the Commission may, in its discretion, consider the matter closed without response to the complainant or defendant. In all other cases, the Commission shall inform the parties of its review and disposition of a complaint filed under this subpart. Where practicable, this information shall be transmitted to the complainant and defendant in the manner requested by the complainant (e.g., letter, facsmile transmission, telephone (voice/TRS/TTY) or Internet e-mail.

(2) A complainant unsatisfied with the defendant's response to the informal complaint and the staff's decision to terminate action on the informal complaint may file a formal complaint with the Commission pursuant to paragraph (c)(6)(v)(C) of this section.

Comment: Understood.

(C) Formal complaints. A formal complaint shall be in writing, addressed to the Federal Communications Commission, Enforcement Bureau, Telecommunications Consumer Division, Washington, DC 20554 and shall contain:

(1) The name and address of the complainant,

(2) The name and address of the defendant against whom the complaint is made,

(3) A complete statement of the facts, including supporting data, where available, showing that such defendant did or omitted to do anything in contravention of this subpart, and

(4) The relief sought.

Comment: Understood.

(D) Amended complaints. An amended complaint setting forth transactions, occurrences or events which have happened since the filing of the original complaint and which relate to the original cause of action may be filed with the Commission.

Comment: Understood.

(E) Number of copies. An original and two copies of all pleadings shall be filed.

Comment: Understood.

(F) Service.

(1) Except where a complaint is referred to a state pursuant to §64.604(c)(6)(i), or where a complaint is filed directly with a state entity, the Commission will serve on the named party a copy of any complaint or amended complaint filed with it, together with a notice of the filing of the complaint. Such notice shall call upon the defendant to satisfy or answer the complaint in writing within the time specified in said notice of complaint.

(2) All subsequent pleadings and briefs shall be served by the filing party on all other parties to the proceeding in accordance with the requirements of §1.47 of this chapter. Proof of such service shall also be made in accordance with the requirements of said section.

Comment: Understood.

(G) Answers to complaints and amended complaints. Any party upon whom a copy of a complaint or amended complaint is served under this subpart shall serve an answer within the time specified by the Commission in its notice of complaint. The answer shall advise the parties and the Commission fully and completely of the nature of the defense and shall respond specifically to all material allegations of the complaint. In cases involving allegations of harm, the answer shall indicate what action has been taken or is proposed to be taken to stop the occurrence of such harm. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve an answer within the time and in the manner prescribed may be deemed in default.

Comment: Understood.

(H) Replies to answers or amended answers. Within 10 days after service of an answer or an amended answer, a complainant may file and serve a reply which shall be responsive to matters contained in such answer or amended answer and shall not contain new matter. Failure to reply will not be deemed an admission of any allegation contained in such answer or amended answer.

Comment: Understood.

(I) Defective pleadings. Any pleading filed in a complaint proceeding that is not in substantial conformity with the requirements of the applicable rules in this subpart may be dismissed.

Comment: Understood.

(7) Treatment of TRS customer information. Beginning on July 21, 2000, all future contracts between the TRS administrator and the TRS vendor shall provide for the transfer of TRS customer profile data from the outgoing TRS vendor to the incoming TRS vendor. Such data must be disclosed in usable form at least 60 days prior to the provider's last day of service provision. Such data may not be used for any purpose other than to connect the TRS user with the called parties desired by that TRS user. Such information shall not be sold, distributed, shared or revealed in any other way by the relay center or its employees, unless compelled to do so by lawful order.

Comment: Understood

§ 64.605 Emergency calling requirements.

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

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

(i) Accept and handle emergency calls and 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;

Comment: Presently, each of the video phones to be served by CSD's VRS is a PAV in a fixed and hard-mounted location. Although this section is not directly applicable to providers of VRS, the appropriate PSAP corresponding to each installed or authorized PAV has been determined to allow calls to be relayed appropriately.

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

Comment: CSD's platform as currently configured allows the user to input the number to be called, such as a specific 10-digit number or a 3-digit "N-11" code. The platform captures a "911" input and automatically prioritizes the call and directs the call to the next available CA.

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

Comment: Each of the PAV's has a registered location. Additionally, by policy, at the beginning of each emergency call, the CA will request the caller's name and confirm the location.

(iv) Deliver to the PSAP, designated statewide default answering point, or appropriate local emergency authority, at the outset of the outbound leg of an emergency call, at a minimum, the name of the relay user and location of the emergency, as well as the name of the relay provider, the CA's callback number, and the CA's identification number, thereby enabling the PSAP, designated statewide default answering point, or appropriate local emergency authority to re-establish contact with the CA in the event the call is disconnected;

Comment: CSD's policy requires CA's, to the extent the information is known or available, the name of the relay user, the location of the emergency, the name of the relay provider, the CA's identification number and callback number at the start of any emergency call.

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

Comment: CSD's policy requires the CA to immediately re-establish contact for any portion of a dropped emergency call and resume handling the call.

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

Comment: CSD is committed to maintaining the confidentiality of the user and user's information. CSD's policy requires that any and all information obtained in processing an emergency call 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 user's location in an emergency situation or for other emergency or law enforcement purposes.

(b) E911 Service for VRS and IP Relay —(1) Scope. The following requirements are only applicable to providers of VRS or IP Relay. Further, the following requirements apply only to 911 calls placed by 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.

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

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

Comment: CSD provides E911 service as described below to all registered users whose registered location is in a geographic area served by a Wireline E911 Network available to CSD.

(ii) VRS or IP Relay providers must transmit all 911 calls, as well as ANI, the caller's Registered Location, the name of the VRS or IP Relay provider, and the CA's 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 an VRS or IP Relay user dialing 911";

Comment: CSD's platform provides for the transmission of ANI, the caller's Registered location, the Name of the VRS provider, and the CA's identification number for each "911" call to the PSAP, designated statewide default answering point, or appropriate local emergency authority.

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

Comment: CSD's platform utilizes ANI and if necessary pseudo-ANI via the dedicated Wireline E991 Network where available.

(iv) The Registered Location, the name of the VRS or IP Relay provider, and the CA's identification number must be available to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority from or through the appropriate automatic location information (ALI) database.

Comment: CSD's platform provides the registered location, the name of the VRS provider and the CA's identification number to the appropriate PSAP, designated statewide answering point, or appropriate local emergency authority the the appropriate ALI database.

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

Comment: Understood.

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

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

Comment: Each of the PAV's to be serviced by CSD has a permanent location, which is registered prior to any service being provided. CSD does not intend to pursue the installed consumer base or "residential" users for its VRS service, but rather to provide service through the PAVs. To the extent that a non-PAV device or user becomes registered with CSD, CSD will obtain the physical location at which the service will be first utilized.

(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.

Comment: Currently, CSD only plans to provide VRS services to the Public Access Videophones (PAV's) being deployed by CSD or under subcontract from CSDVRS. Each of these PAV's is permanently installed in a fixed location prior to the initiation of service. To the extent that any registered devices are capable of being used from more than one location, CSD shall provide the User with at least one option, utilizing only the CPE, for the User to update their registered location in a timely manner.

§ 64.611 Internet-based TRS registration.

(a) Default provider registration. Every provider of VRS or IP Relay must, no later than December 31, 2008, provide users with the capability to register with that VRS or IP Relay provider as a "default provider." Upon a user's registration, the VRS or IP Relay provider shall:

(1) Either:

(i) Facilitate the user's valid number portability request as set forth in 47 CFR 52.34; or, if the user does not wish to port a number,

(ii) Assign that user a geographically appropriate North American Numbering Plan telephone number; and

Comment: Currently, each deployed PAV has been assigned a geographically appropriate North American Numbering Plan telephone number. As any additional devices are deployed, or other devices become registered with CSD, CSD shall either facilitate the user's valid number portability request as set forth in 47 CRF 52.34 or it the user does not wish to port a number will

assign a new geographically appropriate North American Numbering Plan telephone number. Presently, all PAV's have CSDVRS, LLC as their default provider. Upon the Commission's approval of this application, the default provider shall be change to CSD within 30 days of such approval.

(2) Route and deliver all of that user's inbound and outbound calls unless the user chooses to place a call with, or receives a call from, an alternate provider.

Comment: Currently, all PAV inbound and outbound calls are routed and delivered by CSDVRS, LLC unless the user chooses to place a call with, or receive a call from and alternate provider. Upon the Commission's approval of this application, the default provider shall be changed to CSD within 30 days of such approval. CSD will then route and deliver all of the PAV (User) inbound and outbound calls, unless a user chooses to place a call with, or receive a call from an alternate provider.

(b) Mandatory registration of new users. As of December 31, 2008, VRS and IP Relay providers must, prior to the initiation of service for an individual that has not previously utilized VRS or IP Relay, register that new user as described in paragraph (a) of this section.

Comment: As each additional PAV or other device is registered, CSD will, prior to the initiation of service, register that new user as described in paragraph (a) of this section.

(c) Obligations of default providers and former default providers. (1) Default providers must:

(i) Obtain current routing information, including IP addresses or domain names and user names, from their Registered Internet-based TRS Users;

(ii) Provision such information to the TRS Numbering Directory; and

(iii) Maintain such information in their internal databases and in the TRS Numbering Directory.

Comment: Currently, each of the PAV's has CSDVRS as its default provider who has complied with this section. Upon the Commission's approval of this application, CSD shall obtain the current routing information, provide such information to the TRS Numbering Directory, and shall maintain such information in its internal database and in the TRS numbering Directory within 30 days.

(2) Internet-based TRS providers (and, to the extent necessary, their Numbering Partners) must:

(i) Take such steps as are necessary to cease acquiring routing information from any VRS or IP Relay user that ports his or her number to another VRS or IP Relay provider or otherwise selects a new default provider;

(ii) Communicate among themselves as necessary to ensure that:

(A) Only the default provider provisions routing information to the central database; and

(B) VRS and IP Relay providers other than the default provider are aware that they must query the TRS Numbering Directory in order to obtain accurate routing information for a particular user of VRS or IP Relay.

Comment: CSD will not acquire routing information from any VRS user that ports his number to another VRS provider or otherwise selects a new default provider, and will communicate with the other Internet-based TRS providers and their numbering partners to ensure that only the default provider provisions the routing information to the central database and is aware that it must query the TRS numbering Directory in order to obtain accurate routing information for a particular user of VRS. CSD will begin this communication after the Commission's approval of this application or grant of temporary certification.

(d) Proxy numbers. After December 31, 2008, a VRS or IP Relay provider:

(1) May not assign or issue a proxy or alias for a NANP telephone number to any user; and

(2) Must cease to use any proxy or alias for a NANP telephone number assigned or issued to any Registered Internet-based TRS User.

Comment: CSD will not assign or issue a proxy or alias for a NANP telephone number to any user.

(e) CPE.

(1) Every VRS or IP Relay provider must ensure that all CPE they have issued, leased, or otherwise provided to VRS or IP Relay users delivers routing information or other information only to the user's default provider, except as is necessary to complete or receive "dial around" calls on a case-by-case basis.

(2) All CPE issued, leased, or otherwise provided to VRS or IP Relay users by Internet-based TRS providers must be capable of facilitating the requirements of this section.

Comment: All CPE issued, leased or otherwise provided to a VRS user, and in particular the PAV's, will deliver routing information or other information only to the user's default provider accept as necessary to complete or receive "dial around calls" on a case-by-case basis. Additionally all CPE issues, leased or otherwise provided to a VRS user , and in particular the PAV's support completing or receiving dial around calls on a case-by-case basis. Currently, for each of the PAV's the default provider is CSDVRS. Upon the Commission's approval of this application to default provider will be changed to CSD.

(f) User notification. Every VRS or IP Relay provider must include an advisory on its website and in any promotional materials addressing numbering or E911 services for VRS or IP Relay.

(1) At a minimum, the advisory must address the following issues:

(i) The process by which VRS or IP Relay users may obtain ten-digit telephone numbers, including a brief summary of the numbering assignment and administration processes adopted herein;

(ii) The portability of ten-digit telephone numbers assigned to VRS or IP Relay users;

(iii) The process by which persons using VRS or IP Relay may submit, update, and confirm receipt by the provider of their Registered Location information; and

(iv) An explanation emphasizing the importance of maintaining accurate, up-to-date Registered Location information with the user's default provider in the event that the individual places an emergency call via an Internet-based relay service.

(2) VRS and IP Relay providers must obtain and keep a record of affirmative acknowledgment by every Registered Internet-based TRS User of having received and understood the advisory described in this subsection.

Comment: CSD will provide an advisory on its website addressing E911 and numbering for VRS on its website. This website advisory will include information on the process by which a VRS user may obtain a ten-digit telephone number including the assignment and administration processes, the portability of the ten-digit telephone numbers assigned to VRS users, the process by which a person using VRS may submit, update, and confirm receipt by the provider of their registered location information, as well as an explanation emphasizing the importance of maintaining accurate, up-to-date Registered Location information. CSD will also obtain and keep a record of affirmative acknowledgement by every registered VRS user of having received and understood the advisory.

Additionally, as CSD intends to provide VRS service through PAV's which are fixed in location and available to all users, CSD shall provide advisories available on each of the PAV's. The advisories will provide the user with information addressing E911 and ten-digit numbering for IP enabled endpoints (VRS or IP relay). The Advisories shall include information on the importance of registering the user's location and emphasizing the importance of maintaining accurate and up-to-date Registered location information. The advisories will also provide the user with information on how to obtain a ten-digit number, the registration process, the process used for assigning and administering numbers, and the portability of the ten-digit numbers for the registered user.

5. OVERVIEW OF THE PLATFORM

CSD has developed a multi-modal communications platform which supports interaction between users connected through the Public Switched Telephone Network (PSTN), Video, Text, or Chat modalities. This multi-modal platform also supports conferencing capabilities and multi-party calling.

As specifically deployed to support its VRS service, the CSD platform is deployed using physically diverse redundant components. This section will provide a high level summary of this deployment. CSD would welcome the Commission to view and audit the platform in detail.

CSD has redundantly deployed the majority of its multi-modal communications platform (hereinafter "VRS Platform") in two separate locations ("Site 1" and "Site 2").

Site 1 provides gateways for internet connectivity (typical videophone access) and for the PSTN (typical voice call access). Both internet and PSTN connections are redundant and physically separated to limit the likelihood of network interruption due to having a line cut. Site 1 also provides full Automatic Call Distribution ("ACD") functionality. The ACD functionality provides automatic call routing to the next available agent, prioritizes 911 calls, and provides basic call data reporting. Site 1 also provides multi-network support for H.323, SIP, PSTN, and ISDN protocol support. Site 1 has its own storage array network (SAN) for capturing all relevant call data for purposes of reporting and network optimization. Site 1 utilizes an uninterruptable power system and has a backup generator for continued operation in the event of an extended power outage.

Site 2, similar to Site 1, provides gateways for internet connectivity (typical videophone access) and for the PSTN (typical voice call access). Again, as with Site 1, both the internet and PSTN connections of Site 2 are redundant and physically separated to limit the likelihood of network interruption due to having a line cut. Site 2 also provides full Automatic Call Distribution ("ACD") functionality. As those familiar with call center operations will no doubt understand, the two ACDs may be run in a load balanced manner, or in the event of device or network failure, either ACD may support the requirements of the CSD VRS network independently. Site 2 also has its own storage array network (SAN) for capturing all relevant call data for purposes of reporting and network optimization. Site 2 also utilizes an uninterruptable power system and has a backup generator for continued operation in the event of an extended power outage.

In addition to internet and PSTN connections, Site 1 and Site 2 are connected by a private L2 Ethernet connection. Additionally, through MPLS connection, two additional remote voice gateways are connected to the platform for efficient voice call routing.

Currently, the VRS service for the PAV's is directed to CSDVRS (d/b/a Z-VRS). Upon approval of this application by the Commission, CSD will direct all of the PAV's to its own VRS platform. The User Interface for the PAV's will also be updated to clearly indicate that default service is provided by "USA Relay" as a brand of Communication Service for the Deaf, Inc. Each of the PAV's currently displays the CSD name and logo prominently on the top right corner.

CSD does not intend to directly compete for the installed consumer base of VRS users, but rather intends to provide service through the PAV's and make VRS accessible to all deaf and hard-of-hearing individuals without regard to income or housing circumstance. Because of this limited approach to the market, CSD does not intend to provide desktop or wireless device applications as a user interface into its platform.

Further, CSD does not intend to support any "white label" providers by contracting out its VRS platform. However, to the extent that a provider may experience an extended platform failure or significant network outage, such as that potentially caused by a hurricane, earthquake, flood, or other natural disaster, because CSD's VRS platform is fully interoperable, it could be made available to insure the continued accessibility of VRS services.

6. Conclusion

Communication Service for the Deaf, Inc. ("CSD") is a South Dakota common carrier and has been continually providing VRS or VRS related services, such as qualified video interpreters, since 2002 in compliance with the Commission rules. CSD has a pool of experienced qualified video interpreters, who serve their communities in a variety of roles including community interpreting services. As part of their job, CSD has been able to make these video interpreters available to CSDVRS, LLC at a low cost which helps to control the overall cost of providing VRS services. CSD desires to continue to support CSDVRS through the provision of sub-contract staffing, as it has done since 2007.

Additionally, CSD previously operated its own VRS platform which was sold to CSDVRS, LLC. CSD has developed a new platform capable of meeting or exceeding all of the applicable mandatory minimum specification for VRS. CSD owns, controls, and operates this platform independent of any other provider.

CSD also provides Publically Accessible Videophones (PAV's) across the country in public locations such as airports, healthcare facilities, and educational facilities. CSD desires to provide VRS in conjunction with the PAV's to provide accessible communications for the deaf and hard-of-hearing. This combination of the PAV devices and the VRS service provides reliable access to the nation's telecommunication system to deaf and hard-of-hearing individuals who have a low income, are homeless or transient and have no other form of access to communications.

Therefore, CSD believes that it is in the public interest for the Commission to approve this application for certification as a VRS provider. CSD invites the Commission through its representative to visit and audit the CSD VRS facilities. CSD respectfully requests that the Commission issue conditional certification to CSD prior to October 1, 2011 and upon the completion of its full review of this application that the Commission certify CSD and a VRS provider in accordance with its rules.

Certification of Application

I Swear under penalty of perjury that I am Benjamin J. Soukup, Chief Executive Officer of Communications Service for the Deaf, Inc. 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.

Benjamin J. Soukup