

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

**WASHINGTON HARBOUR, SUITE 400**

**3050 K STREET, NW**

**WASHINGTON, D.C. 20007-5108**

(202) 342-8400

FACSIMILE

(202) 342-8451

www.kelleydrye.com

STEVEN A. AUGUSTINO

DIRECT LINE: (202) 342-8612

EMAIL: saugustino@kelle\_drye.com

NEW YORK, NY  
LOS ANGELES, CA  
CHICAGO, IL  
STAMFORD, CT  
PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES  
MUMBAI, INDIA

November 7, 2011

**BY ECFS AND BY HAND**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

**Re: Second Supplement to Application of SAY-HEY, Inc. for Certification  
as an eligible provider of Relay Services and Supplement to  
Application for Waiver, CG Docket No. 10-51  
CONFIDENTIAL TREATMENT REQUESTED**

Dear Ms. Dortch:

SAY-HEY, Inc. ("SAY-HEY") hereby submits this Second Supplement to Application of SAY-HEY, Inc. for Certification as an eligible provider of Relay Services ("Certification Application") and First Supplement to its September 29, 2011 Petition for Waiver ("Waiver Petition") in order to update the information previously provided. SAY-HEY believes that it has met all of the requirements for approval of both requests and that the information provided in the Certification Application and Waiver Petition show both that (1) SAY-HEY is compliant with the requirements for a certified Relay Service provider and (2) granting those requests furthers the goals of the Federal Communications Commission ("Commission" or "FCC") and is in the public interest. Despite the fact that SAY-HEY was already compliant with all of the requirements for a certified provider, it continues to make improvements so that it can provide the highest quality service to the deaf and hard-of-hearing communities.

As indicated in both the Certification Application and in SAY-HEY's October 3, 2011, Call Center Report, SAY-HEY owned two call centers: one in Roseville California and one in Spokane, Washington. While the Roseville call center met the requirements for Video Relay Service ("VRS") call centers at the time of those prior filings, SAY-HEY was still in the process of establishing the Spokane call center and ensuring that it fully complied with FCC requirements before it was used for VRS. SAY-HEY previously provided photos of the

Ms. Marlene H. Dortch  
November 7, 2011  
Page 2

Roseville call center. *See* Certification Application, Confidential Exh. D. SAY-HEY now provides photos of the Spokane call center in **Confidential** Exhibit A to this filing. These photos show that the Spokane call center is now fully compliant with the required ACD, computer, internet, phone line and work station set-up. In addition, SAY-HEY now has 12 highly qualified communications assistants (“CA”) at the Roseville call center and 12 at the Spokane call center.

SAY-HEY has been a provider of VRS since 2009. In those two years, SAY-HEY has established an excellent record of providing good service. Prior to late September of 2011, payment requested from the Telecommunications Relay Service Fund (“TRS Fund”) for services provided by SAY-HEY had *never* been denied. As a certified provider, SAY-HEY will bill the TRS Fund both in compliance with the requirements and in a manner to that will ensure there has been no fraud. Specifically, SAY-HEY will store all raw call data in its database daily and, at the end of the month, SAY-HEY will compile the daily reports into a monthly report for submission to the FCC. This raw data cannot be manipulated. An example of the call data that will be retained was attached to SAY-HEY’s Certification Application as Exhibit L. SAY-HEY is further willing to allow direct access to this database upon request. Every Interpreter Center has an onsite Interpreter Center Coordinator. Part of responsibilities of the person in this position is to ensure that CAs working in the Center are in compliance with FCC regulations at all times as part of their quality assurance oversight. This oversight includes regularly spending time with CAs as they process phone calls to effectively gauge and ensure compliance. Its history with the TRS Fund and its current fulfillment of the certification requirements, as well as the internal controls that it has in place, show that there is no risk of fraud by SAY-HEY and that granting both of SAY-HEY’s requests is in the public interest.

As shown, SAY-HEY has continued to work towards fulfillment of all of the obligations of a certified VRS provider. In response to the September 29, 2011, Citation issued to SAY-HEY, No. EB-11-TC-086, SAY-HEY began routing its traffic to another certified provider so that it could ensure full compliance before handling any VRS calls itself. Prior to the citation, SAY-HEY thought that it was in compliance with the rules and that its identification of the VRS Certified provider with which SAY-HEY works, Healinc Telecom, LLC (“Healinc”), as the actual certified provider was sufficient. Upon receipt of the citation and notification that its identification of Healinc as the certified provider was not sufficiently prominent, SAY-HEY immediately made the identification more prominent. SAY-HEY in no way intended to mislead customers or to fail to comply with the Commission’s requirements. SAY-HEY’s current method and manner of identification of Healinc as the Certified Provider is comparable to the manner in which Convo Communications, LLC identifies its Certified VRS provider and which was recently approved by the FCC when granting a waiver. *See In the Matter of Structure and Practices of the Video Relay Service Program*, October 24, 2011 Order re Convo Communications, LLC. SAY-HEY is now in full compliance with all of the requirements for a certified VRS provider and stands ready to resume providing VRS as soon as its application is approved and it has certified status.

KELLEY DRYE & WARREN LLP

Ms. Marlene H. Dortch  
November 7, 2011  
Page 3

Should the Commission have any questions or concerns regarding either SAY-HEY's Certification Application or Waiver Petition, please contact the undersigned at (202)342-8400.

Sincerely,



Steven A. Augustino

*Counsel to Say-Hey, Inc.*

cc: Greg Hlibock  
Joel Gurin  
Karen Peltz

# **EXHIBIT A**

## **CONFIDENTIAL**

### **Photographs of Spokane, WA Facilities**

**Redacted**