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September 30, 2011

Via Overnight Delivery and ECFS

Ms. Marlene H. Dortch

Secretary

Federal Communications Commission

445 12th St., S.W.

Washington, DC 20554

Attn: Joel Gurin, Chief, Consumer & Governmental
Affairs Bureau, TRS Certification Program

RE: Section 64.604(c)(5)(iii)(N)(1)(iii) Waiver Request of BIS Relay,
LLC("BIS") In the Matter of Structure and Practices of the Video Relay
Service Program, CG Docket No. 10-51

Dear Secretary Dortch and Chief Gurin:

On April 6, 2011, the Commission released the *VRS Fraud Order and FNPRM*¹, which adopted new rules to detect and prevent fraud and abuse in the provision of Video Relay Services ("VRS") and sought comment on proposed revisions to the certification process to better ensure that potential providers are qualified to provide Internet-based relay service. These new rules became effective June 1, 2011.² On May 31, 2011, however, the Commission stayed the effective date of Section 64.604(c)(5)(iii)(N)(1)(iii) (the "Section (iii) Requirement") until October 1, 2011 (the "Section (iii) Stay").

BIS, by way of its corporate predecessors, submitted multiple applications for certification as an eligible VRS provider³ under the old rules, the earliest of which was filed with the Commission in January of 2010, and earlier this week, on September 26th, submitted a new application for certification as an eligible VRS provider pursuant to the new rules. BIS specifically notes that the new application for certification demonstrates its compliance with the rules as they stand today, as well as provides the additional information and documentation required under Paragraphs 62 and 63 of the *VRS Fraud Order and FNPRM*, all of which are incorporated herein by reference.

¹ *Structure and Practices of the Video Relay Service Program*, report and order and further notice of proposed rulemaking, 26 FCC Rcd 5545,5546 (Apr. 6, 2011) ("*VRS Fraud Order and FNPRM*")

² FCC, *Structure and Practices of the Video Relay Service Program*, 76 Fed. Reg. 24393 (May 2, 2011)

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

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BIS asserts that it has been in compliance with the Commission's rules at all times in that it has never held itself out as an approved provider of VRS, has consistently remained up front and transparent about its subcontractor relationships with certified providers such as ZVRS, SNAP and CAC, and has always routed all calls through a single URL. It has further demonstrated its willingness and desire to be regulated by the Commission to the full extent of the rules and regulations governing VRS, by way of its submission of applications for certification as early as January, 2010, and as recently as this week.

As is discussed more fully in its current application, in response to the *VRS Fraud Order and FNPRM*, BIS has taken all necessary measures to become an approved provider on its own, from investing in and implementing its own platform without the need for technology or support provided by another VRS provider, to ensuring that it has the facilities and resources, including call centers and interpreters, to provide 24/7 coverage and quick emergency response without requiring rollover support of another provider,

Based on the foregoing, BIS hereby submits this request for temporary waiver of the Section (iii) Requirement in the event BIS does not receive certification by October 1, 2011, and to extend such waiver until such time as BIS has obtained certification under the new rules.

The Commission's grant of BIS's Waiver Request as herein stated will enable BIS to provide invaluable VRS to its thousands of customers without further interruption and to do so in such a manner that will not undermine the measures adopted in the *VRS Fraud Order and FNPRM* aimed at eliminating fraud and abuse in the VRS program. Should you need additional information with regard to this request, please don't hesitate to contact me at 210-698-0500.

Respectfully Submitted


Wesley N. Waite, Sr.

STATE OF TEXAS)
) ss.
COUNTY OF KENDALL)

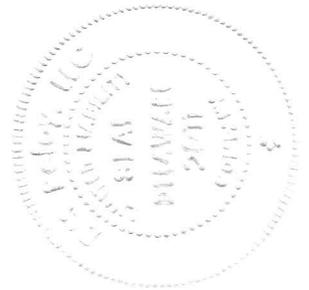
VERIFICATION

I swear under penalty of perjury that I am Wesley N. Waite, Sr., Chief Executive Officer BIS Relay, 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.



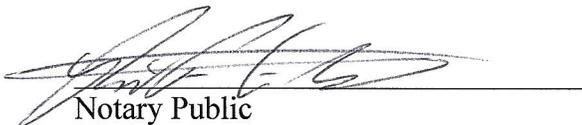
Wesley N. Waite, Sr.

CEO



Subscribed and sworn to or affirmed before

me this 30th day of September, 2011.


Notary Public

(Affix seal or stamp)

