

September 27, 2011

Sent by Electronic Filing and Overnight Delivery

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

Re: In the Matter of Structure and Practices of the Video Relay Service
Program CG Docket Number 10-51 - Petition for Waiver

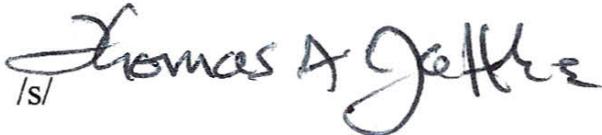
Dear Ms. Dortch:

PowerVRS, LLC ("PowerVRS") and its legal representatives respectfully request from the Federal Communications Commission ("Commission") waiver consideration for the following Rules on its behalf:

- 64.604(c)(5)(iii)(N)(i) & (ii); and
- 64.604(c)(5)(iii)(N)(iii)

Please direct all questions and/or comments to the undersigned.

Sincerely,

A handwritten signature in black ink that reads "Thomas A. Jaffke". To the left of the signature, there is a small, handwritten "s/" indicating the signature is on behalf of the sender.

Thomas Jaffke, Counsel

cc: Greg Hlibok (via Gregory.Hlibok@fcc.gov)
Joel Gurin (via joel.gurin@fcc.gov)
Karen Peltz-Strauss (via karen.strauss@fcc.gov)
Diane Mason (via diane.mason@fcc.gov)

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

In the matter of)
Structure and Practices of the Video Relay) CG Docket Number
10-51)
Service Program)

PETITION FOR WAIVER

When the Commission released the VRS Fraud Order and Further Notice of Proposed Rulemaking (FNPRM)¹ on April 6, 2011, it was necessitated by the proliferation of fraud and abuse while providing Video Relay Services (“VRS”) by several persons and parties in the recent past and to seek comment on new certification regulations from VRS companies wishing to be Telecommunication Relay Services (“TRS”) Fund-eligible. This was to be effective May 31, 2011.

On May 31, 2011, the Commission saw fit to stay the aforementioned effective date of May 31, 2011² until October 1, 2011, effectively putting on hold the application of Sections 64.604(c)(5)(iii)(N)(i) and (ii). PowerVRS acknowledges and will comply with all of the new Rules for TRS certification. These Rules are designed to ensure that VRS companies are within the operational boundaries delineated by the Commission while providing Internet-based relay services to its customers. Consequently,

¹ Structure and Practices of the Video Relay Service Program (CG Docket No. 10-51), “Report And Order and Further Notice of Proposed Rulemaking”, 26 FCC Rcd 5545 (2011)(“VRS Practices Order”

² FCC, Structure and Practices of the Video Relay Service Program, Order Suspending Effective Date, FCC 11-86 (rel. May 31, 2011) (“Stay Order”)

PowerVRS has submitted an application for certification on September 16, 2011 through electronic means and overnight delivery³.

Careful inspection of PowerVRS' TRS certification application will show that PowerVRS complies with the new Rules under Paragraphs 62 and 63 of the VRS Fraud Order and FNPRM and is therefore TRS-Fund eligible. PowerVRS has never claimed that it is TRS certified and has always made clear its role as a subcontractor for certified entities such as Communication Access Center ("CAC") of Flint, Michigan and Healinc Telecom, LLC. ("Healinc") of New York, New York.

PowerVRS, currently a white-label provider and a seeker of TRS certification, has never engaged in business practices since its inception that are in conflict with any of the Commission's Rules, even making certain that all calls were routed through a single URL. However, PowerVRS asks for a waiver of the Sections 64.604(c)(5)(iii)(N)(i) & (ii) and 64.604 (c)(5)(iii)(N)(iii) to be in compliance with the VRS Fraud Order and FNPRM and to ensure the uninterrupted provision of its VRS services. As well, PowerVRS asks to be reimbursed as a subcontractor for the dates of services from June 1, 2011 to September 30, 2011.

Because Section 64.604(c)(5)(iii)(N)(i) specifically states that "only an eligible VRS provider...may hold itself out to the general public as providing VRS"⁴ and because Section 64.604(c)(5)(iii)(N)(ii) specifically requires that "each sub-brand must clearly identify the eligible VRS

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

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

provider”⁵ and that “providers must route all VRS calls through a single URL address used for each name or sub-brand used,”⁶ PowerVRS hereby seeks authorization and sanction from the Commission to waive Sections 64.604(c)(5)(iii)(N)(i), (ii) and 64.604 (c)(5)(iii)(N)(iii) to continue its operations beyond October 1, 2011 in case its TRS certification application is not reviewed and acted on as of that date.

PowerVRS became functional on April 12, 2010 and has processed tens of thousands of calls since then. As mentioned, it was a subcontractor of CAC and is currently a subcontractor of Healinc and routed all its calls through a single URL. Diligent scrutiny of all data pertaining to all calls handled by PowerVRS since that first day will reveal its unwavering obligation to the Commission’s Rules and its long-standing commitment to honest business practices. In accordance with the Commission’s recent mandates, PowerVRS has made all necessary adjustments to its infrastructure, including its website and call hold screens identifying its role as a subcontractor as shown in Appendix A, Figure 1. The POWERVRS.COM domain name for the website was changed to POWERVRS.HEALINCTELECOM.COM as shown in Appendix A, Figure 2. The POWERVRS.TV domain name has been suspended and diverted to different Queues for the holding screen with the message informing callers that POWERVRS.TV has been disabled and to dial an alternate number as shown in Appendix A, Figure 3⁷. Also in accordance with the necessary adjustments, PowerVRS removed all VRS related topics from the homepage and only show it in the “services” page. We also update

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

⁶ Title 47 C.F.R. §64.604(c)(5)(iii)(N)(1)(iii)

⁷ Title 47 C.F.R. §64.604(c)(5)(iii)(N)(1)(ii) (“Providers must route all VRS calls through a single URL address used for each name or sub-brand used.”)(Quote Indicated)

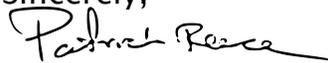
advertisements and instructions on the website, FaceBook, and Twitter to represent Healinc as shown in Appendix A Figure 4. Its consumers will be notified through e-mail, text messages, Facebook, and Twitter of the status of its TRS certification application.

Currently, PowerVRS contracts with Healinc in matters of overflow calls, but is prepared to handle all its calls on its own twenty-four hours a day for seven days a week upon approval of the TRS certification.

PowerVRS is aware that Section (iii) stating that “an eligible VRS provider may not contract with or otherwise authorize any third party to provide interpretation services or call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and registration) on its behalf, unless that authorized third party also is an eligible provider” expires on October 1, 2011. It is hereby asking for waiver in that regard in case its TRS certification application has not been acted on by then so that PowerVRS may continue its operations without any interruptions.

Because it has made the necessary accommodations to reflect the intent of the Commission’s Rules, PowerVRS asserts that it merits reimbursement for the calls handled between June 1, 2011 and September 30, 2011. It also reiterates that it has presented its case through this letter and application that it deserves approval of the TRS certification.

Sincerely,



Patrick W. Reece,

PowerVRS, President and Owner

E-mail: preece@powervrs.com

Phone: 989-262-6404

Appendix A (Snapshots)

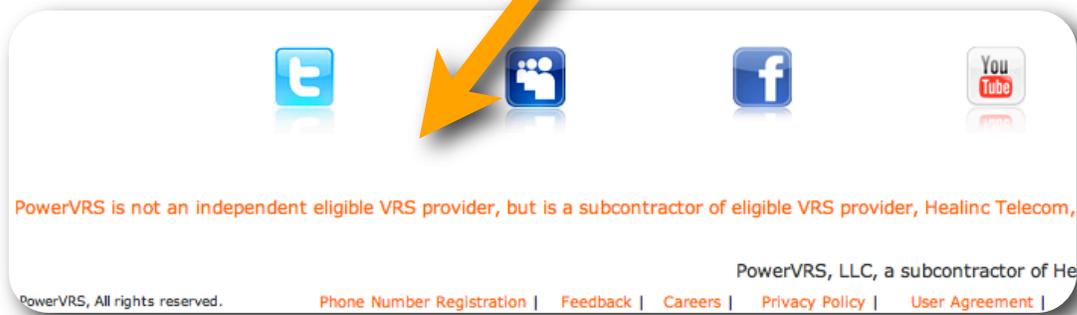
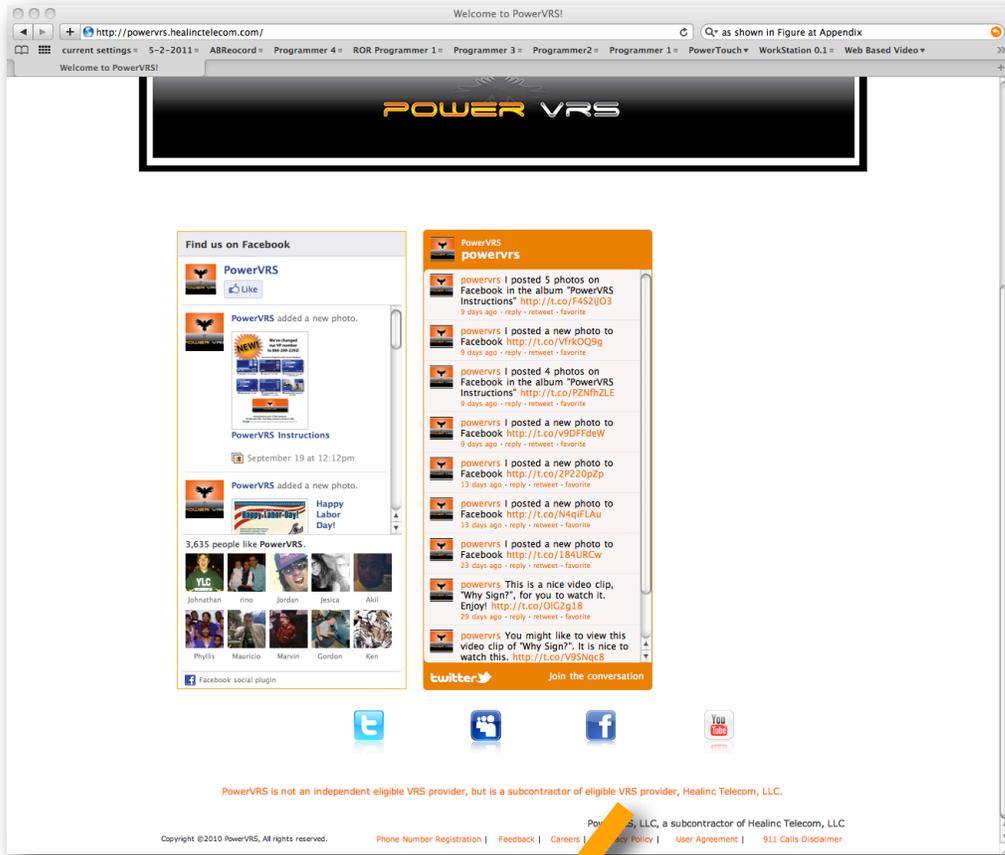


Figure 1: Not An Independent Eligible VRS Provider

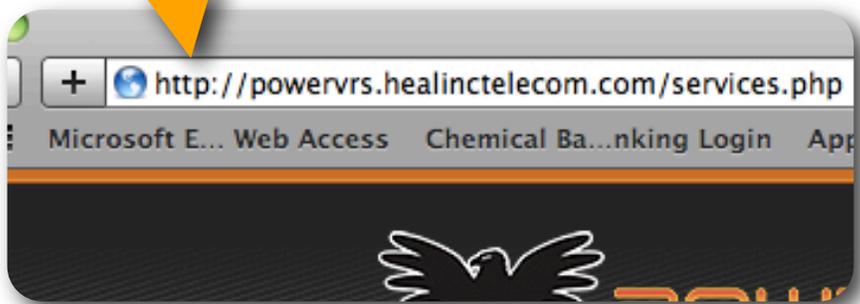


Figure 2: Domain Name Changed



Figure 3: Splash Screen



We've changed our VP number to 866-200-2292!

Here's how to change the number on your videophone

1 Main Menu - Select Contacts. **2** Contact List - Select Edit... **3** Edit Contact List - Change Dial to 1-866-200-2292.

4 Edit Contact List - Click OK. **5** Using PowerVRS - Select 1 POWERVRS and press Enter. **6** Using PowerVRS - Connect to PowerVRS!



www.powervrs.com • iChat: powervrs
VP: 866.200.2292 • Text Relay: powervrs (iChat or AIM)

 PowerVRS is not an independent eligible VRS provider, but is a subcontractor of eligible VRS provider, HealinC Telecom, LLC.

www.powervrs.com • iChat: p
VP: 866.200.2292 • Text Relay: powerv

 PowerVRS is not an independent eligible VRS provider, but is a subcontractor

Figure 4: HealinC Logo on PowerVRS Instructions/Advertisements