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November 3, 2011

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Via Overnight Delivery and ECFS

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

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

Dear Secretary Dortch and Chief Gurin;

Enclosed is a Request to Withdraw the Internet-based TRS Certification Application of
Communication Service for the Deaf, Inc. ("CSD").

On October 17, 2011, the Commission released a Memorandum Opinion and Order, Order,
and Further Notice of Proposed Rulemaking in response to various petitions filed by Sprint Nextel
Corporation, Sorenson Communications, inc. and AT&T Services, Inc. (the "Memorandum"). In
Paragraph 32 of the Memorandum, the commission provides its tentative conclusion that it should
modify section 64.604(c)(5)(iii)(N)(I)(iii) in a manner which would effectively bar subcontracting
between eligible providers except in exigent circumstances.

In view of the significant costs which would need to be maintained by CSD, at the expense of
its human services and social services programs, until this issue is fully addressed by the
Commission, and in view of the significant work load of the Commission in attempting to process a
large number of applications for certification and more specifically significant cost and expense
associated with the on-site audits and detailed review of each applicants submissions, CSD
respectfully withdraws its application at this time. Once this issue has been fully addressed by the
Commission, CSD may reapply for certification.



If you have any questions or concerns related to this matter, please do not hesitate to contact me.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read 'Mark A. Ekse'. The signature is fluid and cursive, with a long, sweeping tail.

Hagen Wilka & Archer, LLP
Mark A. Ekse

Cc: Mr. Joel Gurin (via electronic delivery, Joel.Gurin@fcc.gov)
Ms. Karen Peltz Strauss (via electronic delivery, Karen.Strauss@fcc.gov)
Mr. Greg Hlibok (via electronic delivery, (Gregory.Hlibok@fcc.gov))

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

**INTERNET-BASED TRS CERTIFICATION APPLICATION
WITHDRAWAL OF APPLICATION**

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

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SUMMARY

Communication Service for the Deaf, Inc. (“CSD”) is a non-profit corporation which was originally founded in 1975 to provide sign language interpreting services for the deaf and hard of hearing. Beginning fifteen years before the passage of the Americans with Disabilities Act (“ADA”), CSD has pioneered telecommunications relay services, starting with its original Telephone Message Service in 1975, and continuing through state TRS contracts with its telecommunications partner, and including the very early stages of Video Relay Service. CSD has been involved in all aspects of the Video Relay Service, has owned operated and controlled its own VRS platform, owned and operated its own call centers, utilized subcontractors for VRS call centers and has been a subcontractor of VRS call Centers.

On September 22, 2011, CSD submitted its Internet-Based TRS Certification Application to the Commission, in compliance with the requirements as set forth in the Second Report and Order and Order In the Matter of Structure and Practices of the Video Relay Service Program. In its application, CSD clearly established its intent to become a Certified Internet-based TRS provider so that it could continue to provide CA’s to CSDVRS under subcontract as well as support its Public Access Videophones under its own name.

On October 17, 2011, the Commission released a Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking in response to various petitions filed by Sprint Nextel Corporation, Sorenson Communications, inc. and AT&T Services, Inc. (the “Memorandum”). The Memorandum set out the Commission’s tentative conclusion that it “...should modify section 64.604(c)(5)(iii)(N)(I)(iii) to allow an eligible VRS provider to contract with or authorize another eligible provider to provide CA services or call center functions on its behalf *only* when such arrangements are necessitated by an unexpected and temporary surge in call traffic due to exigent circumstances, such as an event of a natural disaster or other comparable emergency that is outside the provider’s control. In all other circumstances, certified providers must provide the core components of VRS using their owned facilities and their full or part-time employees.” (emphasis in original).

Such a modification would eliminate the potential for a certified VRS provider to subcontract with another certified VRS provider, even when such an arrangement would provide cost and quality advantages for the service and the deaf and hard-of-hearing population.

BACKGROUND

Communication Service for the Deaf, Inc. (“CSD”) is a non-profit corporation which was originally founded in 1975 to provide sign language interpreting services for the deaf and hard of hearing. Beginning fifteen years before the passage of the Americans with Disabilities Act (“ADA”), CSD has pioneered telecommunications relay services, starting with its original Telephone Message Service in 1975, and continuing through state TRS contracts with its telecommunications partner, and including the very early stages of Video Relay Service. In 1999 CSD began providing video relay services and in 2000, working closely with the Texas Public Utilities Commission and its telecommunications partner, CSD launched the first nationwide Video Relay Service.

Throughout the last twelve years, CSD has been part of all aspects of the VRS business. From 1999 until 2006, CSD owned, operated, and controlled its own VRS platform including the automatic call distribution functions; it owned and operated its own VRS call centers, and it also held multiple contracts with various entities who provide highly qualified professional video interpreters to CSD through subcontract relationships. During this period CSD provided VRS services for both its telecommunications partner and its own brand. In December of 2006, CSD sold its VRS unit to CSDVRS, LLC, including its platform. Since December of 2006, CSD has continued to provide video interpreters to CSDVRS through a sub contract arrangement.

CSD has been and remains dedicated to providing accessible communication services for the deaf and hard-of-hearing. CSD continues to own a substantial portion of CSDVRS, LLC and CSD’s CEO, Benjamin J. Soukup, is the Chairman of the Board for CSDVRS. CSD has a long history of providing quality video relay service to the deaf and hard-of-hearing community in compliance with the Commission’s rules.

On April 6, 2011 the Commission released a Report and Order and Further Notice of Proposed Rule Making In the Matter of Structure and Practices of the Video Relay Service, DKT. No. 10-51. This Order contained new rules and prohibited eligible providers “from engaging any third party entity to provide VRS CAs or call center functions (including call distribution, routing, call setup, mapping, call features, billing for compensation from the TRS Fund and registration), on its behalf, unless that third party is also an eligible provider under our rules.” (emphasis added) . On April 15, 2011 CSD filed a Petition for Temporary Waiver of this requirement so that it could continue to provide VRS CAs to CSDVRS on a subcontract basis.

On July 28, 2011 the Commission released the Second Report and Order and Order In the Matter of Structure and Practices of the Video Relay Service Program (“Second Report and Order”). Specifically the Second Report and Order required “all VRS applicants for Commission certification to lease, license or own, as well as operate, essential facilities associated with the TRS call centers and to employ interpreters to staff those centers at the date of the application; and require each iTRS applicant for certification to submit specific types of documentary evidence of its ability to comply with all of the Commission’s rules, including those newly adopted in the VRS Practices R&O” (paragraph 2). The Second Report and Order went on to clarify the Order, stating that “[t]he Commission also permitted, however, an eligible provider to engage a third party entity to provide CAs or call center functions on its behalf if that third party entity also is an eligible provider under the commissions rules.” (emphasis added).¹

Because of CSD’s long history with video interpreting in general, its ongoing remote video interpreting service and video call center services, has its own video platform, including call distribution, routing, call setup, mapping, call features, billing and registration functionality. Based upon the requirements set forth in the Order and the Second Report and Order, CSD modified its platform it provide VRS specific call distribution, routing, setup, mapping, call features, billing and registration functionality. Additionally, CSD has had and continues to have its own video call centers and its own CAs, which it has provided to CSDVRS under subcontract.

On September 22, 2011, CSD submitted its Internet-Based TRS Certification Application to the Commission, in compliance with the requirements as set forth in the Second Report and Order. In its application, CSD clearly established its intent to become a Certified Internet-based TRS provider so that it could continue to provide CA’s to CSDVRS under subcontract as well as support its Public Access Videophones under its own name.²

1 Second Report and Order and Order In the Matter of Structure and Practices of the Video Relay Service Program, Docket No. 10-51 Released July 28, 2011 paragraph 13 quoting VRS Practices Rule and Order, 26 FCC Red at 5574, Paragraph 58.

2 See page 4 paragraph 3, Page 6 paragraph 2, page 33, page 34.

On October 17, 2011, the Commission released a Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking in response to various petitions filed by Sprint Nextel Corporation, Sorenson Communications, inc. and AT&T Services, Inc. (the “Memorandum”). In Paragraph 32 of the Memorandum, the commission provides its tentative conclusion that it “...should modify section 64.604(c)(5)(iii)(N)(l)(iii) to allow an eligible VRS provider to contract with or authorize another eligible provider to provide CA services or call center functions on its behalf *only* when such arrangements are necessitated by an unexpected and temporary surge in call traffic due to exigent circumstances, such as an event of a natural disaster or other comparable emergency that is outside the provider’s control. In all other circumstances, certified providers must provide the core components of VRS using their owned facilities and their full or part-time employees.” (emphasis in original).

Such a modification would eliminate the potential for a certified VRS provider to subcontract with another certified VRS provider, even when such an arrangement would provide cost and quality advantages for the service and the deaf and hard-of-hearing population.

CSD strongly objects to such a modification of section 64.604(c)(5)(iii)(N)(l)(iii) and believes that such a modification would negatively impact the quality of VRS as a whole, and hurt the deaf and hard-of-hearing population. However, as a non-profit corporation which provides not only telecommunication relay services, but also a wide array of human and social services programs to assist the deaf and hard-of-hearing, it must control its ongoing costs. Continuing to support and operate a VRS specific platform without a reasonable prospect of an opportunity to receive compensation, puts these human and social services programs in jeopardy. Additionally, CSD appreciates the significant work load of the Commission in attempting to process a large number of applications for certification, many of which CSD anticipates will have to be amended in view of the Memorandum. Specifically, CSD appreciates the significant cost and expense associated with the on-site audits and detailed review of each applicants submissions.

WITHDRAWAL

Therefore, CSD respectfully withdraws its Internet-Based TRS Certification Application. After the comment period set forth in the Memorandum and dependent upon the final determination by the Commission, CSD may submit a new application for certification.

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.

A handwritten signature in blue ink, appearing to read "B. J. Soukup", is written over a horizontal line.

Benjamin J. Soukup