

I. MCG REQUESTS CONDITIONAL CERTIFICATION OR A WAIVER OF SECTION 64.604(c)(5)(iii)(N)(1)(i)

In its Certification Application, MCG demonstrated that it has both the capability and the resources to provide high quality VRS that will benefit a great number of persons with speech or hearing disabilities. MCG demonstrated that it currently meets each of the Mandatory Minimum Standards required of a provider seeking certification as a VRS provider eligible for reimbursement from the Fund.

The Commission has not yet acted upon MCG's Certification Application. Pursuant to the Commission's newly adopted rule, Section 64.604(c)(5)(iii)(N)(1)(i), only a certified provider may provide VRS service after October 1, 2011. MCG has been providing VRS service as a "white label" provider since April 2010. In order to comply with Section 64.604(c)(5)(iii)(N)(1)(i), MCG has taken all of the necessary steps required to become a certified provider.

MCG developed its own customer base as a "white label" provider. MCG is ready, willing and able to provide VRS service to its customers upon being certified by the Commission. MCG has leased all of the required technical facilities, has leased a call center, and has hired and trained communications assistants. MCG therefore requests that the Commission authorize MCG to continue providing VRS service without interruption. An interruption of service would inflict irreparable harm to MCG's efforts to develop its fledgling business, and it would be a great disservice to MCG's customers who would be without service. Therefore, MCG requests that the Commission grant MCG conditional certification as contemplated by the Commission in its *Certification Order*.⁴

⁴ *Certification Order*, par. 37.

Alternatively, if the Commission is not prepared to grant conditional certification while it reviews MCG's Certification Application, MCG requests waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) to allow it to continue to operate as a subcontractor. While MCG is prepared to operate as a standalone certified provider, MCG is willing to accept a waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) to allow it to continue to do business as it has been doing. While this is not MCG's preferred solution, it is at least a result that prevents MCG from being forced to cease operations.

II. MCG WILL NOT UTILIZE AN OVERFLOW AGREEMENT

On September 21, 2011, MCG filed a Request for Clarification with the Commission requesting clarification of the manner in which certified providers are permitted to provide overflow backup to each other. The Commission has not acted upon that Request for Clarification. MCG has, therefore, adjusted its staffing plans to address the overflow issue. MCG will be able to provide its VRS in compliance with the Commission's rules without an overflow agreement. MCG submits that action on its Request for Clarification is not required for MCG to be granted certification. Therefore, while MCG believes that a clarification would be helpful to all certified providers, MCG is no longer proposing to have an overflow agreement as part of its Certification Application.

III. TO THE EXTENT IT MAY BE REQUIRED, MCG REQUESTS A WAIVER OF SECTIONS 64.604(c)(5)(iii)(N)(1)(i) AND SECTION 64.604(c)(5)(iii)(N)(1)(ii)

Several parties have filed requests for waiver of Section 64.604(c)(5)(iii)(N)(1)(i) and Section 64.604(c)(5)(iii)(N)(1)(ii) for the period June 1, 2011 to September 30, 2011. *See* Petition for Waiver filed by Healinc Telecom, LLC, September 28, 2011; Petition for Waiver filed by ASL Services Holdings, LLC, September 28, 2011; Petition for Waiver filed by Say-Hey, Inc., September 29, 2011, and Petition for Waiver filed by PowerVRS, LLC, September 27,

2011. MCG is a sub-contractor of Healinc, and to the extent MCG may require a waiver similar to those requested by these parties, MCG requests a waiver of Section 64.604(c)(5)(iii)(N)(1)(i) and Section 64.604(c)(5)(iii)(N)(1)(ii) for the period June 1, 2011 to September 29, 2011. MCG believes that the manner in which it provided service during this period was in compliance with the Commission's rules and policies. However, to the extent MCG may need a waiver of these rules for this period of time, MCG hereby requests such a waiver.

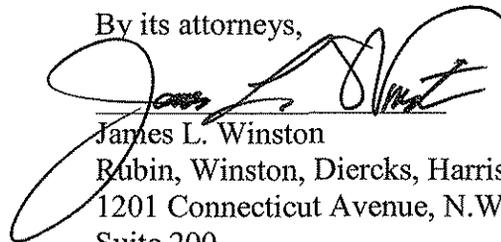
IV. CONCLUSION

Malka Communications Group has demonstrated above that the public interest will be served by granting it authority to continue operating its VRS service. MCG requests conditional certification so that it can begin operating as a standalone VRS provider. If provided conditional certification, MCG is not requesting that it be allowed to utilize an overflow agreement as part of its Certification Application. Alternatively, MCG requests a waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) to continue operating as a subcontractor to a certified provider. And, to the extent it may be required, MCG requests a waiver of Section 64.604(c)(5)(iii)(N)(1)(i) and Section 64.604(c)(5)(iii)(N)(1)(ii) for the period June 1, 2011 to September 30, 2011.

Respectfully Submitted,

MALKA COMMUNICATIONS GROUP

By its attorneys,



James L. Winston
Rubin, Winston, Diercks, Harris & Cooke, LLP
1201 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036
(202) 861-0870

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