

- (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).

When an emergency E911 call is made to S&L's VRS platform, the call is routed to a separate high-priority queue. All CA's are notified that a 911 call is in queue, and the first available CA will respond. The caller's number is presented and detailed address information is available to the CA by pressing "info" on the call screen. The serving PSAP number is automatically populated on the outbound side of the CA client screen and a voice call is placed via the public switched telephone network ("PSTN"). S&L's emergency routing system provider will then route the call to the designated PSAP for emergency services to be dispatched. A 911 call flow diagram is attached hereto as CONFIDENTIAL Exhibit E.

S&L is informing subscribers of the process for placing emergency VRS 911 calls through promotional materials, S&L's website, when users call S&L's VRS and platform via the Internet, and in marketing materials provided to customers and prospective customers.

- (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.

S&L's VRS platform will automatically populate subscriber registration information for all S&L subscribers. The CA immediately asks the user if they are at the registered location. If not, the CA gathers as much information as possible about the current subscriber location which is forwarded to the serving PSAP in order to have emergency services dispatched. The CA will stay on the line with the user until emergency services arrive. Should a 911 caller not be a registered user and there is no information to automatically populate into the VRS platform, then the CA must retrieve the location information from the caller and the 911 call will automatically route to a designated call center that will take the location information from the CA and then dispatch the local emergency services.

(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.

All CAs are trained to stay on an emergency call until services arrive. They collect as much information about the location of the caller to reconnect to them in the unlikely event the call is disconnected. Additionally, when transmitting the user location information to the PSAP, the CAs are trained to identify their CA name and number so, in the unlikely event they are disconnected, the PSAP can call back and identify the CA processing 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 customer's location in an emergency situation or for other emergency or law enforcement purposes.

S&L agrees to strictly protect the confidentiality of all customer proprietary information pursuant the requirements set forth in Section 64.604(a)(2)(i), and to be voluntarily bound by the provisions of the Commission's Customer Proprietary Network Information rules set forth in Section 64.2001 *et seq.*¹⁸

(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 users whose Registered Location is in a geographic area served by a Wireline E911 Network.
- (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;
 - (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 CAs identification number for each call, to the PSAP, designated statewide default answering point, or appropriate local emergency authority that serves the caller's Registered Location and that has been designated for

¹⁸ 47 C.F.R §64.2001 *et seq.*

telecommunications carriers pursuant to §64.3001 of this chapter, provided that "all 911 calls" is defined as "any communication initiated by a VRS or IP Relay user dialing 911."

S&L will coordinate with other industry representatives developing procedures for population of Neustar, Inc.'s Registered Location numbering assignment administrator's database immediately upon certification. The database will be populated with assigned geographically appropriate ten-digit numbers that reflect the user's physical location to support of routing of emergency calls to the local PSAP that corresponds to the caller's location. As noted, registered location information is requested as part of the subscriber registration which automatically populates the CA's screen when the caller contacts S&L. However, as a matter of policy, CAs confirm the registered location on each 911 emergency call before directing the call to the appropriate PSAP.

S&L transmits all 911 calls through its VRS and emergency routing system provider to the caller's serving PSAP with automatic number identification ("ANI"), the caller's registered location, information indicating that the call is being placed by S&L and the CA's identification number. All 911 calls will be routed through the use of ANI and, if necessary, pseudo-ANI, via the dedicated wire line E911 network.

S&L's VRS Platform implements an automated system to prioritize emergency calls so that they are answered before non-emergency calls. Emergency 911 calls are recognized by the calling platform and are given the highest priority in the call queue system ahead of any other non-emergency calls. S&L ensures that CAs are trained to request the caller's name and location at the beginning of any emergency call, even if the caller's registered location information is already on file with S&L. In the event one or both legs of an emergency call are disconnected, S&L ensures that CAs are trained to re-establish the call by contacting the calling party, the PSAP, or both. S&L recognizes that information obtained by S&L as a result of assisting with an emergency call will be used only for emergency or law enforcement purposes.

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

S&L's VRS platform will transmit ANI based on the assigned ten-digit number established in the Registered Location database for S&L's subscribers. ANI data will be transmitted to the serving PSAP through dedicated 911 routing facilities via the VRS platform and arrangements with interconnecting carriers. For mobile video phone devices such as cell phones, tablets, and laptops, S&L will take an added precautionary step to verify the caller's information and current location of the caller.

- (iv) The Registered Location, the name of the VRS or IP Relay provider, and the CAs 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.

As noted, S&L's VRS platform is configured to automatically identify the caller's registered location to the PSAP as long as the caller is a registered customer with S&L. The CA will provide the PSAP with the CA's name, identification number, and call back number. Should the caller not be an S&L registered user, the CA will retrieve the current location of the caller and provide that information to the PSAP.

- (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.
- (4) Registered Location Requirement. As of December 31, 2008, VRS and IP Relay providers must:
 - (i) Obtain from each Registered Internet-based IRS User, prior to the initiation of service, the physical location at which the service will first be utilized; and
 - (ii) If the VRS or IP Relay is capable of being used from more than one location, provide their Registered Internet-based IRS 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 VRS User to update the Registered Location at will and in a timely manner.

In order for subscribers to select S&L as a preferred provider and access S&L's VRS platform, subscribers are required to affirmatively register with S&L. Through this registration process, subscribers are required to provide necessary contact information, including physical location which is needed to populate the Registered Location database. Subscribers are able to register and update information over a secure Internet web site, www.skyvrs.com, via email, or by contacting S&L's Customer Care in writing or by telephone, with proper verification of identity. Further, S&L's operating procedures dictate that CAs verify Registered Location information on all emergency calls, as noted *supra*. S&L provides users with specific information on the use of customer proprietary network information to be collected for complying with 911 access requirements.

5. STS Called Numbers (47 C.F.R. §64.604(a)(5)).

Standard: Relay providers must offer STS users the option to maintain at the relay center a list of names and telephone numbers which the STS user calls. When the STS user requests one of these names, the CA must repeat the name and state the telephone number to the STS user. This information must be transferred to any new STS provider.

This requirement has been waived indefinitely for VRS.¹⁹ Notwithstanding waiver of this requirement, S&L's VRS platform has the capability of maintaining a list of names and telephone numbers that STS users might call. S&L's VRS platform does not enable customers to maintain a list of frequently called individuals and numbers that would enable the customer to initiate a call to an individual by clicking the option on the screen. The customer's personal list of contacts is maintained through the VRS platform user's software, which eliminates the need for maintaining a separate list at the relay center. This structure also creates an additional level of security for the customer.

¹⁹ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket Nos. 90-571 & 98-67, CG Docket No. 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, at 12594 (2004).

6. Visual privacy screens/idle calls (47 C.F.R. §64.604(a)(6))

Standard: A VRS CA may not enable a visual privacy screen or similar feature during a VRS call. A VRS CA must disconnect a VRS call if the caller or the called party to a VRS call enables a privacy screen or similar feature for more than five minutes or is otherwise unresponsive or unengaged for more than five minutes, unless the call is a 911 emergency call or the caller or called party is legitimately placed on hold and is present and waiting for active communications to commence. Prior to disconnecting the call, the CA must announce to both parties the intent to terminate the call and may reverse the decision to disconnect if one of the parties indicates continued engagement with the call.

S&L's training program now directs CAs to never enable a visual privacy screen or any such feature as may hide the CA's identity. CAs are also now trained to terminate calls if the caller enables a privacy screen or similar feature for more than five minutes or is otherwise unresponsive or unengaged for more than five minutes unless the call is a 911 emergency call or the caller or called party is legitimately placed on hold and is present and waiting for active communications to commence. CAs are trained to announce their intent to terminate the call in such instances, unless one of the parties indicates an intent to continue the call.

7. International Calls (47 C.F.R. §64.604(a)(7)).

Standard: VRS calls that originate from an international IP address will not be compensated, with the exception of calls made by a U.S. resident who has pre-registered with his or her default provider prior to leaving the country, during specified periods of time while on travel and from specified regions of travel, for which there is an accurate means of verifying the identity and location of such callers. For purposes of this section, an international IP address is defined as one that indicates that the individual initiating the call is located outside the United States.

S&L affirmatively acknowledges that calls originating from an international IP address will not be compensated, with the exception of calls made by a U.S. resident who has pre-registered with his or her default provider prior to leaving the United States, during specified periods of time while on travel and from specified regions of travel, for which there is an accurate means of verifying the identity and location of such callers. The United States has a specific IP numbering system. An international traveler must first register with Customer Care to be approved to use the platform while traveling.

B. Technical Standards

1. ASCII and Baudot. (47 C.F.R. §64.604(b)(1))

Standard: TRS shall be capable of communicating with ASCII and Baudot format, at any speed generally in use.

S&L's VRS platform supports text messaging and may be accessible through other forms of conventional text/data transmissions including ASCII and Baudot format, generated through most TRS equipment.

2. Speed of Answer (47 C.F.R. §64.604(b)(1)).

Standard (i): TRS providers shall ensure adequate TRS facility staffing to provide callers with efficient access under projected calling volumes, so that the probability of a busy response due to CA unavailability shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.

S&L's internal speed of answering goal is to answer calls within the first one to ten seconds, thereby exceeding the current Commission speed of answer standard applicable to VRS. S&L's VRS platform has an automated monitoring system which continually measures speed of answer, with regular reports provided to S&L. A sufficient number of CAs are scheduled at all times to ensure callers are not faced with lengthy waits for service. Utilizing daily utilization reports, staffing reports and feedback from call center managers, S&L maintains proper staffing and is constantly improving its workforce management. In times where S&L experiences uncalculated "spikes" in call volume, S&L immediately looks to support the call centers by utilizing trained CA's that live close by from the call center. This way, S&L can methodically pull in the needed staff to support a "spike" with the closest CAs available within proximity to its call centers.

Standard (ii): TRS facilities shall, except during network failure, answer 85% of all calls within 10 seconds by any method which results in the caller's call immediately being placed, not put in a queue or on hold. The ten seconds begins at the time the call is delivered to the TRS facility's network. A TRS facility shall ensure that adequate network facilities shall be used in conjunction with TRS so that under projected calling volume the probability of a busy response due to loop trunk congestion shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.

- (A) The call is considered delivered when the TRS facility's equipment accepts the call from the local exchange carrier and the public switched network actually delivers the call to the TRS facility.
- (B) Abandoned calls shall be included in the speed-of-answer calculation.
- (C) A TRS provider's compliance with this rule shall be measured on a daily basis.
- (D) The system shall be designed to a P.01 standard.
- (E) A LEC shall provide the call attempt rates and the rates of calls blocked between the LEC and the TRS facility to relay administrators and TRS providers upon request.

Standard (iii): Speed of answer requirements for VRS providers are phased-in as follows: 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.

S&L is in current compliance with the speed of answer requirements for VRS providers and has adopted procedures to ensure that it remains compliant on a going forward basis. Over the past three months, S&L has answered 95% of calls within 3 to 5 seconds. In anticipation of obtaining certification, S&L is planning to add sufficient staff to ensure continued compliance with the Commission's requirements.

3. Equal access to interexchange carriers. (47 C.F.R. §64.604(b)(3)).²⁰

Standard: TRS users shall have access to their chosen interexchange carrier through the TRS, and to all other operator services, to the same extent that such access is provided to voice users.

To the extent that registered subscribers now rely on S&L or other IP-based providers as their default service provider, subscribers should not, as a practical matter, require access to a wire line interexchange or local exchange carrier. S&L continues to provide local, domestic intrastate, interstate and international long distance services at no cost to callers. Nevertheless, S&L retains the technical capability to route interexchange calls to the subscriber's interexchange carrier of choice and place calling card calls to carriers using the subscriber's calling card, in the event that is requested by callers.

²⁰ This requirement has been waived through July 1, 2012. *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123 and WC Docket No. 05-196, Order, 26 FCC Rcd 9449 (2011).

4. TRS facilities. (47 C.F.R. §64.604(b)(4)).

Standard (i): TRS shall operate every day, 24 hours a day. Relay services that are not mandated by this Commission need not to be provided every day, 24 hours a day.²¹

S&L CAs operate 16 hours per day. Should the Commission grant certification to S&L, it will comply with this Standard on a 24-hours-per-day, 7-days-per-week, 365-days-per-year basis. S&L has more than enough resources to comply with this regulation by October 1, 2011 or by such date as it receives certification.

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

S&L's call center is equipped with back-up UPS batteries to continue uninterrupted operations for several minutes. Should the Commission grant S&L certification, S&L will ensure to place a back-up generator so the service can continue uninterrupted to ensure operability even if there is a local power outage. Each CA station is equipped with a back-up battery that will last for approximately fifteen (15) minutes for emergency situations when there is no power. The VRS platform is housed in a commercial collocation area not affiliated with any other provider. S&L's collocation has redundant power and cooling facilities in order to maintain the platform functionality as well.

Standard (iii): A VRS CA may not relay calls from a location primarily used as his or her home.

All calls are processed exclusively from S&L's call center. S&L does not employ or otherwise engage CAs who relay calls from a home location.

Standard (iv): A VRS provider leasing or licensing an automatic call distribution (ACD) platform must have a written lease or license agreement. Such lease or license agreement may not include any revenue sharing agreement or compensation based upon minutes of use. In addition, if any such

²¹ The Commission has noted that under Section 64.604(b)(4) "Relay services that are not mandated by this Commission are not required to be provided every day, 24 hours a day." Since the Commission has stated that "VRS is not a mandatory TRS service," and therefore, is not subject to perpetual staffing requirements. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket Nos. 90-571 & 98-67, CG Docket No. 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, at fn. 659 & Appendix E (2004).

lease is between two eligible VRS providers, the lessee or licensee must locate the ACD platform on its own premises and must utilize its own employees to manage the ACD platform.

As noted, S&L has utilized [REDACTED] to provide VRS platform services. S&L also recently executed an agreement with [REDACTED] to provide S&L's VRS platform services going forward. The [REDACTED] ACD platform is licensed on a flat monthly fee basis that is in no way based on revenue sharing or upon call usage. The ACD platform is physically located in [REDACTED] [REDACTED] data center located at [REDACTED] [REDACTED] and is accessed by S&L. Evidence of S&L's compliance is attached hereto as CONFIDENTIAL Exhibit B.

5. Technology. (47 C.F.R. §64.604(b)(5)).

Standard: 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.*

S&L is committed to pursue, and shall work in the development of advanced technological applications to provide the widest possible access to the Deaf Community should a certification be granted by the FCC.

6. Caller ID. (47 C.F.R. §64.604(b)(6)).

Standard: 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.

S&L's VRS platform passes through the caller's assigned ten-digit number to the called party.

C. Functional Standards

1. Consumer Complaint Logs. (47 C.F.R. §64.604(c)(1)).

Standard (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.

S&L subscribers retain the ability to initiate complaints to a CA or CA supervisor, via electronic mail to the Company's customer service address and via the Company's web site, www.skyvrs.com as noted. Complaints are logged into S&L's complaint tracking system. The CA who receives the complaint, will pass the complaint on to a Customer Care representative who investigates the issue and responds directly to the complainant within 1-24 hours, depending on the nature of the complaint. The response is recorded in the complaint log. A supervisor will monitor complaint status and will ensure that action is taken within the specified period. If the complaint entails a technical issue, then a trouble ticket is prepared and the trouble is investigated and resolved by Customer Care representative. The representative is responsible for responding to the assigned CA who then communicates with the complainant, and the result is documented.

All complaints are viewed as a priority and are resolved as expeditiously as possible. Further, S&L technical support specialists have pursued a proactive customer education approach that uses Deaf employees to reach out to subscribers. This initiative assists the customers in better understanding how to use S&L's service and minimize inquiries.

Standard (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.

S&L agrees to submit complaint logs annually as required under Commission rules.

2. Contact Persons. (47 C.F.R. §64.604(c)(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:

Standard(i): "The name and address of the office that receives complaints, grievances, inquiries, and suggestions.

The senior individual responsible for receiving complaints, grievances, inquiries, and suggestions for S&L and the physical address to which such correspondence should be sent is:

Marcelo Simonian
VP of Operations
9500 NW 79th Ave Suite #3
Hialeah Gardens, FL 33016
Off: 786-623-3075
Fax: 786-623-3074
Email: simonianma@aol.com or info@skyvrs.com

All CAs are immediately responsible for receipt of complaints they receive, including pursuing timely resolution, responding to the complainant, and providing documentation, which is subject to supervisory review. Specialized Customer Care representatives are also available if the CA cannot immediately respond to a complaint or inquiry. S&L avers to inform the Commission any changes in contact information for the senior individual responsible for complaints in a timely manner.

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

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

Please refer to Standard (i), *supra*.

3. Public Access to Information. (47 C.F.R. §64.604(c)(3)).

Standard: Public access to information. Carriers, through publication in their directories, periodic billing inserts, placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TTY numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and use of all forms of TRS. Efforts to educate the public about TRS should extend to all segments of the public, including individuals who are hard of hearing, speech disabled, and senior citizens as well as members of the general population. In addition, each common carrier providing telephone voice transmission services shall conduct, not later than October 1, 2001, ongoing education and outreach programs that publicize the availability of 711 access to TRS in a manner reasonably designed to reach the largest number of consumers possible.

S&L takes various steps to educate the public about trilingual (English, Spanish, ASL Language) VRS Services so that potential users are made aware of the availability of VRS. S&L's outreach efforts are distinguishable from those of other VRS providers because of S&L's focus on the

Latin Deaf and Hard-of-Hearing community. Due to linguistic nuance in Spanish language dialects, S&L must tailor its message to the Latino community more closely than to the English speaking community.

S&L's belief that training and understanding of the various dialects and linguistic nuances used by the Latino community is essential to providing high-quality trilingual VRS service. Accordingly, S&L has hired personnel with a mix of Latino backgrounds in order to have a well-rounded management, marketing, and interpreting team to enable it to effectively communicate with the various sub-communities within the Latino community. S&L believes that its attention and sensitivity to the cultural dynamics within the Latino community distinguishes S&L from other VRS providers servicing Spanish-speaking VRS clients.

S&L provides public outreach via its website, online and print advertising, consumer trade show presentations, meetings with user communities, distribution of informational materials, direct mailing to consumers, online communication (including Twitter and Facebook), and other promotional methods:

- Expo Education: S&L supports various expos and trade shows throughout the country. Its sponsorship assists in supporting the venue to showcase various products and services within the Deaf and Hard-of-Hearing community. In addition, S&L sends teams of interpreters to work at its booth and talk one-on-one with the Deaf and Hard-of-Hearing attendees in order to answer their questions regarding VRS.

4. Rates. (47 C.F.R. §64.604(c)(4))

Standard: "TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination Inapplicable. S&L's subscribers will not be charged for S&L's VRS service.

See S&L's discussion regarding compliance with the standard for Types of Calls (47 C.F.R. §64.604(a)(3)), *supra*.

5. Jurisdictional Separation of Costs. (47 C.F.R. §64.604(c)(5)(iii)(C))²²

Standard (1): *Data Collection and Audits from TRS Providers.* TRS providers seeking compensation from the TRS Fund shall provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested to determine the TRS Fund revenue requirements and payments. TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS investment in general in 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.

Standard (2): *Call data required from all TRS providers.* In addition to the data requested by section 64.604(c)(5)(iii)(C)(I), TRS providers seeking compensation from the TRS Fund shall submit the following specific data associated with each TRS call for which compensation is sought: (1) the call record ID sequence; (2) CA ID number; (3) session start and end times noted at a minimum to the nearest second; (4) conversation start and end times noted at a minimum to the nearest second; (5) incoming telephone number and IP address (if call originates with an IP-based device) at the time of the call; (6) outbound telephone number (if call terminates to a telephone) and IP address (if call terminates to an IP-based device) at the time of call; (7) total conversation minutes; (8) total session minutes; (9) the call center (by assigned center ID number) that handled the call; and (10) the URL address through which the call is handled.

S&L affirmatively acknowledges its obligation to provide the administrator with true and adequate data and other historical, projected and state rate related information reasonably requested to determine the TRS Fund revenue requirements and payments in accordance with the requirements set forth in 47 C.F.R. §64.604(c)(5)(iii)(C)(1) and (2) and any such additional procedures adopted by the administrator.

Standard (3): *Additional call data required from internet-based Relay Providers.* In addition to the data required by section 64.604(c)(5)(iii)(C)(2), Internet-based Relay Providers seeking compensation from the Fund shall submit speed of answer compliance data.

S&L affirmatively acknowledges its obligation to provide speed of answer compliance data to the Fund Administrator and Commission.

Standard (4): Providers submitting call record and speed of answer data in compliance with sections 64.604(c)(5)(iii)(C)(2) and (3) shall (i) employ an automated record keeping system to capture such data required pursuant to section 64.604(c)(5)(iii)(C)(2) for each TRS call for which minutes are submitted to the fund administrator for compensation; and (ii) submit such data electronically, in a standardized format. For purposes of this subparagraph, an automated record

²² The standards set forth in Section 64.604(c)(5)(i), (ii), (iii)(A) and (iii)(B) do not require response, but are acknowledged by Applicant.

keeping system is a system that captures data in a computerized and electronic format that does not allow human intervention during the call session for either conversation or session time.

S&L affirmatively acknowledges its obligation to provide data through an automated record keeping system which captures required data, formats for reporting, and reports. All reporting is currently automated and is submitted in electronic format. Report data is generated from the electronic call detail records generated during each call and saved on the VRS platform database. Upon initiation of a call, all actions are automatically logged and time stamped in the platform trace files. After a call has been terminated/completed, the call detail record data is electronically written to the platform database. Each call creates a unique charging record. The charging record data is then automatically formatted and finally reviewed prior to submission.

Standard (5): *Certification*. The chief executive officer (CEO), chief financial officer (CFO), or other senior executive of a TRS provider with first-hand knowledge of the accuracy and completeness of the information provided, when submitting a request for compensation from the TRS Fund must, with each such request, certify the truth and accuracy of the data and that such requests for compensation to not result from "impermissible financial incentives or payments to generate calls" pursuant to Section 225 of the Communications Act and the Commission's rules and orders.

S&L affirmatively acknowledges its obligation to, and will, certify through its President and Chief Executive Officer ("CEO") that each and every request for compensation is truthful, accurate, and does not result from any impermissible financial incentives or payments to generate calls.

Standard (6): *Audits*. The fund administrator and the Commission, including the Office of Inspector General, shall have the authority to examine and verify TRS provider data as necessary to assure the accuracy and integrity of TRS Fund payments. TRS providers must submit to audits annually or at times determined appropriate by the Commission, the fund administrator, or by an entity approved by the Commission for such purpose. A TRS provider that fails to submit to a requested audit, or fails to provide documentation necessary for verification upon reasonable request, will be subject to an automatic suspension of payment until it submits to the requested audit or provides sufficient documentation.

S&L affirmatively acknowledges its obligation to, and will, submit to audits on an annual basis or at such other times as determined by the auditing entity, by the fund administrator and the Commission, including the Office of Inspector General. S&L will provide all such data and

documentation as requested by the auditing entity for examination and verification of the data submitted as necessary to assure the accuracy and integrity of TRS Fund payments.

Standard (7): *Call data record retention.* Internet-based TRS providers shall retain the data required to be submitted by this section, and all other call detail records, other records that support their claims for payment from the TRS Fund, and records used to substantiate the costs and expense data submitted in the annual relay service data request form, in an electronic format that is easily retrievable, for a minimum of five years.

S&L affirmatively acknowledges its obligation to, and will, retain the data required to be submitted by this section, and all other call detail records, other records that support its claims for payment from the TRS Fund, and records used to substantiate the costs and expense data submitted in the annual relay service data request form, in an electronic format that is easily retrievable, for a minimum of five (5) years.

D. Information filed with the administrator.(47 C.F.R. §64.604(c)(5)(iii)(I)).²³

S&L affirmatively acknowledges the obligation of its CEO, Chief Financial Officer ("CFO"), or other senior executive to in each instance, certify, under penalty of perjury, that the minutes for which Fund compensation is requested are in compliance with Section 225 of the Act and the Commission's rules and orders, and are not the result of impermissible financial incentives or payments to generate calls. The CEO, CFO, or other senior executive will certify under penalty of perjury to the TRS Fund administrator that such information is true and correct.

E. Procedures for the suspension/withholding of payment. (47 C.F.R. §64.604(c)(5)(iii)(L)).

Standard (1): The Fund administrator will continue the current practice of reviewing monthly requests for compensation of TRS minutes of use within two months after they are filed with the Fund administrator.

Standard (2): If the Fund administrator in consultation with the Commission, or the Commission on its own accord, determines that payments for certain minutes should be withheld, a TRS provider will be notified within two months from the date for the request for compensation was filed, as to why its claim for compensation has been withheld in whole or in part. TRS providers then will be

²³ Sections 64.604(c)(5)(iii)(D)-(H), and (I)-(J) require no response, but are acknowledged by Applicant.

given two additional months from the date of notification to provide additional justification for payment of such minutes of use. Such justification should be sufficiently detailed to provide the Fund administrator and the Commission the information needed to evaluate whether the minutes of use in dispute are compensable. A TRS provider does not respond, or does not respond with sufficiently detailed information within two months after notification that payment for minutes of use is being withheld, payment for the minutes of use in dispute will be denied permanently.

Standard (3): If, the VRS provider submits additional justification for payment of the minutes of use in dispute within two months after being notified that its initial justification was insufficient, the Fund administrator or the Commission will review such additional justification documentation, and may ask further questions or conduct further investigation to evaluate whether to pay the TRS provider for the minutes of use in dispute, within eight months after submission of such additional justification.

Standard (4): If the provider meets its burden to establish that the minutes in question are compensable under the Commission's rules, the Fund administrator will compensate the provider for such minutes of use. Any payment by the Commission will not preclude any future action by either the Commission or the U.S. Department of Justice to recover past payments (regardless of whether the payment was the subject of withholding) if determined at any time that such payment was for minutes billed to the Commission in violation of the Commission's rules or any other civil or criminal law.

Standard (5): If the Commission determines that the provider has not met its burden to demonstrate that the minutes of use in dispute are compensable under the Commission's rules, payment will be permanently denied. The Fund administrator or the Commission will notify the provider of this decision within one year of the initial request for payment.

S&L affirmatively acknowledges, and agrees to comply with the current procedures for suspension/withholding of payment under the Commission's amended rules in Section 64.604(c)(5)(iii)(L).

F. Whistle blower protections. (47 C.F.R. §64.604(c)(5)(iii)(M)).

Standard: Providers shall not take any reprisal in the form of a personnel action against any current or former employee or contractor who discloses to a designated manager of the provider, the Commission, the TRS Fund administrator or to any federal or state law enforcement entity, any information that the reporting person reasonably believes evidences known or suspected violations of the Communications Act or TRS regulations, or any other activity that the reporting person reasonably believes constitutes waste, fraud, or abuse, or that otherwise could result in the improper billing of minutes of use to the TRS Fund and discloses that information to a designated manager of the provider, the Commission, the TRS Fund administrator or to any federal or state law enforcement entity. Providers shall provide an accurate and complete description of these TRS whistle blower protections, including the right to notify the FCC's Office of Inspector General or its Enforcement Bureau, to all employees and contractors, in writing. Providers that already disseminate their internal business policies to its employees in writing (*e.g.* in employee handbooks, policies and procedures manuals, or bulletin board postings – either online or in hard copy) must

include an accurate and complete description of these TRS whistle blower protections in those written materials.

S&L affirmatively acknowledges, and agrees to compliance with the Whistle blower protections set forth in the Commission's amended rules. S&L avers further that it shall not take any reprisal in the form of a personnel action against any current or former employee or contractor who discloses to a designated manager of the provider, the Commission, the TRS Fund Administrator or to any federal or state law enforcement entity, any information that the reporting person reasonably believes evidences known or suspected violations of the Communications Act or TRS regulations, or any other activity that the reporting person reasonably believes constitutes waste, fraud, or abuse, or that otherwise could result in the improper billing of minutes of use to the TRS Fund and discloses that information to a designated manager of the provider, the Commission, the TRS Fund Administrator or to any federal or state law enforcement entity.

G. Additional Obligations. (47 C.F.R. 64.604(c)(5)(iii)(N)).

(1) *Eligibility/or reimbursement/from the TRS Fund.*

Standard (i): Only an eligible VRS provider, as defined in subsection (c)(S)(iii)(F), may hold itself out to the general public as providing VRS.

Standard (ii): VRS service must be offered under the name by which the eligible VRS provider offering such service became certified and in a manner that clearly identifies that provider of the service. Where a TRS provider also utilizes sub-brands to identify its VRS, each sub-brand must clearly identify the eligible VRS provider. Providers must route all VRS calls through a single URL address used for each name or sub-brand used.

S&L affirmatively acknowledges, and avers compliance with its obligation to identify itself to the public as the entity eligible for reimbursement from the Fund. S&L does not offer any sub-brands or other labels, other than the trade name under which it currently operates – Sky VRS. S&L will inform the Commission at such time as it introduces a sub-brand. Further, S&L will create a single URL address for each sub-brand used.

Standard (iv): To the extent that an eligible VRS provider contracts with or otherwise authorizes a third party to provide any other services or functions related to the provision of VRS other than interpretation services or call center functions, that third party must not hold itself out as a provider

of VRS, and must clearly identify the eligible VRS provider to the public. To the extent an eligible VRS provider contracts with or authorizes a third party to provide any services or functions related to marketing or outreach, and such services utilize VRS, those VRS minutes are not compensable on a per minute basis from the TRS fund.

S&L operates its own call center and provides its own interpretation services and, other than currently using the [REDACTED] platform and its pending lease agreement with [REDACTED] for its VRS platform, S&L does not contract with any third party for any services or functions related to the provision of VRS, as may be verified by the Commission through a review of the entirety of S&L's contracts. S&L's platform provider, [REDACTED], does not hold itself out as a provider of VRS.

Standard (v): All third-party contracts or agreements entered into by an eligible provider must be in writing. Copies of such agreements shall be made available to the Commission and to the TRS Fund administrator upon request.

S&L affirmatively acknowledges this requirement and is prepared to provide all contracts or agreements to the Commission or designated auditor upon request.

(2) *Call center reports.* VRS providers shall file a written report with the Commission and the TRS Fund administrator, on April 1 and October 1 of each year for each call center that handles VRS calls that the provider owns or controls, including centers located outside of the United States, that includes: (a) the complete street address of the center; (b) the number of individual CAs and CA managers; and (c) the name and contact information (phone number and email address) of the manager(s) at the center. VRS providers shall also file written notification with the Commission and the TRS Fund administrator of any change in a center's location, including the opening, closing, or relocation of any center, at least 30 days prior to any such change.

S&L affirmatively acknowledges its responsibility to, and will make semiannual call center reports to the Commission and Fund Administrator on or before April 1 and October 1 of each year.

(3) *Compensation/ of CAs.* VRS providers may not compensate, give a preferential work schedule or otherwise benefit a CA in any manner that is based upon the number of VRS minutes or calls that the CA relays, either individually or as part of a group.

S&L has never in the past, nor does it now, compensate, give a preferential work schedule or otherwise benefit a CA in any manner that is based upon the number of VRS minutes or calls that the CA relays, either individually or as part of a group, as can be verified by the Commission.

IV. COMPLIANCE WITH THE WAIVED MANDATORY MINIMUM STANDARDS FOR THE PROVISION OF FEDERALLY-FUNDED VRS (47 C.F.R. §64.606(a)(2)(ii))

S&L continues to comply with those VRS Standards that the Commission has waived for VRS subscribers, as follows.

1. *One-line VCO, VCO-to-TTY, and VCO-to-VCO.*

S&L has complied with the *One-line VCO, VCO-Io-TTY, and VCO-IO-VCO* requirement since its inception. S&L has the capability of providing VRS for all call types.

2. *One-line HCO, HCO-to-TTY, and HCO-to-HCO.*

S&L has complied with the *One-line HCO, HCO-to-TTY, and HCO-Io-HCO* requirement since its inception.

3. *Call Release.* Call release allows a CA to set up a TTY-to-TTY call that, once established, does not require the CA to relay the conversation.

S&L has complied with the *Call Release* requirement since its inception. Although S&L maintains this capability through call bridging, it has never had to process a TTY- to-TTY call.

4. *Pay-Per-Call (900) calls.* Pay-per-call (900) calls are calls that the person making the call pays for at a charge greater than the basic cost of the call.

S&L has processed no such calls, but has the capability to do so in the event such calls are placed.

5. *Types of Calls (Operated Assisted Calls and Long Distance Calls).* Commission rules require TRS providers to handle any type of call normally handled by common carriers.

S&L maintains procedures that enable use of operator-assisted calling through the caller's preferred carrier or S&L's default presubscribed carrier's operator services and the ability to pass along caller credit card information for purposes of billing pay-per-call calls. Since its inception, S&L has not billed callers for long distance services, consistent with Equal Access obligations.

6. *Equal Access to Interexchange Carriers.* The TRS rules require that providers offer TRS users their interexchange carrier of choice to the same extent that such access is provided to voice users. Providers should specifically address the effect of the numbering and registered location requirements on the continuing need for this waiver.

S&L has complied with the *Equal Access to Interexchange Carriers* requirement since its inception by not charging callers to place long distance calls. S&L maintains that the new numbering and registered location requirements adopted in 2009 moot the very need to maintain this exemption. Subscribers are effectively presubscribed to each VRS provider. Further, it is virtually inconceivable that a subscriber would request to be routed to an Interexchange carrier. The Deaf community has come to expect that interexchange calls placed via VRS will not be subject to separate charges. Those subscribers who may also maintain separate interexchange services are otherwise not impacted. S&L has not experienced an instance where a caller has requested to be routed over a specific interexchange carrier before or after implementation of the numbering and registered location requirements.

7. *Speech-to-Speech.* In the *2000 TRS Report & Order*, the Commission recognized STS as a form of TRS and required that it be offered as a mandatory service. The Commission waived this requirement indefinitely for VRS, noting that STS is a speech-based service, whereas VRS is a visual service using interpreters to interpret in sign language over a video connection.

As is the case with TTY-to-TTY calls, S&L's experience with STS calls is virtually non-existent; however, S&L nonetheless maintains the technical capability to process such calls.

V. ADDITIONAL COMPLIANCE REQUIREMENTS.

In addition to the foregoing, Applicant affirmatively acknowledges, and will comply with all applicable regulations associated with the provision of VRS including but not limited to, Section 64.611, Internet-based TRS registration, and 64.613, Numbering directory for Internet-based TRS

users, as amended, applicable Commission orders and policies, as may be amended from time to time.

VI. PUBLIC INTEREST SHOWING.

S&L maintains that the grant of the instant Application is in the public interest. S&L is one of only a few Spanish language VRS providers. The Commission's decision to waive the requirement that VRS providers offer Spanish Relay²⁴ reduces the availability of this service to the Latino deaf community. As a result, there is a potential gap in the functional equivalency of VRS services provided to Spanish language users. Because S&L is one of only a handful of VRS providers that specialize in delivering Spanish VRS and are, therefore, able to address this gap, S&L's services are that much more important to the Latino deaf community. Therefore, it is critical that the Commission grant S&L certification to enable it to continue to expand its VRS offerings to serve the Spanish deaf community in South Florida and throughout the United States.

S&L's certification will provide the public generally, and Deaf Community specifically, with a real choice of responsible, compliant provider. The provision of S&L's services bring Deaf and Hard-of-Hearing callers and Spanish language Deaf callers, in particular, even closer to the functional equivalency to non-Deaf or Hard of Hearing callers mandated by the U.S. Congress

VII. CONCLUSION

By this instant Application and the accompanying Exhibits and statements made by the Company's Chief Executive Officer subject to penalty of perjury, S&L hereby demonstrates that it meets or exceeds the Commission's VRS Standards and waived mandatory minimum standards, has met the Commission's certification requirements, as amended, and is otherwise in compliance with

²⁴ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket Nos. 90-571 & 98-67, CG Docket No. 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, at ¶ 139 (2004).

Commission orders and policies governing the provision of VRS as a federal TRS Fund-eligible certificated provider. S&L respectfully requests that the Commission grant S&L certification as a TRS Fund-eligible provider. S&L further requests that it be granted certification as a Telecommunications Relay Service Fund eligible provider on or before October 1, 2011, to ensure a seamless continuation of S&L's services to its subscribers and the public.

Respectfully submitted,

By:



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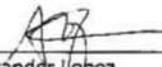
Dated: September 27, 2011

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE) ss

VERIFICATION

I swear under penalty of perjury that I am Alexander Lopez, a manager Executive Vice President of S&L Deaf Communications LLC, and that I have examined the foregoing Application and accompanying exhibits, 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 to the best of knowledge.

S&L Deaf Communications LLC

By: 
Alexander Lopez
Executive Vice President
S&L Deaf Communications LLC
9500 NW 79th Avenue, Suite #3
Hialeah Gardens, FL 33016
Tel: 786-623-3075

Subscribed and sworn to before me this 26 day of September, 2011



Notary Public in and for the State of Florida



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

In the Matter of)
)
Structures and Practices of the Video) **CG Docket No. 10-51**
Relay Services Program)
)

Internet-Based TRS Certification Application of S&L Deaf Communications LLC

Exhibit List

Exhibit	Description
A	CONFIDENTIAL Copy of each lease for each call center operated S&L Deaf Communications LLC
B	CONFIDENTIAL Proofs of purchase, leases or license agreements for all technology and equipment used to support S&L Deaf Communications LLC's call center functions, including a complete copy of any lease or license agreement for automatic call distribution
C	CONFIDENTIAL Corporate Ownership and Employment Information
D	Statement of Compliance Regarding Annual Reports and Compliance with Commission Rules
E	CONFIDENTIAL 911 Call Flow Diagram

Exhibit A

Copy of each lease for each call center operated S&L Deaf Communications LLC

(CONFIDENTIAL)

Exhibit B

Proofs of purchase, leases or license agreements for all technology and equipment used to support S&L Deaf Communications LLC's call center functions, including a complete copy of any lease or license agreement for automatic call distribution

(CONFIDENTIAL)

Exhibit C

Corporate Ownership and Employment Information

(CONFIDENTIAL)

Exhibit D

Statement of Compliance Regarding Annual Reports and Compliance with Commission Rules

STATE OF FLORIDA)
) ss
COUNTY OF MIAMI-DADE)

STATEMENT OF COMPLIANCE REGARDING ANNUAL REPORTS

I, Alexander Lopez, first being duly sworn upon oath, depose and say I am a manager and Executive Vice President Officer of S&L Deaf Communications LLC ("S&L"), an Applicant for certification as a federal Telecommunications Relay Service Fund ("Fund") provider eligible for compensation from the Fund. Pursuant to Section 64.606(a)(2)(iv) of the Commission's rules,¹ applicants for certification as a provider eligible for compensation from the Fund are to make a statement that the applicant will file annual compliance reports demonstrating continued compliance with applicable Commission rules following certification. I swear under penalty of perjury that upon grant of certification, S&L will file annual compliance reports demonstrating continued compliance with applicable Commission rules for the provision of video relay services on or before the date on which such compliance reports are due.

Pursuant to the interim rule set forth in Section 64.606(g)(1) of the Commission's rules² "such [annual compliance] reports must update the information required in [Section 64.606(a)(2) and include updated documentation and a summary of the updates, or certify that there are no changes to the information and documentation submitted with the application for certification, application for renewal of certification, or the most recent annual report, as applicable." I further swear under penalty of perjury that upon grant of certification, S&L will file annual compliance reports in accordance with Section 64.606(g) of the Commission's rules.³ Such annual reports will be prepared by me or under my direction, examined by me first hand, and the accuracy and completeness thereof will be further verified by me under oath as Executive Vice President of S&L,

¹ 47 C.F.R. § 64.606(a)(2)(iv).

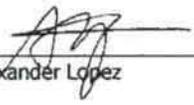
² 47 C.F.R. § 64.606(g).

³ 47 C.F.R. § 64.606(g).

subject to penalty of perjury in accordance with the specific officer certification language set forth in the interim rule in Section 64.606(g)(2)⁴ of the Commission's rules.

S&L Deaf Communications LLC

By:


Alexander Lopez

Subscribed and sworn to before me this 26 day of September, 2011



Notary Public in and for the State of Florida



⁴ 47 C.F.R. § 64.606(g)(2).

Exhibit E

911 Call Flow Diagram

(CONFIDENTIAL)