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

Re: Ex Parte Letter – Transition Period
CG Docket No. 10-51

Dear Ms. Dortch:

Convo Communications, LLC (“Convo”) files this letter to inform the Commission of the time period that will be required for certain Video Relay Service (“VRS”) certification applicants to transition to eligible, standalone VRS providers in the event that the Commission grants such applicants’ certification applications. Specifically, to the extent that an applicant currently operates as subcontractors to an eligible VRS provider, the applicant will require a transition period following the grant of its certification application to transition from providing services as subcontractor to providing standalone VRS as an eligible provider. Upon Commission grant of a subcontractor’s certification application, the applicant will be required to separate any VRS components that it provides to an eligible provider from the VRS operations of the eligible provider in order to commence independently offering VRS.

This may involve, *inter alia*, the transfer of VRS customers, rebranding of VRS products and VRS-related websites, the rerouting of certain IP addresses relevant to the provision of VRS service, coordination with the TRS Fund Administrator (“Administrator”), and interconnection with the iTRS database. Although many of these activities are within the control of an applicant, certain such activities cannot be finalized until grant of the applicant’s certification application. In addition, some of these operational issues are completely outside of the control of applicants. For example, an applicant will have no control over the timing of the provision by the Administrator of VRS billing instructions and documentation or the provision to the applicant of access to the iTRS database necessary to validate VRS calls and register new VRS customers. Therefore, to prevent disruption to VRS users, a transition period seems warranted.



Because we understand.

The Commission stayed its prohibition against an eligible VRS provider contracting with or otherwise authorizing any third party to provide communications assistant services or call center functions on behalf of the eligible provider unless the subcontractor also is an eligible provider (“Subcontractor Prohibition”).¹ The stay of the Subcontractor Prohibition “was designed to allow . . . entities an opportunity for a seamless transition to VRS eligibility, without interruption in service.”² However, the stay will expire on November 15, 2011.³ After that date, an applicant that has been providing VRS-related services as a subcontractor to an eligible provider will have to cease operations unless the Commission has granted the applicant’s certification application. Even if the Commission grants the applicant’s certification application prior to November 15, it is not clear that the newly eligible VRS provider is permitted to continue to provide call center services as a subcontractor to another eligible provider in the normal course after November 15. Recent Commission orders suggest that an eligible provider only may be permitted to subcontract call center services from another eligible provider under “exigent” circumstances.⁴ As a result, a newly eligible VRS provider that has been providing subcontractor services to an eligible provider may be required to cease operations between November 15 and the first date on which the newly eligible provider is able to transition its operations to enable its provision of VRS on a standalone basis as an independent provider.

Convo has expended substantial resources over the past months preparing to provide VRS on a standalone basis as an eligible provider and intends to commence offering VRS independently as promptly as technically feasible if the Commission grants Convo’s pending certification application. However, as noted above, Convo is unable to undertake certain tasks involved in its transition from providing subcontractor services to an eligible provider until grant of its certification application. Further, the timing of certain transition activities involving the Administrator and the iTRS database are beyond Convo’s control. As a result, if certified as an eligible VRS provider by the Commission, Convo anticipates that it will take Convo between two weeks and one month to commence independent VRS operations depending on the timeliness of the assistance and guidance that it receives from the Administrator and the iTRS database.

¹ See 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(iii); see also *Structure and Practices of the Video Relay Service Program*, Order Suspending Effective Date, 26 FCC Rcd 8327 (2011) (staying the Subcontractor Prohibition until October 1, 2011); *Structure and Practices of the Video Relay Service Program*, Order, CG Docket No. 10-51, FCC 11-145 (rel. Sept. 30, 2011) (extending the stay of the Subcontractor Prohibition until November 15, 2011) (“*Stay Extension Order*”).

² *Structure and Practices of the Video Relay Service Program*, Order, CG Docket No. 10-51, DA 11-1868, ¶ 2 (CGB rel. Nov. 8, 2011) (denying “Motion to Extend Stay” filed by Gallaudet University) (“*Gallaudet Denial*”).

³ See *id.*

⁴ See *Structure and Practices of the Video Relay Service Program*, Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking, CG Docket No. 10-51, FCC 11-155, ¶¶ 9-13 (rel. Oct. 17, 2011); see also *Gallaudet Denial*, ¶ 5.



For the reasons set forth herein, Convo believes that it is warranted for the Commission to provide an appropriate transition period to newly certified VRS applicants as part of the Commission’s certification grant. Such a transition period would be consistent with the Commission’s objective to provide subcontractors to eligible VRS providers with the “opportunity to apply for certification prior to the expiration of the stay *and . . .* the opportunity to seek to transition to eligibility in a seamless manner, without any interruption in providing service.”⁵

Please do not hesitate to contact the undersigned with any questions that you may have regarding this matter.

Respectfully submitted,

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

⁵ *Stay Extension Order*, ¶ 4 (emphasis added).