



2603 Camino Ramon #1240  
San Ramon, CA 94583

T 925-452-4745  
[David@convorelay.com](mailto:David@convorelay.com)

[www.convorelay.com](http://www.convorelay.com)

***By Hand Delivery***

November 4, 2011

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

Re: VRS Certification Application, CG Docket No. 10-51

Dear Ms. Dortch:

Convo Communications, LLC hereby submits the attached application for certification as a provider of Video Relay Services, under CG Docket No. 10-51. The attached application has been redacted for public inspection. An un-redacted, confidential version was filed with the Commission pursuant to a request for confidentiality.

Respectfully submitted,

/s/ David J. Bahar

David J. Bahar  
Director of Government and Regulatory Affairs  
Convo Communications, LLC

Attachments

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of )  
 )  
Structure and Practices of the Video Relay Service ) CG Docket No. 10-51  
Program )  
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To: The Commission

**AMENDED AND RESTATED  
VIDEO RELAY SERVICE CERTIFICATION APPLICATION OF  
CONVO COMMUNICATIONS, LLC**

Robin Horwitz  
Chief Executive Officer

David J. Bahar  
Vice President of Government and  
Regulatory Affairs

Convo Communications, LLC  
2603 Camino Ramon  
Suite 200  
San Ramon, California 94583  
(510) 731-5012

November 4, 2011

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**EXECUTIVE SUMMARY**

Convo Communications, LLC (“Convo”) seeks certification by the Federal Communications Commission (“Commission”) as an independent provider of video relay service (“VRS”). Convo initially sought VRS certification in October 2009, shortly after its founding. In the absence of Commission action on Convo’s initial certification application, Convo began providing VRS services as a white label VRS provider and relied on various certified providers as billing partners. Convo quickly grew from a small startup company to a highly competitive and innovative VRS provider with a workforce of 57 people. Convo ultimately became the fifth-largest VRS provider measured by the number of minutes per month of VRS calls relayed. Upon the Commission’s prohibition of white label providers, Convo promptly reduced its operations to become a *bona fide* subcontractor of a certified provider. Convo continues to provide certain core VRS functions to the certified provider, including call centers, communications assistants, and VRS products.

Convo is approximately 95% owned by deaf individuals and most of Convo’s non-interpreting staff also are deaf. As a result, Convo has an inherent understanding of the deaf and hard of hearing community and therefore has focused on providing the high-quality VRS that this community desires. In addition, Convo owns and operates three call centers, at least two of which are operational at all times, 24 hours per day, 365 days per year. Further, Convo has placed a premium on developing and implementing rigorous quality controls and regulatory compliance mechanisms, which has enabled Convo to avoid the fraud, waste, and abuse that have plagued the industry. Moreover, Convo has a proven track record of advancing the state of VRS technology to provide functional equivalency to the deaf and hard of hearing community, including by developing and deploying several innovative new VRS products.

In this application, Convo demonstrates its compliance with the rules and regulations that govern the provision of VRS by certified providers, many of which Convo already satisfies as a subcontractor. The economies of scale generating by Convo's existing operations enable it to be both efficient and cost-effective, and its status as a small company provides Convo the flexibility to respond rapidly to new regulatory and technological challenges. As a result, Convo is confident that it will be able to bring aggressive new competition to the VRS market if it is certified. Accordingly, Convo respectfully requests the Commission promptly to grant this certification application to enable Convo to realize its true potential as a high-quality VRS provider focused on continually improving and enhancing VRS technology.

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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Structure and Practices of the Video Relay Service ) CG Docket No. 10-51  
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To: The Commission

**AMENDED AND RESTATED  
VIDEO RELAY SERVICE CERTIFICATION APPLICATION OF  
CONVO COMMUNICATIONS, LLC**

Convo Communications, LLC (“Convo”) respectfully submits this amended and restated application for certification by the Federal Communications Commission (“Commission”) as a provider of video relay service (“VRS”) pursuant to 47 C.F.R. § 64.606,<sup>1</sup> which sets forth the certification requirements for Internet-based telecommunications relay service (“iTRS”) providers, including VRS providers (the “Application”). Convo first submitted an application for certification in October 2009.<sup>2</sup> This Application amends and restates the October 2009 application to comply with the newly effective iTRS certification rules.<sup>3</sup>

Currently, Convo provides certain core components of VRS (including call centers, communications assistants (“CAs”), and innovative VRS products) to the deaf and hard of

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<sup>1</sup> 47 C.F.R. § 64.606.

<sup>2</sup> See Application of Convo Communications, LLC for Certification as a Video Relay Service Provider, *Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123 (filed Oct. 29, 2009).

<sup>3</sup> See *Structure and Practice of the Video Relay Services Program*, 76 Fed. Reg. 68328 (November 4, 2011).

hearing community as a subcontractor of Snap Telecommunications, Inc. (“Snap”).<sup>4</sup> In this Application, Convo demonstrates its compliance with the Commission’s mandatory minimum standards applicable to the core components of VRS that Convo presently provides as a subcontractor to Snap. In addition, the Application details Convo’s planned compliance with the VRS rules applicable to the remaining functions that Convo will be required to provide if it receives Commission certification and commences operation as an independent VRS provider. Convo seeks approval of its application to enable Convo directly to provide VRS to the general public and to seek direct reimbursement from the Telecommunications Relay Service (“TRS”) Fund under Section 64.606 of the Commission’s rules.

Part I of this Application provides background regarding Convo, including its restructuring to comply with the Commission’s efforts to reduce fraud and waste in the VRS program. Part II sets forth Convo’s compliance with the recently amended VRS rules, including the documentation requirements for a certification application.

## **I. BACKGROUND REGARDING CONVO**

Founded in March 2009, Convo is approximately 95% owned by deaf individuals<sup>5</sup> and most of Convo’s non-interpreting staff also are deaf.<sup>6</sup> As mentioned above, Convo initially filed

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<sup>4</sup> Snap is an eligible VRS provider that may seek reimbursement directly from the Telecommunications Relay Service (“TRS”) Fund administrator.

<sup>5</sup> Convo has accepted no private equity, hedge fund, or other speculative institutional investments. The portion of Convo’s equity that is not held by deaf individuals is owned by two hearing individuals that are Convo executives. Further information regarding Convo’s principals and executives is set forth in Exhibit 7(C) (Biographies of the Convo Management Team). In addition, Convo’s ownership structure is fully described in Exhibit 7(A) (Description of Ownership and Control) and Exhibit 7(B) (Convo Organizational Chart).

<sup>6</sup> All but four of Convo’s non-interpreting staff are deaf and three out of those four hearing individuals are fluent in sign language. As a result, Convo’s operations are unique among VRS

a VRS certification application with the Commission in October 2009 seeking eligibility to obtain direct compensation from the TRS Fund.<sup>7</sup> In the absence of Commission action on Convo's initial VRS certification application and prior to the Commission's adoption of the *VRS Practices Order* in April 2011,<sup>8</sup> Convo operated as white label VRS provider and received compensation from the TRS Fund for VRS minutes that it relayed through billing arrangements with certain certified providers, which was a common practice at the time. Due to Convo's focus on providing high-quality VRS, between October 2009 and June of 2011, when most of the *VRS Practices Order* took effect,<sup>9</sup> Convo grew to become the fifth-largest VRS provider measured by the number of minutes per month of VRS calls relayed. In fact, Convo at the time relayed more VRS minutes per month than all but four of the eleven certified VRS providers.<sup>10</sup> After restructuring to comply with the *VRS Practices Order*, which is further discussed below, and pursuant to the Commission's stay of its prohibition against most uses of subcontractors by certified VRS providers ("Subcontractor Prohibition"),<sup>11</sup> Convo continues to provide certain core VRS functions as a subcontractor to Snap, including call centers, CAs, and VRS products,

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providers in that both Convo's hearing and deaf employees operate in a fully signing environment.

<sup>7</sup> See *supra* note 2.

<sup>8</sup> See *Structure and Practices of the Video Relay Services Program*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 5545 (2011) ("*VRS Practices Order*").

<sup>9</sup> Most of the *VRS Practices Order* became effective 30 days after its publication in the Federal Register, which occurred on May 2, 2011. See *Structure and Practice of the Video Relay Services Program*, 76 Fed. Reg. 24393 (May 2, 2011); see also *VRS Practices Order*, ¶ 116.

<sup>10</sup> These figures are based on Convo's knowledge and belief regarding the operations of other VRS providers. However, there is no public source of information regarding the exact number of VRS minutes relayed by each of the certified and non-certified VRS providers.

<sup>11</sup> See 47 C.F.R. § 64.604(c)(5)(iii)(N)(I)(iii); see also *Structure and Practices of the Video Relay Services Program*, Order Suspending Effective Date, 26 FCC Rcd 8327 (2011) (staying the Subcontractor Prohibition until October 1, 2011) ("*Stay Order*"); *Structure and Practices of*

**A. Convo’s Track Record Demonstrates that It Will Be an Effective Independent VRS Provider**

Growth as a VRS Provider. In the two years since its founding and prior to the *VRS Practices Order*, Convo rapidly developed from a small startup company to a highly competitive and innovative VRS provider with a workforce of 57 people, including management, operations personnel, and CAs.<sup>12</sup> Subsequent to the *VRS Practices Order*, Convo, as a subcontractor to Snap, continues to own and operate three call centers, located in Roseville and San Ramon, California, and Mobile, Alabama. Further, at least two of Convo’s call centers are operational at all times, 24 hours per day, 365 days per year, to prevent a service interruption at one call center from disrupting Convo’s ability to process VRS calls.

Focus on Regulatory Compliance. Since its founding, Convo has placed a premium on developing and implementing rigorous quality controls and regulatory compliance mechanisms, which has enabled Convo to avoid the fraud, waste, and abuse that have plagued the industry.<sup>13</sup> Convo’s operational procedures are among the strictest in the industry, which has enabled Convo to ensure that the VRS minutes processed by Convo are legitimate and compliant with all applicable Commission regulations. As a result of these policies, the percentage of minutes of VRS calls relayed by Convo’s call centers is among the lowest of all VRS call center operators. In addition, Convo formed a regulatory team, currently led by David Bahar, Vice President of Government and Regulatory Affairs.<sup>14</sup> Convo and its regulatory team are dedicated to enhancing

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*the Video Relay Services Program*, Order Suspending Effective Date, 26 FCC Rcd 13820 (2011) (extending the stay of the Subcontractor Prohibition until Nov. 15, 2011) (“*Stay Extension*”).

<sup>12</sup> See Exhibit 8 (Number of Employees and Independent Contractors).

<sup>13</sup> See *VRS Practices Order*, ¶¶ 4-5.

<sup>14</sup> Mr. Bahar formerly worked as a legislative assistant to U.S. Rep. Jay Inslee (D-1<sup>st</sup>/WA) to promote VRS reform and the passage of vital legislation supporting the needs of the disabled community such as the Twenty-First Century Communications and Video Accessibility Act of

the availability and use of VRS by the deaf and hard of hearing communities and, to this end, Convo has been an active participant in the Commission's many VRS proceedings over the past two years.<sup>15</sup>

New VRS Product Offerings.<sup>16</sup> In an effort to continue to advance the state of VRS technology and to provide functional equivalency to the deaf and hard of hearing community,

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2010. Twenty-First Century Communications and Video Accessibility Act of 2010, S.3304 and S.3878, Public Law Nos. 111-260 and 111-265 (2010) ("CVAA").

<sup>15</sup> See, e.g., *Convo Communications, LLC Reply Comments on the Application of New and Emerging Technologies for Video Relay Service Use*, CG Docket No. 10-51 (filed Apr. 15, 2011) (urging the FCC to encourage use of off-the-shelf software to provide VRS users with freedom to choose which software best fits their needs and to heighten competition among and further innovation by VRS providers); *Convo Communications, LLC Comments on the Application of New and Emerging Technologies for Video Relay Service Use*, CG Docket No. 10-51 (filed Apr. 1, 2011) (urging FCC to allow VRS providers to modify non-VRS video communication software for VRS use and to require VRS providers to make all such software interoperable until such time as universal video standards are adopted); *Written Ex Parte: Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51 (filed Jan. 21, 2011) (supporting a tiered-rate VRS reimbursement mechanism); *Comments of Convo Communications, LLC*, CG Docket No. 10-213 (filed Nov. 22, 2010) (arguing that advanced communications services provisions of the CVAA should be implemented in a manner that ensures that service delivery platform(s) and technological standards do not obstruct compliance with CVAA's accessibility goals); *Reply Comments of Convo Communications, LLC*, CG Docket No. 10-51 (filed Sept. 2, 2010) (focusing FCC attention on certain VRS provider comments endangering functional equivalency and proposing building blocks for the structural and operational VRS policy framework to be adopted by the FCC); *Comments of Convo Communications, LLC*, CG Docket No. 10-51 (filed Aug. 17, 2010) (providing input on various questions posed by the FCC related to the VRS industry); *Reply Comments by Convo*, CG Docket No. 10-51 (filed Aug. 2, 2010) (proposing less disruptive and more centralized call forwarding service implementation as alternative to Purple's proprietary solution and encouraging VRS providers to work together to develop a unified and centralized call forwarding solution); *Comments of Convo Communications, LLC*, CG Docket No. 03-123 (filed July 28, 2010) (acknowledging, supporting, and commenting on FCC's determination that Interstate TRS Fund payments may be suspended from providers failing to submit to audits and that Commission has authority to audit VRS providers); *Comments of Convo Communications, LLC*, CG Docket No. 10-51 (filed July 16, 2010) (commenting on petition filed by Purple Communications, Inc. seeking waiver of Commission's rules to enable company's implementation of call forwarding feature for point-to-point calls using company's proprietary gateway server IP address); *Comments of Convo Communications, LLC*, CG Docket No. 03-123 (filed May 14, 2010) (commenting on whether the Commission should adopt NECA's proposed rates for the 2010-2011 TRS Fund years).

Convo has developed and deployed innovative new VRS products, including Desktop, Mobile, and Anywhere.<sup>17</sup> Desktop and Mobile are video communications applications that allow deaf and hard of hearing callers to make VRS calls from any computer with a web camera and Internet connection and certain mobile devices, such as Apple's iPhone 4, iPhone 4S, and iPad 2. Because Desktop and Mobile are software applications that run on off-the-shelf laptops and mobile devices, these products enable VRS users to avoid being tied to the traditional stationary and proprietary video devices required to access the relay services of many VRS providers.

Another VRS product originally developed by Convo, Anywhere, takes the concept of functional equivalency and VRS mobility to a new level. Until the introduction of Anywhere, software-based VRS applications required deaf and hard of hearing callers to download and install an application on their computers and therefore only enabled users to place VRS calls from their own personal computers. Although the mobility of laptop computers and the wide availability of WiFi hotspots make this a preferable hardware solution relative to stationary, proprietary videophones, VRS users relying on installed software still are tied to their own computers. By contrast, Anywhere simply requires VRS callers to open a Web browser on any Adobe Flash-capable computer with a web camera or other similarly capable device that can be used to access the Internet (irrespective of its operating system) and enter the Anywhere URL

Further, Anywhere provides greatly enhanced access to E9-1-1 to the deaf and hard of hearing community. By clicking on a 9-1-1 "hot button" on the Anywhere website, VRS callers using Anywhere can reach emergency services through a CA from any location using an

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<sup>16</sup> Although originally developed by Convo when it provided VRS as a white label provider, each of the products discussed in this section currently are offered by Snap under Snap's brand, and Convo merely acts as a subcontractor to Snap with respect to these VRS offerings.

<sup>17</sup> These applications are an enhancement to Convo's original, and still most popular, product: Apple iChat-based VRS service.

Internet-connected mobile device without first having to download or install software. This allows VRS callers to choose from a vastly increased number of Internet-enabled devices to call 9-1-1. In addition, Anywhere uses the same computer port for VRS calls that is used for Internet browsing—TCP Port 80. As a result, unlike many other IP-based VRS applications, Anywhere can be used from devices subject to strict firewall policies, such as workplace and government computers, without the need to obtain special permissions from network managers to open additional ports.

Convo's Strengths. As described above, the evolution and growth of Convo's operational capacity prior to becoming a subcontractor of Snap enabled Convo to realize the economies of scale necessary to ensure that its operations were both efficient and cost-effective. Moreover, due to its relatively small size compared to the largest VRS providers, Convo has the flexibility to respond rapidly to new regulatory and technological challenges while being affected less by an unwieldy bureaucracy or unnecessary administrative costs. Convo's operational flexibility recently was exemplified by its rapid restructuring to become a *bona fide* subcontractor of Snap consistent with all applicable Commission rules. Further, Convo's development of cutting-edge, user-friendly VRS technologies has demonstrated Convo's continued commitment to providing the deaf and hard of hearing community with access to, and the benefits of, the same advanced technologies available to the hearing community. Convo enthusiastically seeks certification to enable Convo to provide VRS on a standalone basis so that Convo can realize its true potential as a high-quality VRS provider, an aggressive competitor in the VRS market, and an innovator focused on continually improving and enhancing VRS technology.

**B. Convo Has Worked Diligently to Ensure its Compliance with the Recently Amended VRS Regulations**

On April 6, 2011, the Commission released the *VRS Practices Order*, adopting new rules to help better detect and prevent fraud and abuse in the provision of VRS.<sup>18</sup> Among the various measures adopted, the Commission required that (i) only an eligible VRS provider may hold itself out to the general public as providing VRS;<sup>19</sup> (ii) VRS must be offered under the name by which the eligible provider became certified, in a manner that clearly identifies the provider of the service, and providers must route all VRS calls through a single URL address for that brand;<sup>20</sup> and (iii) an eligible VRS provider may not contract with or otherwise authorize any third party to provide interpretation services or call center functions on its behalf, unless that authorized party also is an eligible provider—*i.e.*, the “Subcontractor Prohibition.”<sup>21</sup>

Recognizing that some companies offering VRS through an arrangement with an eligible VRS provider, such as Convo, might require additional time to make adjustments to their operations in order to come into compliance with the new requirements, the Commission stated that it would consider requests for a temporary waiver of the new requirements to give these entities an opportunity to continue to provide VRS as a subcontractor to an eligible provider until such subcontractors are able to obtain certification.<sup>22</sup>

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<sup>18</sup> *VRS Practices Order*, ¶¶ 9-88.

<sup>19</sup> *Id.* at ¶ 57.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at ¶ 58.

<sup>22</sup> *Id.* at ¶ 62. The Commission affirmed this policy objective on September 30, 2011 when it extended the existing stay of the Subcontractor Prohibition. *See Stay Extension*, ¶ 4 (“When we extended the effectiveness of [the Subcontractor Prohibition] until October 1, 2011, we did so with the expectation that the new certification process would be in effect sufficiently in advance of that date so that entities would have the opportunity to apply for certification prior to the expiration of the stay and have the opportunity to seek to transition to eligibility in a seamless manner, without any interruption in providing service.”).

On May 18, 2011, Convo filed a waiver request of the above three requirements to enable Convo to continue to provide VRS as an independent provider until the Commission acted on Convo's October 2009 application for certification (the "Waiver Request").<sup>23</sup> Including Convo's waiver request, the Commission received waiver requests from a total of 21 VRS industry participants.<sup>24</sup> On May 31, 2011, the Commission released the *Stay Order* suspending the effective date of the Subcontractor Prohibition until October 1, 2011 and mooted all pending waiver requests to the extent they sought waiver only of the Subcontractor Prohibition.<sup>25</sup> Other than the Subcontractor Prohibition, the above requirements became effective on June 1, 2011.<sup>26</sup>

After filing the Waiver Request, Convo worked diligently to restructure Convo's business as a *bona fide* subcontractor of Snap in a manner consistent with the Commission's VRS rules. Specifically, Snap and Convo have entered into a contractual arrangement pursuant to which the VRS products previously offered by Convo have been completely and clearly rebranded under a Snap logo that includes reference to Convo as a subcontractor of Snap. Moreover, all VRS calls relayed in connection with these products are managed and routed through Snap's automatic call

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<sup>23</sup> *Convo Communications, LLC, Waiver Request*, CG Docket Nos. 03-123 & 10-51 (filed May 18, 2011) ("Waiver Request"). On May 25, 2011, Convo amended its waiver request to reflect the provision of overnight and overflow communications assistant services by URrelay, Inc. See Letter from Robin Horwitz, CEO, Convo, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 & 10-51 (filed May 25, 2011). Convo also further amended the Waiver Request to reduce the scope of the requested waivers. See Letter from Robin Horwitz, CEO, Convo, to Marlene Dortch, Secretary, FCC, CG Docket Nos. 03-123 & 10-51 (filed Aug. 26, 2011). Thereafter, Convo supplemented its Waiver Request to demonstrate its restructuring as a Snap subcontractor in compliance with the VRS rules. See Letter from Robin Horwitz, CEO, Convo, to Marlene Dortch, Secretary, FCC, CG Docket Nos. 03-123 & 10-51 (filed Sept. 19, 2011).

<sup>24</sup> See *Stay Order*, Appendix (listing the waiver requests of the *VRS Practices Order* that were filed with the Commission). Only four waiver requests were not mooted by the *Stay Order* and each of these waiver requests, other than Convo's Waiver Request, ultimately was denied by the Commission. See *Structure and Practices of the Video Relay Services Program*, Order, 26 FCC Rcd 12936 (CGB 2011).

<sup>25</sup> *Stay Order*, ¶¶ 1, 3 n.6.

<sup>26</sup> See *supra* note 9.

distribution platform. In short, Convo no longer provides VRS as an independent provider. As a result of Convo's restructuring, the Commission granted Convo's Amended Waiver Request on October 24, 2011.<sup>27</sup>

Separately, on July 28, 2011, the Commission released the *Certification Order*, which amended the application requirements to be used by the Commission to certify iTRS providers as eligible for payment from the TRS Fund,<sup>28</sup> as previously proposed in the Further Notice of Proposed Rulemaking released with the *VRS Practices Order*.<sup>29</sup> The information collection requirements associated with the Commission's new certification requirements were submitted to the Office of Management and Budget ("OMB") on August 5, 2011<sup>30</sup> for consideration and approval pursuant to the Paperwork Reduction Act.<sup>31</sup> Notice of OMB approval was published in the Federal Register on November 4, 2011.<sup>32</sup> As a result, the Commission's amended certification rules are now effective. Consequently, Convo submits this Application for certification as a VRS provider.<sup>33</sup>

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<sup>27</sup> See *Structure and Practices of the Video Relay Services Program*, Order, Docket No. 10-51, DA No. 11-1774 (CGB rel. Oct. 24, 2011).

<sup>28</sup> See *Structure and Practices of the Video Relay Services Program*, Second Report and Order and Order, 26 FCC Rcd 10898 (2011) ("*Certification Order*").

<sup>29</sup> *VRS Practices Order*, ¶¶ 92-104.

<sup>30</sup> FCC, *Public Information Collection Being Submitted to OMB for Review and Approval, Comments Requested*, 76 Fed. Reg. 47582 (Aug. 5, 2011).

<sup>31</sup> Paperwork Reduction Act, Pub. L. No. 96-511, 44 U.S.C. §§ 3501-3521 (Dec. 11, 1980).

<sup>32</sup> See *supra* note 3.

<sup>33</sup> Convo is amenable to receiving a conditional grant of VRS certification as discussed in the Commission's *Certification Order*. See *Certification Order*, ¶ 37. In its *Certification Order*, the Commission proposes to provide certain certification applicants conditional VRS certifications "subject to a subsequent optional on-site visit" if the Commission determines upon initial review of such applications that the applications facially meets the certification requirements. *Id.* The onsite visit is intended to enable the Commission to "verify some of the information contained in the application." *Id.* Convo welcomes such an on-site visit by the Commission to confirm Convo's compliance with the VRS rules.

## **II. CONVO'S CURRENT AND PLANNED COMPLIANCE WITH THE VRS RULES**

In order to ensure compliance with the Commission's VRS rules, all of Convo's employees receive training when they are hired and upon any changes by the Commission to applicable VRS rules. Further, Convo conducts periodic meetings with the management teams of each of its call centers to ensure that new Commission regulations and other issues germane to Convo's operations are fully vetted and that any required operational changes are promptly communicated to relevant personnel and implemented. In addition, Convo is consistently apprised by its regulatory team and outside counsel of all applicable new decisions, actions, and policies of the Commission.

Section A of this Part II demonstrates Convo's current compliance with the non-waived mandatory minimum standards applicable to Convo as a VRS subcontractor of Snap as well as Convo's planned compliance with those Section 64.604 requirements that will become applicable if the Commission approves this Application and Convo commences operation as an independent certified VRS provider. Section B demonstrates Convo's current and planned compliance with the requirements relating to ten-digit telephone numbers (Section 64.611) and emergency calls (Section 64.605). Finally, Section C sets forth and describes Convo's compliance with documentation and other application requirements set forth in Section 64.606.

**A. Current and Planned Compliance with the Non-waived Mandatory Minimum Standards Applicable to VRS as Set Forth in Section 64.604**

Convo herein describes its compliance, or plan promptly upon certification to comply with, the existing operational, technical, and functional VRS regulations<sup>34</sup> and commits to remain in compliance with these requirements going forward.

**1. Communications Assistants**

The Commission’s rules sets forth certain requirements applicable to CAs to ensure that all such CAs are qualified interpreters.<sup>35</sup> Convo is committed to ensuring that its CAs satisfy the specialized communications needs of individuals with hearing and speech disabilities. Specifically, Convo requires that all of its CAs possess a high level of proficiency with respect to receptive and expressive American Sign Language (“ASL”) skills and that they are able to interpret ASL either verbatim or to conventional English depending on the needs and preferences of particular callers. In addition, Convo trains its CAs to have a strong understanding of deaf culture to ensure that they are fully qualified to perform VRS interpreting functions. Convo also utilizes a CA screening and evaluation process to test and evaluate CA candidates and to ensure that they possess all of the requisite capabilities set forth in the Commission’s rules. The testing is conducted by a panel of CA evaluators, as well as Convo’s call center operations managers, who are highly-skilled, certified interpreters.

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<sup>34</sup> See 47 C.F.R. §§ 64.604. The Commission has waived the application to VRS providers of certain Commission rules. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 25 FCC Rcd 8437 (CGB 2010) (“2010 VRS and IP Relay Service Waiver Extension Order”). Convo generally supports the continued extension of the application of these waivers to VRS providers.

<sup>35</sup> 47 C.F.R. § 64.604(a)(1).

The Commission also requires that “CAs answering and placing a . . . VRS call must stay with the call for a minimum of ten minutes.”<sup>36</sup> Convo’s standard CA operational practices comply with this requirement and the requirement is incorporated into Convo’s CA training curriculum.

## **2. Confidentiality and Conversation Content**

Pursuant to the Commission’s rules, “CAs are prohibited from disclosing the content of any relayed conversation regardless of content, and . . . from keeping records of the content of any conversation beyond the duration of a call, even if to do so would be inconsistent with state or local law.”<sup>37</sup> Convo stresses the importance of confidentiality to its CAs and trains each CA not to disclose or keep records of the contents of any relayed conversation regardless of content.<sup>38</sup> In addition, the Commission prohibits CAs from intentionally altering a relayed conversation.<sup>39</sup> Convo’s CAs are instructed and trained to accurately translate ASL to conventional spoken English based on accepted ASL interpreting practices.

## **3. Types of Calls**

The Commission’s rules prohibit CAs “from refusing single or sequential calls or limiting the length of calls utilizing relay services.”<sup>40</sup> In addition, the Commission requires VRS providers to be “capable of handling any type of call normally provided by telecommunications”

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<sup>36</sup> 47 C.F.R. § 64.604(a)(1)(v).

<sup>37</sup> 47 C.F.R. § 64.604(a)(2)(i).

<sup>38</sup> As a means of ensuring accuracy and efficiency in the communication of call content to CAs, Convo will enable its customers electronically to convey text-based information to CAs, such as an account, telephone, or social security number. This minimizes the opportunity for misunderstanding or mistakes and thereby benefits Convo’s customers. However, consistent with the Commission’s rules, no record of such electronically transmitted call content will be preserved in any manner by CAs beyond the conclusion of the call.

<sup>39</sup> See 47 C.F.R. § 64.604(a)(2)(ii).

<sup>40</sup> 47 C.F.R. § 64.604(a)(3)(i).

except for those types of calls that the Commission expressly has exempted from this requirement.<sup>41</sup> As a subcontractor of Snap utilizing Snap’s automatic call distribution (“ACD”) platform, Convo complies with these requirements. This includes two-line voice carry-over,<sup>42</sup> two-line hearing carry-over,<sup>43</sup> and speed dial and three-way calling functionality, as well as real-time relay support of voicemail, answering machines, and interactive menus.<sup>44</sup> Convo will offer industry-leading call functionality using its own ACD if it is certified, including each of these services. In addition, upon certification and the migration to its own ACD, Convo also will offer customers the ability to retrieve and convey video messages, leave outgoing voicemail messages on behalf of VRS users, and receive text message transcriptions of incoming voicemail.

#### **4. Visual Privacy Screens**

The Commission’s rules prohibit a CA from activating a “visual privacy screen or similar feature” at any time during a VRS call.<sup>45</sup> Convo currently complies with this rule and will continue to do so following certification. Convo does not permit its CAs to activate privacy screens and does not provide its CAs with a method to do so from their relay consoles.

#### **5. Disconnecting Idle Calls**

The Commission’s rules require CAs to terminate VRS calls if the VRS caller is unresponsive for longer than five minutes, “unless the call is a 9-1-1 emergency call or the called or calling party is legitimately placed on hold and is present and waiting for active

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<sup>41</sup> See, e.g., *2010 VRS and IP Relay Service Waiver Extension Order*, ¶¶ 7-16.

<sup>42</sup> Voice carry-over allows a deaf or hard of hearing person to use his or her voice while receiving responses from a hearing person via text typed by a CA.

<sup>43</sup> Hearing carry-over is used by people who have difficulty speaking, but have no difficulty hearing voice. It allows a speech-impaired person to type messages on a TTY, which are voiced by the CA, and then listen to the other person’s response through a handset.

<sup>44</sup> See 47 C.F.R. § 64.604(a)(3)(vii)-(viii).

<sup>45</sup> 47 C.F.R. § 64.604(a)(6).

communications to commence.”<sup>46</sup> Prior to disconnecting an idle call, Convo’s CAs are required to issue a warning to both parties and “may reverse the decision to disconnect if one of the parties indicates continued engagement with the call.”<sup>47</sup> Thus, Convo currently complies with this requirement and will continue to do so following certification.

## 6. International VRS Calls

The Commission’s rules prohibit reimbursement from the TRS Fund for international VRS calls (*i.e.*, VRS calls that originate from an international IP address) unless the domestic customer of a VRS provider pre-registers with the VRS provider prior to the start of the customer’s international travel by providing the VRS provider with their travel dates and their travel itinerary.<sup>48</sup>

Currently, Snap’s ACD has the capability to identify a VRS call’s origination point based on the IP address associated with the call. Consistent with the Commission’s new rules, this capability is used to block calls originating outside of the United States unless such calls either are initiated by hearing individuals who are calling VRS users inside the United States or are initiated by a domestic VRS customer of Convo who has pre-registered his or her international travel itinerary. Convo will follow the same procedure upon migrating to its own ACD following certification.

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<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *See* 47 C.F.R. § 64.604(a)(7). With respect to customers that pre-register their international travel with their default VRS provider, the VRS provider only may submit the customer’s VRS calls for reimbursement if there is an accurate means of verifying the identity and location of the customer and the customer is calling from the pre-registered region during the time that the customer informed the VRS provider that the customer would be in the region. In addition, for purposes of this prohibition, an international IP address is defined to mean any IP address that indicates that a VRS call is being initiated from a location outside of the United States. *Id.*

## 7. Speed of Answer

The Commission requires that “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.”<sup>49</sup> Convo’s call centers readily meet this standard and have among the industry’s best call answer times. Over the last three months, calls were answered by Convo’s CAs within 120 seconds approximately 99.3% of the time.<sup>50</sup> Convo commits to maintaining this industry leading practice following certification.

## 8. TRS Facilities – Provision of Service 24 Hours a Day, Every Day

The Commission’s rules require that “TRS shall operate every day, 24 hours a day.”<sup>51</sup> Since its inception as a white label provider, Convo provided VRS to deaf and hard of hearing customers 24 hours per day and seven days per week. As a subcontractor to Snap, Convo currently assists Snap to do so. Following certification, Convo will offer VRS 24 hours per day and seven days per week solely using its own call centers as recently required by the Commission.<sup>52</sup> Specifically, Convo has undertaken an analysis of likely initial call volumes on specific dates and at various times of day based on its customer counts prior to restructuring to become a subcontractor of Snap. Based on this analysis, Convo determined the number of CAs that will be required to enable Convo to provide sufficient CA resources at all times at multiple (*i.e.*, redundant) call centers to ensure that Convo continues to comply or exceed the Commission’s speed-of-answer requirements.

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<sup>49</sup> 47 C.F.R. § 64.604(b)(2)(iii).

<sup>50</sup> See Exhibit 10 (Convo Speed of Answer).

<sup>51</sup> 47 C.F.R. § 64.604(b)(4)(i).

<sup>52</sup> See *Structure and Practices of the Video Relay Services Program*, Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking, CG Docket No. 10-51, FCC 11-155, ¶¶ 8-13 (rel. Oct. 17, 2011).

**9. TRS Facilities – Redundancy Features**

The Commission requires that TRS, including VRS, “have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use.”<sup>53</sup> Convo employs appropriate redundancy features at its call centers, including ensuring that at least two call centers are operational at all times to enable calls to be routed between call centers in the event of a disruption to one call center, and Convo also will employ redundancy features with respect to its ACD upon migration to its own ACD following certification. These redundancy features are discussed in detail in Exhibit 5 (Description of Technology and Equipment).

**10. TRS Facilities – Prohibition of Home-Based Call Centers**

The Commission prohibits a VRS provider from permitting its CAs to relay calls from a location primarily used as the CA’s home.<sup>54</sup> Convo does not allow its CAs to relay calls from their residences. Instead, all of Convo’s CAs are required to relay calls from Convo’s call centers. Accordingly, Convo currently complies with this rule and will continue to do so following certification.

**11. TRS Facilities – ACD Requirement**

The Commission requires that

[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 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.<sup>55</sup>

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<sup>53</sup> 47 C.F.R. § 64.604(b)(4)(ii).

<sup>54</sup> 47 C.F.R. § 64.604(b)(4)(iii).

<sup>55</sup> 47 C.F.R. § 64.604(b)(4)(iv). A VRS provider may also utilize its own proprietary ACD. *See id.*



thus Convo's call centers satisfy this rule. Following certification and Convo's migration to its own ACD, Convo will continue to comply with this requirement.

### **13. Contact Person**

TRS providers are required to identify a contact person for TRS consumer information and complaints.<sup>59</sup> Convo specifies David Bahar, Vice President of Regulatory Affairs, as its agent. Mr. Bahar's contact information is:

David Bahar, Vice President of Regulatory Affairs  
2603 Camino Ramon #200  
San Ramon, CA 94583  
Video Phone and Voice: 925-452-4745  
Fax: 510-372-0431  
Email: [david@convorelay.com](mailto:david@convorelay.com)  
AIM: [david@convorelay.com](mailto:david@convorelay.com)

### **14. Public Access to Information**

The Commission requires carriers to engage in efforts to educate the public about TRS.<sup>60</sup> Convo provides informational services through various outlets to promote and enhance public awareness of the availability and benefits of VRS. As a white label provider, Convo endeavored to reach all segments of the public utilizing its website and various online resources, including Facebook, Twitter, and Internet blogs. Convo also regularly participated in a wide variety of deaf and hard of hearing events, conferences, and exhibits, and disseminated an informational online newsletter to its registered customers. Upon becoming a subcontractor to Snap and in an abundance of caution, Convo ceased its public outreach activities regarding the availability and benefits of VRS to avoid any appearance of holding itself out as a VRS provider. However, Convo is prepared to resume and enhance its outreach efforts upon certification.

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<sup>59</sup> See 47 C.F.R. § 64.604(c)(2).

<sup>60</sup> See 47 C.F.R. § 64.604(c)(3).

## 15. Rates

The Commission prohibits TRS providers from charging rates that are “greater than the rates paid for functionally equivalent voice communication services . . . .”<sup>61</sup> As a white label provider, Convo did not charge for VRS. In addition, Snap does not charge VRS users for the calls that Convo’s call centers currently relay. Further, upon certification, Convo will not charge its customers a registration or subscription fee and will not charge for domestic local, long-distance, or permissible (*e.g.*, pre-registered) international VRS calls.

## 16. Call Data Collection and Reporting Requirements

The Commission requires VRS providers to collect and report various data about their VRS calls to the Interstate TRS Fund Administrator.<sup>62</sup> For each call for which TRS compensation is sought, the Commission requires VRS providers to employ an automated recordkeeping system to capture the following call data “in a computerized and electronic format in a manner that does not allow human intervention during the call session”: (1) the call record ID sequence; (2) CA ID number; (3) session start and end times; (4) conversation start and end

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<sup>61</sup> 47 C.F.R. § 64.604(c)(4).

<sup>62</sup> *See* 47 C.F.R. § 64.604(c)(5)(iii)(C)(1) (“TRS providers . . . shall provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested . . . . TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS operating expenses and total TRS investment in general 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.”). In addition, the Commission’s rules requires that “the costs of providing TRS shall be separated in accordance with the jurisdictional separation procedures and standards set forth in the Commission’s regulations adopted pursuant to section 410 of the Communications Act of 1934, as amended.” *See* 47 C.F.R. § 64.604(c)(5)(i). Presently, the costs of providing both intrastate and interstate VRS are paid from the Interstate TRS Fund. *See, e.g., TRS & Speech-to-Speech Servs. for Hearing & Speech Impaired*, Public Notice and Notice of Proposed Rulemaking, 24 FCC Rcd 6029, ¶ 2 n.9 (2009). At such time as the Commission may determine that it is possible to jurisdictionally separate costs for intrastate and interstate VRS calls, Convo will comply with the cost separation requirements provided by the Commission. Until such time, Convo will comply with the standard practices of certified VRS providers.

times; (5) incoming telephone number and IP address (if call originates from an IP-based device); (6) outbound telephone number and IP address (if call terminates to an IP-based device); (7) total conversation minutes; (8) total session minutes; (9) the call center that handles the call (by assigned call center ID number); (10) the URL address through which the call is handled; and (11) speed of answer compliance data.<sup>63</sup> VRS providers are required to submit electronically to the TRS Fund Administrator all of the above data in a standardized format, and a senior executive officer of a VRS provider is required to certify the accuracy of such data.<sup>64</sup> Further, VRS providers are required to retain such call data “and all other call detail records, other records [supporting] their claims for payment from the TRS Fund, and records used to substantiate the costs and expense data submitted in the annual . . . data request form,” in an easily retrievable, electronic format for a minimum of five years<sup>65</sup> and to permit the audit of this call data by the Commission and the TRS Fund Administrator.<sup>66</sup>

Currently, Convo does not directly report to the TRS Fund Administrator. Instead, Snap is responsible for compliance with these requirements with respect to VRS calls relayed by Convo’s call centers. Following certification, however, Convo will ensure that its ACD has the functionality necessary to comply with the Commission’s data collection and retention requirements. Convo will capture all of the data listed above using an automated electronic record keeping system that is not subject to intervention by a CA during a call session and will submit this data electronically to the TRS Fund Administrator. When submitting a request for compensation from the TRS Fund, Convo will accompany the call data with the necessary

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<sup>63</sup> 47 C.F.R. § 64.604(c)(5)(iii)(C)(2)-(3).

<sup>64</sup> 47 C.F.R. § 64.604(c)(5)(iii)(C)(4)-(5).

<sup>65</sup> 47 C.F.R. § 64.604(c)(5)(iii)(C)(7).

<sup>66</sup> 47 C.F.R. § 64.604(c)(5)(iii)(C)(6).

certification. Further, Convo will maintain all such data in an easily retrievable electronic format for a minimum of five years. Moreover, Convo will be amenable at all times to being audited by the Commission or the TRS Fund Administrator.<sup>67</sup>

While operating as a white label provider, Convo developed an integrity assurance program that was among the best in the VRS industry. Convo only relayed “organic” VRS calls and did not undertake any efforts to artificially increase VRS call volumes. Further, Convo blocked or refused calls that may have been ineligible for reimbursement, such as calls involving on-line education courses, non-interactive webinars, and calls originating from outside the United States. This intensive effort to ensure the legitimacy of all VRS calls that Convo relayed was evidenced by Convo’s reimbursement denial rate, which was among the lowest among all VRS providers. If certified, Convo will resume these industry-leading practices.<sup>68</sup>

#### **17. Whistleblower Protections**

The Commission requires VRS providers to provide their employees and contractors “an accurate and complete description of [the] TRS whistleblower protections” established by the *VRS Practices Order*.<sup>69</sup> Convo issued an internal memo to its workforce on April 9, 2011 explaining the new whistleblower protections promulgated by the Commission.<sup>70</sup> Further, Convo has posted a description of the new whistleblower protections in a highly visible location in each of its call centers.<sup>71</sup>

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<sup>67</sup> Upon the Commission’s request, Convo will submit to the Commission and/or the TRS Fund Administrator all such automated call data pertaining to calls relayed by Convo’s call centers since Convo’s founding in March 2009.

<sup>68</sup> See Exhibit 11 (Convo Reimbursement Denial Rate).

<sup>69</sup> See *VRS Practices Order* ¶¶ 68-71; see also 47 C.F.R. § 64.604(c)(5)(iii)(M).

<sup>70</sup> See Exhibit 12 (Convo Memo Dated Apr. 9, 2011).

<sup>71</sup> See *id.* at 3.

**18. Requirement that All Third-Party Contracts Are in Writing**

The Commission requires all VRS providers to memorialize in writing and make available to the Commission and the TRS Fund Administrator at their request all agreements between VRS providers and third-parties.<sup>72</sup> Convo currently complies with this requirement. Convo uniformly executes in writing all contracts and arrangements that it enters into with third parties, and Convo is prepared to submit these copies to the Commission and/or the TRS Fund Administrator at their request to the extent that such agreements are not included in this Application.

**19. Call Center Reports**

The Commission requires each VRS provider biennially to submit a written statement containing information about each call center operated by the VRS provider.<sup>73</sup> In addition, the Commission also requires VRS providers to provide notice to the Commission 30 days in advance of opening, closing, or changing the location of a call center.<sup>74</sup> Exhibit 13 provides the required information regarding Convo’s existing call centers. In addition, Convo biennially will file with the Commission an update to this information, as well as provide the Commission with the required prior notice before opening, closing, or relocating a call center.

**20. Compensation of CAs**

The Commission prohibits VRS providers from “compensat[ing], giv[ing] a preferential work schedule or otherwise benefit[ing] 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,”<sup>75</sup> because,

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<sup>72</sup> See *VRS Practices Order* ¶ 60; see also 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(v).

<sup>73</sup> 47 C.F.R. § 64.604(c)(5)(iii)(N)(2).

<sup>74</sup> *Id.*

<sup>75</sup> 47 C.F.R. § 64.604(c)(5)(iii)(N)(3).

according to the Commission, “compensation arrangements that tie minutes processed by a CA to the compensation for that CA create incentives to fraudulently generate minutes.”<sup>76</sup> Convo does not base the compensation of any of its CAs, or offer preferential work schedules or any other incentives based on the number of minutes of VRS relayed by its CAs. Further, Convo emphasizes to its CAs that Convo intends only to relay “organic” VRS minutes—*i.e.*, VRS minutes that independently are originated by its customers. Convo prohibits its CAs from encouraging VRS users to place calls or otherwise artificially manufacturing additional use of VRS by customers.

## **21. Remote Training Session Calls**

The Commission prohibits VRS providers from seeking reimbursement for any VRS minutes dedicated to remote training sessions or comparable activities if the VRS provider is involved in any manner with such training or other activity.<sup>77</sup> Although presently a subcontractor, Convo currently complies with this requirement, and Convo will continue to comply with this rule following certification. As a policy matter, Convo does not create or promote VRS minutes or otherwise encourage VRS users to place calls that they would not otherwise make, including through any type of affiliation or endorsement of remote training. Further, when operating as a white label provider, to the extent that Convo relayed VRS calls for individuals attending remote training sessions of their own volition, Convo relayed and sought reimbursement of the associated VRS minutes through its billing partners only if the training was interactive—*i.e.*, if VRS users were able to participate or intervene in the training during the call. If the call was not interactive, then Convo did not submit such call to its billing partner for

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<sup>76</sup> *VRS Practices Order*, ¶ 22.

<sup>77</sup> 47 C.F.R. § 64.604(c)(5)(iii)(N)(4).

compensation. Convo will resume this treatment of VRS calls associated with remote training activities if certified.

## 22. Complaints and Consumer Complaint Logs

The Commission has established specific complaint resolution and investigation procedures applicable to TRS providers.<sup>78</sup> The Commission’s rules also require that VRS providers “maintain a log of consumer complaints including all complaints about TRS . . . , and must retain the log until the next application for certification is granted.”<sup>79</sup> If certified, Convo will comply fully with such procedures by filing the required report with the Commission by July 1 of each year.<sup>80</sup> Further, Convo commits to cooperate with any investigation conducted by the Commission or a state agency to resolve complaints or other disputes.

Although Convo was not directly subject to this requirement when it operated as a white label provider, Convo nevertheless complied with each of these requirements. Convo has attached hereto its 2010-2011 complaint report, which Convo filed with the Commission.<sup>81</sup> As a subcontractor to Snap, Convo currently reports all complaints received by its CAs to Snap for inclusion in Snap’s complaint report.

In addition, Convo systematically captures and logs all user correspondence, including complaints, endorsements, and other feedback. Upon receipt of each initial correspondence, Convo assigns a unique case number to it, logs the date on which it was received and associated

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<sup>78</sup> 47 C.F.R. § 64.604(c)(6).

<sup>79</sup> 47 C.F.R. § 64.604(c)(1)(i). The log is required to include, at a minimum, the date a complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution. *See id.*

<sup>80</sup> VRS providers are required to “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.” 47 C.F.R. § 64.604(c)(1)(ii).

<sup>81</sup> *See Exhibit 14* (Convo Complaint Log).

contact information (*e.g.*, the customer’s e-mail address and phone number), and records the nature of the correspondence (*e.g.*, complaint, endorsement, *etc.*). Convo’s system also records any staff member assigned to the matter, every action taken by such staff member in response to the matter, and the date of, and an explanation regarding, the resolution of the matter if a complaint is involved. Moreover, Convo has the ability to review relevant case histories by customer or by matter to enable Convo to provide effective customer service and problem resolution. In addition, Convo can compile complaints and correspondence into customizable reports, including for purposes of complying with the Commission’s annual complaint report filing requirement.

**23. Treatment of TRS Customer Information**

The Commission requires that VRS customer data “may not be used for any purpose other than to connect the TRS user with the called parties desired by that TRS user.”<sup>82</sup> Neither Convo nor its employees disclose, distribute, sell, share, or reveal in any way any information regarding VRS users unless compelled to do so by lawful order, and Convo will remain in compliance with this requirement if certified.

**B. Compliance with the Ten-Digit Telephone Number and Emergency Calling Requirements**

Both as a white label provider and as a subcontractor of Snap, Convo complied with, or through Snap currently complies with, all Commission regulations relating to ten-digit telephone number and emergency calls. Convo commits to continuing to comply with these requirements if certified, as further set forth below.

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<sup>82</sup> See 47 C.F.R. § 64.604(c)(7).

## 1. Ten-Digit Telephone Numbers

VRS providers are required to ensure that each registered customer is assigned a ten-digit telephone number and that the telephone number and the routing information associated with it (including an associated IP address) is submitted to the TRS Numbering Directory and internally maintained by the VRS provider.<sup>83</sup> To register with Convo if Convo is certified as a VRS provider, Convo will (i) require the registrant to affirm that he or she is deaf, hard-of-hearing, or speech-disabled; (ii) request and record information provided by the registrant, including IP address, physical (or 9-1-1) address, e-mail address, and current ten-digit telephone number (if he or she has one), and (iii) capture and maintain IP routing information for the registrant. Following verification of the registration information,<sup>84</sup> Convo will directly assign to each new customer a unique ten-digit local telephone number (or port an existing number, if requested) and then update the TRS Numbering Directory and its internal database accordingly.

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<sup>83</sup> See 47 C.F.R. § 64.611(a)-(d).

<sup>84</sup> To verify a registrant's registration information, Convo will (i) enter the registrant's existing telephone number into a reverse directory for identity verification and authentication and (ii) use a subcontractor to verify the legitimacy of the physical address provided by the registrant. As a back-up method of verification, when a registrant provides a current ten-digit telephone number obtained through another VRS provider, Convo will cross-check that number in the database to verify that the physical address provided by the registrant matches the physical address set forth in the database. If Convo cannot verify the registrant through these methods, Convo will send the registrant a postcard through U.S. Mail to the address provided by the registrant. The postcard will contain a confirmation code that the new registrant must enter at Convo's website to complete the verification process. If Convo's independent verification attempts fail and the registrant does not enter on Convo's website the confirmation code mailed to the registrant by Convo within a reasonable period of time, then Convo will suspend the account of the registrant. New registrants whose accounts have been suspended due to verification failures will be sent an e-mail from Convo explaining why their account was suspended.

## 2. Emergency Calling Requirements

Convo will comply with Section 64.605 of the Commission’s rules, which sets forth the requirements for the handling of emergency calls by VRS providers.<sup>85</sup> As an independent VRS provider, Convo will provide industry-leading accessibility to 9-1-1 emergency services by including a prominent 9-1-1 “hot button” in its VRS products to enable customers experiencing an emergency to dial 9-1-1 in the quickest possible fashion. In addition, Convo’s ACD system will automatically access and transmit to the appropriate Public Safety Answering Point (“PSAP”) an emergency caller’s Automatic Location Information (“ALI”) from the NeuStar Registered Location database, as well as Automatic Number Identification (“ANI”) information, and also prioritize answering emergency calls over non-emergency calls. These capabilities will enable emergency dispatchers at the PSAP to properly and effectively handle emergency VRS calls.

In addition, Convo’s CAs are trained to ask for the caller’s name and location information (and, as appropriate, to verify the caller’s registered location) at the beginning of each emergency call to enable the CA to provide this information to the PSAP.<sup>86</sup> Moreover, Convo will provide easily and quickly accessible methods within all of its VRS products through which Convo’s customers can update their 9-1-1 location information with minimal effort in the event that its customers are using VRS outside of their residences. Convo’s ACD also will automatically transmit to the appropriate PSAP the ANI information associated with a caller’s assigned ten-digit telephone number. Further, Convo’s ACD will enable Convo’s CAs to re-

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<sup>85</sup> See 47 C.F.R. § 64.605.

<sup>86</sup> All information that is obtained by Convo in the course of handling an emergency call is made available only to emergency call handlers and emergency response or law enforcement personnel for the sole purpose of ascertaining a caller’s location in an emergency situation or for other emergency or law enforcement purposes.

establish a call in the event of a call disruption regardless of which party was disconnected from the call, and Convo's CAs are trained to re-establish such calls promptly.

**C. Compliance with the Documentation and Other Requirements Set Forth in Section 64.606 for a VRS Certification Application**

**1. Deeds or Leases for Call Centers**

The Commission requires that applicants include a copy of each deed or lease for each call center, if the applicant operates five or fewer.<sup>87</sup> As described above, Convo currently operates three call centers and copies of the associated leases are attached as Exhibits 2, 3 and 4.

**2. Description of the Technology and Equipment Used to Provision of VRS**

The Commission requires that applicants include “[a] description of the technology and equipment used to support their call center functions--including, but not limited to, automatic call distribution, routing, call setup, mapping, call features, billing for compensation from the TRS Fund, and registration--and for each core call center function, a statement whether such technology and equipment is owned, leased or licensed (and from whom if leased or licensed).”<sup>88</sup> Convo's technology description is attached as Exhibit 5.

**3. Proofs of Purchase, Leases, or License Agreements**

The Commission requires applicants to provide “[p]roofs of purchase, leases or license agreements for all technology and equipment used to support their call center functions, including a complete copy of any lease or license for automatic call distribution.”<sup>89</sup> Copies of

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<sup>87</sup> 47 C.F.R. § 64.606(a)(2)(ii)(A)(1).

<sup>88</sup> 47 C.F.R. § 64.606(a)(2)(ii)(A)(4).

<sup>89</sup> 47 C.F.R. § 64.606(a)(2)(ii)(A)(5).

the required proofs of purchase, leases, or license agreements are attached as Exhibits 6(A)-6(K).<sup>90</sup>

#### **4. Financial Interest in Applicant; Organizational Structure**

The Commission requires that applicants submit a list of individuals or entities that hold at least a 10 percent equity interest in the provider, have the power to vote 10 percent or more of the securities of the provider, or exercise *de jure* or *de facto* control over applicant.<sup>91</sup> Exhibit 7(A) provides this information. Additionally, the Commission requires each applicant to describe its organizational structure and submit the names of its executives, officers, general partners, and members of its Board of Directors.<sup>92</sup> Exhibits 7(A) through 7(E) provide the required information.

#### **5. Employees and Employment Agreements**

The *Certification Order* requires applicants for certification to submit a list of numbers of full-time and part-time employees directly involved in TRS operations categorized by the following positions: (i) executives and officers, (ii) video phone installers, (iii) CAs, and (iv) persons involved in marketing and sponsorship activities.<sup>93</sup> The number of Convo employees in each of these positions is set forth in Exhibit 8.

In addition, the Commission requires that each applicant retain for five years from the date of application copies of employment agreements for all of the provider's executives, CAs, and employees directly involved in TRS operations, as well as a list of names of such employees,

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<sup>90</sup> For ease of reference, Convo has included cross-references in Convo's Description of Technology and Equipment to each proof of purchase, lease, or license agreement provided herein. See Exhibit 5 (Description of Technology and Equipment).

<sup>91</sup> 47 C.F.R. § 64.606(a)(2)(ii)(B).

<sup>92</sup> *Id.*

<sup>93</sup> 47 C.F.R. § 64.606(a)(2)(ii)(C).

and submit copies of this information upon the request of the Commission.<sup>94</sup> Convo will retain copies of all required employment agreements for a minimum period of five years from the date of this Application, and is prepared to provide copies of these employment agreements and a list of all employees to the Commission upon request.

## **6. List of Sponsorship Arrangements**

The Commission requires that applicants provide “a list of all sponsorship arrangements relating to Internet-based TRS, including any associated written agreements.”<sup>95</sup> The *Certification Order* clarifies that the relevant sponsorship arrangements include “those providing financial support or in-kind interpreting or personnel service for social activities in exchange for brand marketing.”<sup>96</sup> Convo has sponsored or participated in certain events targeting the deaf and hard-of-hearing communities in 2010 and prior to June 1, 2011 as part of its standard marketing and outreach activities. A list of these arrangements is attached hereto as Exhibit 9. Convo has not participated in any such activities since June 1, 2011.

## **7. Description of Complaint Procedures**

Applicants are required to include a description of their complaint procedures.<sup>97</sup> Convo’s complaint procedures are described above in Section II.A.22 of this Application.

## **8. Required Certification**

The Commission requires a senior executive of the applicant to certify the accuracy and completeness of the information provided.<sup>98</sup> The required certification is attached as Exhibit 1.

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<sup>94</sup> 47 C.F.R. § 64.606(a)(2)(ii)(D).

<sup>95</sup> 47 C.F.R. § 64.606(a)(2)(ii)(E).

<sup>96</sup> *Certification Order*, ¶ 31.

<sup>97</sup> 47 C.F.R. § 64.606(a)(2)(iii).

<sup>98</sup> 47 C.F.R. § 64.606(a)(2)(v).

**9. Notification of Substantive Changes**

The Commission’s rules require a VRS provider to “notify the Commission of substantive changes in [its] TRS programs, services, and features within 60 days of when such change occurs,” and to certify that the provider “continues to meet federal minimum standards after implementing the substantive change.”<sup>99</sup> Following certification, Convo commits to notify the Commission of any substantive changes in its operations in accordance with this rule.

**10. Statement of Intent to File Annual Compliance Reports**

The Commission requires that all certified Internet-based TRS providers, including VRS providers, file annual reports demonstrating continued compliance with all applicable TRS rules and regulations.<sup>100</sup> Convo commits to filing such compliance reports on an annual basis following certification.

**11. Unauthorized Service Interruptions**

VRS providers are required to seek prior Commission approval of any planned service interruption of 30 minutes or more in duration.<sup>101</sup> In addition, VRS providers are required to submit a written notification of any unforeseen service interruption and any planned service interruption of less than 30 minutes within two business days of the interruption.<sup>102</sup> Convo commits to complying with the service interruption rules following certification.

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<sup>99</sup> 47 C.F.R. § 64.606(f)(2).

<sup>100</sup> *See* 47 C.F.R. § 64.606(g); *see also id.* § 64.606(a)(2)(iv) (requiring certification applicants to submit to the Commission “[a] statement that the provider will file annual compliance reports demonstrating continued compliance with these rules”).

<sup>101</sup> *See* 47 C.F.R. § 64.606(h)(2).

<sup>102</sup> *See* 47 C.F.R. § 64.606(h)(3).

**III. CONCLUSION**

As set forth herein, Convo's request for certification outlines Convo's current (as applicable) and planned compliance (upon certification) with the Commission's rules and regulations applicable to VRS providers. Convo has expended substantial resources to comply with the new regulations in the Commission's recent *VRS Practices Order* and *Certification Order* in preparation for operation as an independent, certified VRS provider. In addition, Convo is prepared to respond to any request for additional information by the Commission in further support of this Application. Accordingly, Convo respectfully requests the Commission promptly to grant this Application to enable Convo to realize its true potential as a high-quality VRS provider, an aggressive competitor in the VRS market, and an innovator focused on continually improving and enhancing VRS technology.

Respectfully submitted,

CONVO COMMUNICATIONS, LLC



By: \_\_\_\_\_

Robin Horwitz  
*Chief Executive Officer*

November 4, 2011

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CERTIFICATION APPLICATION OF CONVO COMMUNICATIONS, LLC**

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2	Roseville Facility Lease
3	San Ramon Office Lease
4	Mobile Facility Lease
5	Description of Technology and Equipment
6	Proofs Of Purchase, Leases, and/or License Agreements
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12	Convo Memo Dated Apr. 9, 2011
13	Convo Call Center Report
14	Convo Complaint Log

**EXHIBIT 1**

**CEO CERTIFICATION<sup>1</sup>**

I swear under penalty of perjury that I am Nathaniel Robin Horwitz, Chief Executive Officer of Convo Communications, LLC, 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.

Executed on November 4, 2011.



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Nathaniel Robin Horwitz, CEO  
*Convo Communications, LLC*

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<sup>1</sup> This certification is provided pursuant to 47 C.F.R. § 64.606(a)(2)(v).

**EXHIBIT 2**

**ROSEVILLE FACILITY LEASE**

**MATERIAL REDACTED**

REDACTED FOR PUBLIC INSPECTION

**EXHIBIT 3**

**SAN RAMON OFFICE LEASE**

**MATERIAL REDACTED**

**EXHIBIT 4**

**MOBILE FACILITY LEASE**

**MATERIAL REDACTED**

**EXHIBIT 5**

**DESCRIPTION OF TECHNOLOGY AND EQUIPMENT**

**MATERIAL REDACTED**

**EXHIBIT 6**

**PROOFS OF PURCHASE, LEASES, AND/OR LICENSE AGREEMENTS**

**MATERIAL REDACTED**

**EXHIBIT 6(A)**

**CONVO AWS ACCOUNT STATEMENT**

**MATERIAL REDACTED**

**EXHIBIT 6(B)**

**DASH CARRIER SERVICES AGREEMENT AND NOTICE OF  
ASSIGNMENT TO BANDWITH.COM**

**MATERIAL REDACTED**

**EXHIBIT 6(C)**

**POWER BACK UP FOR CA CONSOLES PROOF OF PURCHASE**

**MATERIAL REDACTED**

**EXHIBIT 6(D)**

**MIRIAL EQUIPMENT LEASE**

**MATERIAL REDACTED**

**EXHIBIT 6(E)**

**URRELAY ACD LICENSE AGREEMENT**

**MATERIAL REDACTED**

**EXHIBIT 6(F)**

**URRELAY ACD SERVERS PROOF OF PURCHASE**

**MATERIAL REDACTED**

**EXHIBIT 6(G)**

**ADVANCED COLOCATION AGREEMENT**

**MATERIAL REDACTED**

**EXHIBIT 6(H)**

**AOL AIM AGREEMENT**

**MATERIAL REDACTED**

**EXHIBIT 6(I)**

**WOWZA MEDIA SERVER PROOF OF PURCHASE**

**MATERIAL REDACTED**

**EXHIBIT 6(J)**

**CA CONSOLES PROOF OF PURCHASE**

**MATERIAL REDACTED**

**EXHIBIT 6(K)**

**CALL CENTER ROUTERS AND SWITCHES PROOFS OF PURCHASE**

**MATERIAL REDACTED**

**EXHIBIT 7**

**FINANCIAL INTEREST IN APPLICANT; ORGANIZATIONAL STRUCTURE**

**MATERIAL REDACTED**

**EXHIBIT 7(A)**

**DESCRIPTION OF OWNERSHIP AND CONTROL**

Convo Communications, LLC (“Convo”) is a Texas limited liability company with seven members. The current membership interests in Convo are as set forth in Table 1.

**Table 1: Convo Ownership**

<b>Member</b>	<b>Ownership Interest</b>
Nathaniel Robin Horwitz	[[REDACTED]]
Roy Ed Bosson	[[REDACTED]]
Wayne Betts	[[REDACTED]]
Musano Communications LLC (Jarrod Musano) <sup>2</sup>	[[REDACTED]]
Jewel Jauregui	[[REDACTED]]
Robert A. Farkas	[[REDACTED]]
Thomas Otto-Bruc	[[REDACTED]]

No other individual or entity holds an ownership or voting interest in Convo or exercises *de jure* or *de facto* control over Convo.

Pursuant to Section 5.1 of the Limited Liability Company Operating Agreement of Convo Communications, LLC (“Convo Operating Agreement”), attached as Exhibit 7(D), the management of Convo is entrusted to the Managing Members who comprise the Convo Board of Directors as set forth in Table 2.

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<sup>2</sup> Jarrod Musano is the sole member of Musano Communications LLC. *See* Operating Agreement of Musano Communications, LLC, *attached as* Exhibit 7(E). No other individual or entity holds an ownership or voting interest in Musano Communications LLC or exercises *de jure* or *de facto* control over Musano Communications LLC. *See id.*

**Table 2: Convo Board of Directors**

<b>Name</b>
Nathaniel Robin Horwitz
Roy Ed Bosson (Chairman)
Wayne Betts
Thomas Otto-Bruc
Jarrold Musano
Robert A. Farkas
Jewel Jauregui

Pursuant to Section 5.2 of the Convo Operating Agreement, the Managing Members may, from time to time, appoint individuals (including themselves) as executive officers of the company and delegate to those officers such duties and responsibilities as they deem advisable. Convo’s current executive officers are set forth in Table 3.

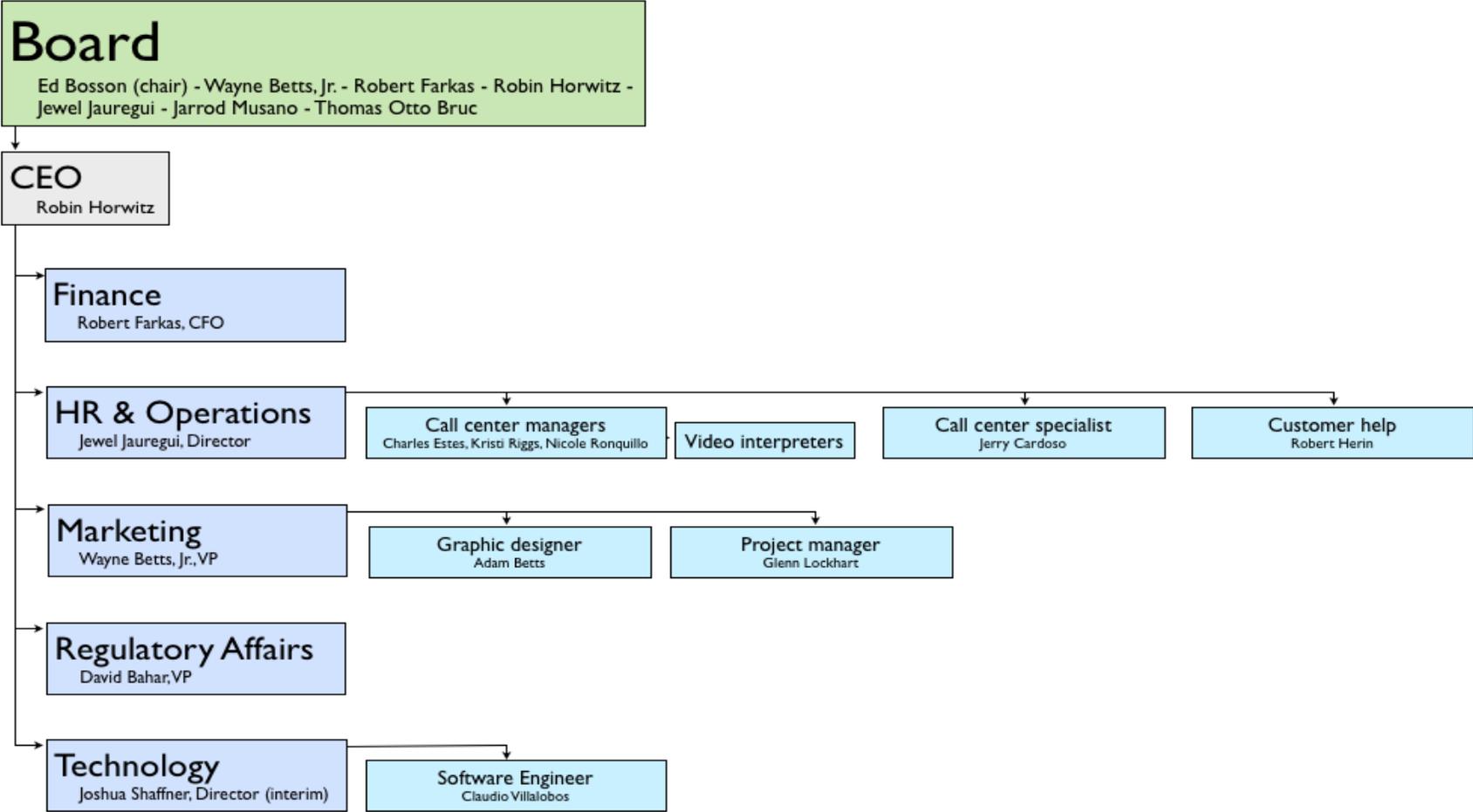
**Table 3: Convo Executive Officers**

<b>Name</b>	<b>Position</b>
Nathaniel Robin Horwitz	Chief Executive Officer
Wayne Betts	Vice-President of Marketing
David Bahar	Vice-President of Government and Regulatory Affairs
Jewel Jauregui	Director of Call Center Operations
Robert A. Farkas	Chief Financial Officer

In addition, an organizational chart illustrating Convo’s structure and management is attached as Exhibit 7(B). Finally, short biographies of Convo’s executives and key employees are attached below as Exhibit 7(C).

**EXHIBIT 7(B)**

**CONVO ORGANIZATIONAL CHART**



**EXHIBIT 7(C)**

**BIOGRAPHIES OF THE CONVO MANAGEMENT TEAM**

**Robin Horwitz**, CEO, was born deaf, grew up in Rochester, NY and attended Rochester School for the Deaf then Gallaudet University in Washington, D.C. Prior to founding Convo Communications, LLC (“Convo”), Mr. Horwitz worked in an array of capacities for several companies, including as a programmer for Discovery Health, Teamworks, and Epocrates and as as Marketing and Customer Service Database Programmer for HOVRS. Mr. Horwitz also served as the California Relay Service Specialist and Wireless Equipment Program Special Projects Specialist for the Deaf and Disabled Telecommunications Program (DDTP).

Mr. Horwitz has run the American Velodrome Challenge, two years of Threshold Power training camps, the 2006 World Deaf Cycling Championships and served as the Director of both the Momentum Cycling Team and the Riding for Deaf Schools organization. He currently resides in San Francisco Bay Area with his wife, Maureen Klusza.

**Robert Farkas**, Chief Financial Officer, is a Senior Operations and Financial executive with 30 year track record with high tech, high growth companies. Mr. Farkas has been CFO of three companies which each achieved order of magnitude growth and reached revenue levels above \$100 million. He has strong experience in operations, manufacturing and financial controls and also is a board member/advisor to several growth companies in various other industries.

**Wayne Betts, Jr.**, Vice President of Creative, saw the movie "E.T." at the age of 2 and found it so powerful he wanted to become a movie director. He went on a long academic journey of his own first, starting at American School for the Deaf, then transferring to North Carolina School for the Deaf, then Austine School for the Deaf before returning to and graduating from the American School for the Deaf. Mr. Bett’s next stop was Gallaudet University, where he studied Television, Film and Photography for a year before transferring to Rochester Institution of Technology's School of Film and Animation. He was drawn away from his studies by the lure of applying his by now extensive knowledge, still possessing that original desire to create visual projects that might impact others.

In 2005, Mr. Betts helped establish Mösdeux, a film production business, focusing on high quality ASL entertainment. Their work, Vital Signs, was featured in the PBS documentary History Through Deaf Eyes. Mösdeux has also produced three feature-length films to date and looking to expand their business to a studio model in an effort to support and showcase the work of other deaf filmmakers. He also was the director of photography on three films “A Permanent Grave (2007)”, “The Deaf Family (2008)”, and most recently, an upcoming movie “The Caretaker”.

**Jewel Jauregui** is the Director of Call Center Operations. Born in San Francisco to Deaf parents, Ms. Jauregui grew up bi-lingual, bi-cultural in the Bay Area with her younger sister, Ruby. She gained operations experience with the California State Deaf and Disabled Telecommunications Program by establishing the customer service and outreach aspects of Field

Operations. The program provides assistive telecommunications equipment to Deaf and disabled citizens of California. Ms. Jauregui lives in Oakland with her husband and twin daughters.

**David Bahar** is Vice President of Government and Regulatory Affairs. Originally from Gig Harbor, Washington, Mr. Bahar graduated from the University of Puget Sound and the George Washington University before joining the D.C. staff of U.S. Representative Jay Inslee. While on Capitol Hill, he handled disability issues for Rep. Inslee and pushed for reforms to VRS, including the establishment of a ten-digit numbering system and the adoption of measures to reduce fraud, waste and abuse in the industry. He currently lives in New York City with his wife.

REDACTED FOR PUBLIC INSPECTION

**EXHIBIT 7(D)**

**OPERATING AGREEMENT OF CONVO COMMUNICATIONS, LLC**

**MATERIAL REDACTED**

REDACTED FOR PUBLIC INSPECTION

**EXHIBIT 7(E)**

**OPERATING AGREEMENT OF MUSANO COMMUNICATIONS, LLC**

**MATERIAL REDACTED**

**EXHIBIT 8**

**NUMBER OF EMPLOYEES AND INDEPENDENT CONTRACTORS**  
(directly involved in VRS operations as of November 1, 2011)

**MATERIAL REDACTED**

REDACTED FOR PUBLIC INSPECTION

**EXHIBIT 9**

**LIST OF SPONSORSHIP AGREEMENTS**

**MATERIAL REDACTED**

**EXHIBIT 10**

**CONVO SPEED OF ANSWER**

**MATERIAL REDACTED**

**EXHIBIT 11**

**CONVO REIMBURSEMENT DENIAL RATE**

**MATERIAL REDACTED**

REDACTED FOR PUBLIC INSPECTION

**EXHIBIT 12**

**CONVO MEMO DATED APR. 9, 2011**

**MATERIAL REDACTED**

**EXHIBIT 13**

**CONVO CALL CENTER REPORT**

**EXHIBIT 13**

**CONVO CALL CENTER REPORT**

**San Ramon Call Center\***

2603 Camino Ramon  
Suite 200  
San Ramon, CA 94583  
Call Center Manager:  
Nicole Ronquillo  
Nicole@convorelay.com  
925-325-4962



\*Convo's national headquarters also is located at this call center.

**Roseville Call Center**

915 Highland Pointe Drive  
Suite 262  
Roseville, CA 95678  
Call Center Manager:  
Kristi Riggs  
Kristi@convorelay.com  
916-230-3866



**Mobile Call Center**

1535 Schillinger Road South  
Suite D  
Mobile, AL 36695  
Call Center Manager:  
Charles Estes  
Charles@convorelay.com  
251-281-2243



**EXHIBIT 14**

**CONVO COMPLAINT LOG**

**MATERIAL REDACTED**