



ANDREW O. ISAR

4423 POINT FOSDICK DRIVE, NW
SUITE 306
GIG HARBOR, WA 98335
TELEPHONE: 253.851.6700
FACSIMILE: 866.474.3630
WWW.MILLERISAR.COM

Via ECFS and Overnight Delivery

December 1, 2011

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: In the Matter of Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51

Dear Secretary Dortch:

Healinc Telecom, LLC (“Healinc”), pursuant to Section 64.606(a)(2) of the Commission’s rules, as amended, submits the attached confidential version of the *Internet-based TRS Certification Application Of Healinc Telecom, LLC* (“Application”), in the above-referenced matter. By its Application, Healinc seeks Commission recertification as a Telecommunications Relay Service Fund eligible certified provider of video relay services (“VRS”), while renewing its request for certification as a Telecommunications Relay Service Fund eligible certified provider for the provision of Internet Protocol (“IP”) – Relay services. By its Application, Healinc conclusively demonstrates that it meets – or exceeds – the entirety of the Commission’s Mandatory Minimum Standards, waived Mandatory Minimum Standards, and Commission Orders and policies governing the provision of federal Telecommunications Relay Service Fund-compensable video relay services and IP-Relay services. Healinc respectfully requests that its Application be granted on or before January 4, 2012 to ensure a seamless continuation of Healinc’s services to the public. A redacted Public copy has been filed via the Commission’s Electronic Comment Filing System.

Request for Confidential Treatment. Request for Confidential Treatment. Pursuant to Section 0.459 of the Commission’s rules,¹ and "Exemption 4" of the Freedom of Information Act,² Healinc respectfully

¹ 47. C.F.R §0.459.

² 47 C.F.R. §0.457(d). *See National Parks and Conservation Ass '11. v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974) ("National Parks"); Southern Company Request for Waiver of Section 90.629 of the Commission's Rules, 14 FCC Rcd. 1851,1860 (1998).

Ms. Marlene H. Dortch
December 1, 2011
Page 2

requests that the documents comprising Exhibits A, B, and C (collectively "Documents") be deemed confidential and protected, accordingly. These Documents constitute "trade secrets" as set forth in Section 0.457 of the Commission's rules,³ in that the Documents contain sensitive proprietary information including, but not limited to, highly confidential lease and organizational information. These Documents reveal sensitive Company operations and scope that would be useful to competitors. Further, these Documents contain highly confidential information not intended for public consumption. Healinc would not otherwise make these Documents publically available under any circumstance. Release of these Documents to the public could cause Healinc irreparable and inestimable harm. Healinc requests that the Documents be withheld from public inspection, accordingly. Should disclosure of the Documents be requested, Healinc requests that it be informed of such request so that it may take appropriate action to safeguard its interests.

An original and one (1) paper and electronic copy of the Confidential version and original and one (1) paper and electronic copy of the redacted public inspection copy of this submission are enclosed. In light of the volume of Confidential Exhibits A, B, and C, Exhibit E, and confidential employee manual at Exhibit G, these documents are included only in the electronic copy of this submission in the attached confidential version CD-ROMs.

Please acknowledge receipt of this filing by date stamping and returning the additional copy of this transmittal letter in the self-addressed, postage-paid envelope enclosed for this purpose. Thank you for your attention to this matter. Questions may be directed to the undersigned.

Sincerely,

MILLER ISAR, INC.



Andrew O. Isar

Regulatory Consultants to
Healinc Telecom, LLC

Enclosures

cc: (via electronic delivery)
Mr. Joel Gurin Chief, Consumer and Governmental Affairs Bureau
Bill Freedman, Acting Deputy Chief, Consumer and Governmental Affairs Bureau
Karen Peltz Strauss, Deputy Chief, Consumer and Governmental Affairs Bureau
Greg Hlibok Chief, Disability Rights Office, Consumer and Governmental Affairs Bureau

³ 47 C.F.R. §0.457.

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

In the matter of)
)
Structure and Practices of the) CG Docket No. 10-51
Video Relay Service Program)
)

**Internet-based TRS Certification Application
of Healinc Telecom, LLC**

Stanley F. Schoenbach, M.D.
Chief Executive Officer and
Managing Member
Healinc Telecom, LLC
3333 Henry Hudson Parkway
Suite 1A,
Riverdale, NY 10643
Telephone: 718.543.4100

November 15, 2011

SUMMARY

Healinc Telecom, LLC (“Healinc,” “Company,” or “Applicant”), pursuant to Section 64.606(a)(2) of the Commission’s rules,⁴ as amended, submits this Application to the Federal Communications Commission (“FCC” or “Commission”) for recertification authorizing Healinc to receive reimbursement directly from the federal Telecommunications Relay Service (“TRS”) Fund (“Fund”) as a provider of Internet-based Video Relay Service (“VRS”) and Internet Protocol (“IP”) Relay services. On June 6, 2011, Healinc completed the fifth full year of certification as a VRS provider eligible to draw from the Fund. This milestone represents a significant achievement for a new provider that entered a field virtually dominated by incumbents and succeeded. Moreover, this milestone demonstrates Healinc’s commitment to the Public, the Deaf and Hard of Hearing (“HoH”) community, and the Commission, as a dedicated, reputable, and compliant provider.

By its Application, supporting documentation, and officer certifications and assertions made under penalty of perjury, Healinc maintains that it meets or exceeds the Mandatory Minimum Standards for the provision of VRS and IP-Relay services, pursuant to Section 64.604(a)(2) of the Commission’s rules,⁵ as amended, complies with other applicable Commission regulations, Commission orders, and policies, and warrants a Commission grant of a recertification to provide compensable VRS, and now also IP-Relay services to the Public as a Fund eligible provider. Healinc seeks recertification on or before January 4, 2012 to provide seamless VRS to its subscribers and the Public.

⁴ 47 C.F.R. §64.606(a)(2).

⁵ 47 C.F.R. §64.604.

TABLE OF CONTENTS

I. INTRODUCTION..... 2

II. NARRATIVE AND DOCUMENTATION DEMONSTRATING COMPLIANCE WITH THE INTERNET-BASED TRS PROVIDER AND TRS PROGRAM CERTIFICATION REQUIREMENTS(47 C.F.R. §64.606(A)(2))..... 7

III. MANDATORY MINIMUM STANDARDS COMPLIANCE (47 C.F.R. §64.606(a)(2)(ii)) 14

IV. COMPLIANCE WITH THE WAIVED MANDATORY MINIMUM STANDARDS FOR THE PROVISION OF FEDERALLY-FUNDED VRS (47 C.F.R. §64.606(a)(2)(ii)) 49

V. ADDITIONAL COMPLIANCE REQUIREMENTS..... 51

VI. PUBLIC INTEREST SHOWING..... 53

VII. CONCLUSION..... 53

**Before the
Federal Communications Commission
Washington, DC 20554**

In the matter of)	
)	
Structure and Practices of the)	CG Docket No. 10-51
Video Relay Service Program)	
)	
Telecommunications Relay Services)	
and Speech-to-Speech Services)	CG Docket No. 03-123
for Individuals with Hearing)	
and Speech Disabilities)	
)	

To: Chief, Consumer and Governmental Affairs Bureau, TRS Certification Program,
Washington, DC 20554

**Internet-based TRS Certification Application
Of HEALINC VRS Corporation**

Healinc Telecom, LLC (“Healinc,” “Company,” or “Applicant”), pursuant to Section 64.606(a)(2) of the Commission’s rules,⁶ as amended, submits its Application to the Federal Communications Commission (“FCC” or “Commission”) for recertification authorizing Healinc to receive reimbursement directly from the federal Telecommunications Relay Service (“TRS”) Fund (“Fund”) as a provider of Internet-based Video Relay Service (“VRS”) and Internet Protocol (“IP”) Relay services.

By its Application, Healinc demonstrates that it meets or exceeds the entirety of the Commission’s Mandatory Minimum Standards (“MMS”) for VRS, and IP-Relay services pursuant to Sections 64.604,⁷ as amended,⁸ other applicable Commission regulations principally

⁶ 47 C.F.R. §64.606(a)(2).

⁷ 47 C.F.R. §64.604.

including, but not limited to, Sections 64.605,⁹ and 64.606,¹⁰ as amended,¹¹ 64.611, 64.613, and 52.34¹² of the Commission's rules, applicable Commission orders, and waived MMS for the provision of Fund-compensable VRS and IP-Relay service, and respectfully requests that it be certified as a Fund eligible VRS and IP-Relay services provider on or before the scheduled extended January 4, 2012 expiration date of its present certification. In support of its Application, Healinc states as follows.

I. INTRODUCTION

On June 9, 2006, Healinc was granted certification of eligibility for the provision of Fund-compensable VRS independent from any certified state TRS program.¹³ On November 19, 2008, Healinc submitted an application for certification to receive compensation from the Fund for its provision of IP Relay services.¹⁴

Pursuant to Section 64.606(c)(2), Internet-based TRS Provider FCC certification period, as amended, "Certification granted under this section shall remain in effect for five years. An

⁸ *Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 5545 (2011) (*VRS Practices R&O*).

⁹ 47 C.F.R. §64.605.

¹⁰ 47 C.F.R. §64.606.

¹¹ *Structure and Practices of the Video Relay Service Program*, Second Report and Order, 76 FCC Rcd 47469 (2011) ("iTRS Certification Order").

¹² 47 C.F.R. §§64.611, 64.613, and 52.34.

¹³ *Notice of Certification of Healinc Telecom, LLC as a Provider of Video Relay Service (VRS) Eligible for Compensation From the Interstate Telecommunications Relay Service (TRS) Fund*, CG Docket No. 03-123, *Public Notice*, DA-06-124 (Rel. June 6, 2006)

¹⁴ *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, *Healinc Telecom, LLC IP Certification Application* (November 18, 2008). Healinc's IP Relay certification application remains pending. The Company's request for IP Relay certification was incorporated into its March 10, 2011 application for recertification cited below, and is now again incorporated into the instant Application under the Commission's amended certification regulations.

Internet-based TRS provider applying for renewal of its certification must file documentation with the Commission containing the information described in paragraph (a)(2) of this section at least 90 days prior to expiration of its certification.”¹⁵ On March 10, 2011, Healinc submitted its Application for recertification within the 90-day window for submission of recertification applications.¹⁶ On May 6, 2011, the Consumer and Governmental Affairs Bureau (“CGB”) extended, until November 4, 2011, the certification period for providers of VRS, including Healinc, and IP Relay service that have current certifications scheduled to expire on or before that date.¹⁷ On October 26, 2011, CGB issued a second extension, until January 4, 2012 for such providers.¹⁸

On May 23, 2011, Healinc submitted a *Petition for Waiver*¹⁹ of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission’s rules. Healinc’s application included documentation demonstrating compliance with salient amended Mandatory Minimum Standards (“MMS”) and then proposed certification rules that have since been amended and adopted under

¹⁵ As amended by the *VRS Practices Second R&O*. The 90-day submission period remains unchanged.

¹⁶ *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, *Healinc Telecom, VRS and IP Relay Certification Application* (March 10, 2011). Healinc’s request for recertification for the provision of VRS services and certification of IP-Relay services is incorporated in the instant Application, now under the amended certification rules in Section 64.606 promulgated under the *VRS Practices Second R&O*.

¹⁷ *Consumer and Governmental Affairs Bureau Announces Extension of Expiring Certifications for Providers of Internet-based Telecommunications Relay Services*, CG Docket Nos. 03-123 & 10-51, Public Notice, 26 FCC Rcd 6737 (2011).

¹⁸ *See, Consumer and Governmental Affairs Bureau Extends Expiring Certifications for Certain Providers of Video Relay Service and IP Relay*, CG Docket Nos. 03-123 & 10-51, Public Notice, DA 11-1795 (October 26, 2011).

¹⁹ *In the Matter of Structure and Practices of the Video Relay, Service Program*, CG Docket No. 10-51, *Healinc Telecom, LLC Petition for Waiver* (May 23, 2011), dismissed as moot. *See In the Matter of Structure and Practices of the Video Relay, Service Program*, CG Docket No. 10-51, *Order Suspending Effective Date*, para. 8 (May 31, 2011).

the Commission's *ITRS Certification Order*. Finally on September 28, 2011, Healinc submitted a *Petition for Waiver* of Commission Rules 64.604(c)(5)(iii)(N)(i) and (ii)^{20 21} requesting that waiver of Sections 64.604(c)(5)(iii)(N)(1)(i) and (ii) be granted retroactively to June 1, 2011, the effective date of these rules, through September 23, 2011. Healinc's *Petition for Waiver* remains pending.

Since first demonstrating compliance with the Commission's MMS for the provision of VRS service, Healinc has annually demonstrated compliance with the MMS and waived VRS MMS as required to maintain its Fund eligibility certification for the provision of VRS. Following the culmination of its fifth year of initial Fund certification, as since extended, and with the *iTRS Certification Order* now effective,²² Healinc now submits this Application pursuant to the Commission's amended certification rules in Section 64.606(a)(2) as set forth in the *iTRS Certification Order*. Healinc applies to the Commission for recertification to be compensated from the Fund for the provision of VRS and now for the provision of IP Relay services, so that it may and continue serving the Deaf Community and Hard of Hearing community (jointly "Deaf Community") and Public without interruption. In addition to demonstrating its strict compliance with applicable regulations, Commission orders, and policies, Healinc further maintains that its Application is in the public interest and should be granted.

²⁰ *In the Matter of Structure and Practices of the Video Relay, Service Program*, CG Docket No. 10-51, *Healinc Telecom, LLC Petition for Waiver* (September 28, 2011).

²¹ 47 C.F.R. §64.604(c)(5)(iii)(N)(i) and (ii).

²² *See, Consumer and Governmental Affairs Bureau Announces Effective Date of iTRS Certification Rules and Timeline for Filing Applications*, CG Docket No. 10-51, Public Notice, DA 11-1861 (November 4, 2011).

Healinc was founded by a physician who, before forming the Company, managed telecommunications services to health care institutions for a national communications carrier and readily recognized the Deaf Community's communications challenges. Healinc has been a forerunner in providing VRS and video interpreting services, in no small measure as a result of the profession Communications Assistants ("CAs") and staff it employs. Healinc CAs are nationally certified earning a variety of certifications including NIC, NIC-Advanced, NIC Masters, CSC, CI, and CT. A significant number of Healinc's CAs possess SC:L certification; a comprehensive legal interpreting accreditation. Healinc's interpreter skill set cover a wide range of experience, providing the capability to serve a diverse calling population under a wide set of circumstances. Today, 75% of Healinc management employees are Deaf, HoH, or have close ties to the Deaf community. Many Healinc CAs are also children of Deaf adults ("CODA") and possess the sensitivity to the Deaf Community as well as the education, training, and certifications that combine to provide callers with the most professional VRS possible. These individuals are committed to providing honest, ethical, and effective relay services to the Public.

Healinc's senior management and owners have witnessed the unscrupulous actions that have led the Commission's significant and commendable relay services reform. Healinc has no tolerance for fraudulent or dubious actions and joins the Commission and other reputable providers in seeking to preserve Fund integrity. Healinc was the first provider to report documented instances of potential abuse or fraud by certain providers to the Commission and the Fund Administrator for investigation. Healinc implemented an active monitoring program to identify and act on any instances of potential caller abuse, and, as discussed below, has implemented whistleblower procedures to ensure that employees are encouraged to report

situations they believe are improper for immediate management action, consistent with the recently promulgated Whistleblower regulations.

Healinc's overriding goal remains to meet the needs of the Deaf Community and non-Deaf callers by providing the best calling experience possible. This commitment translates into honoring customers' individual needs including, interoperability, exceptional customer service, ethical and respectful treatment, reliability, integrity and CAs who fully understand Deaf culture and language.

Healinc has pursued continual technical enhancements to its relay services (automatic call distribution ("ACD") platform – detailed in Exhibit B - in its relentless pursuit of improving customers' calling experience and coming ever closer to meeting full functional equivalency for the provision of VRS services. Healinc has also worked tirelessly to build a team of experienced, certified interpreters, support staff, and management dedicated to serving the needs of its subscribers and the Public. And Healinc has pursued initiatives aimed at outreach and further integration and responsiveness to the Deaf Community. As described below, Healinc again demonstrates that it meets all of the MMS, as amended, waived MMS applicable Commission regulations, and applicable Commission orders for recertification as a Fund eligible VRS and now IP-Relay provider, and respectfully requests that the Commission grant the requested certification to become effective on or before January 4, 2012. In support of its Application, Healinc states as follows.

II. NARRATIVE AND DOCUMENTATION DEMONSTRATING COMPLIANCE WITH THE INTERNET-BASED TRS PROVIDER AND TRS PROGRAM CERTIFICATION REQUIREMENTS (47 C.F.R. §64.606(a)(2); §64.606(a)(1) is inapplicable)

A. A description of the forms of Internet-based TRS to be provided (i.e., VRS, IP Relay, and/or IP captioned telephone relay service) (47 C.F.R. §64.606(a)(2)(i))

Healinc seeks recertification as a Fund eligible provider of Internet-based VRS and IP Relay services to the Public. Healinc does not intend to provide Fund-compensable telecommunications relay services or IP Captioned Telephone Services. Healinc 's Internet-based VRS is, and IP Relay service will be, available to any caller with a high-speed Internet connection, and a videophone device or a personal computer with webcam via the Company's web site, and to any other caller via the public switched network or via the Company's web site.

B. A detailed description of how the applicant will meet all non-waived mandatory minimum standards applicable to each form of TRS offered, including documentary and other evidence, and in the case of VRS, such documentary and other evidence shall demonstrate that the applicant leases, licenses or has acquired its own facilities and operates such facilities associated with TRS call centers and employs communications assistants, on a full or part-time basis, to staff such call centers at the date of the application. Such evidence shall include, but not be limited to: (A) In the case of VRS applicants or providers, (47 C.F.R. §64.606(a)(2)(ii)(A))²³

1. Operating five or fewer call centers within the United States, a copy of each deed or lease for each call center operated by the applicant within the United States (47 C.F.R. §64.606(a)(2)(ii)(A)(1));

Inapplicable. Healinc currently maintains [REDACTED] call center locations. Of these Healinc's two (2) primary call centers, [REDACTED] are perpetually staffed by a minimum of [REDACTED] on site CAs per center and operate fully independently to provide full redundancy in the event of an outage of either call center. Commercial calls centers in other locations serve

²³ Applicant's compliance with the Mandatory Minimum Standards pursuant to 47 C.F.R. §64.606(a)(2)(ii) is set forth in Section III, *infra*.

to solely to supplement Healinc's two primary call centers in times of high usage and support scalable growth, but not otherwise to sustain perpetual operation.

2. **Operating more than five call centers within the United States, a copy of each deed or lease for a representative sampling (taking into account size (by number of communications assistants) and location) of five call centers operated by the applicant within the United States, together with a list of all other call centers that they operate that includes the information required under §64.604(c)(5)(iii)(N)(2)²⁴ (47 C.F.R. §64.606(a)(2)(ii)(A)(2));**

A representative sampling of five (5) call center leases operated by Healinc and list of the other call centers operated by the Company is attached as confidential **Exhibit A**.

3. **Operating call centers outside of the United States, a copy of each deed or lease for each call center operated by the applicant outside of the United States (47 C.F.R. §64.606(a)(2)(ii)(A)(3));**

Inapplicable. All Healinc call centers are located in the U.S.

4. **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) (47 C.F.R. §64.606(a)(2)(ii)(A)(4)); and**

Healinc's ACD platform is accessed through several methods including conventional broadband Internet and Public Switched Telephone Network access. Healinc is developing mobile applications to enhance access and calling capabilities. A detailed description of the

²⁴ "Call center reports. VRS providers shall file a written report with the Commission and the TRS Fund administrator, on April 1 and October 1 of each year for each call center that handles VRS calls that the provider owns or controls, including centers located outside of the United States, that includes: (a) the complete street address of the center; (b) the number of individual CAs and CA managers; and (c) the name and contact information (phone number and email address) of the manager(s) at the center. VRS providers shall also file written notification with the Commission and the TRS Fund administrator of any change in a center's location, including the opening, closing, or relocation of any center, at least 30 days prior to any such change."

technology and equipment used to support call center functions – including, but not limited to, automatic call distribution, routing, call setup, mapping, call features, automated call detail record data collection, and billing for compensation from the TRS Fund, is attached as confidential **Exhibit B**. Healinc utilizes the ACD platform which it has been using to provide VRS, and collaborated with the independent, non-relay services provider, manufacturer and vendor, AuPiX, LTD. from whom Healinc leases the equipment, for development of ongoing software applications and enhancements. Healinc’s server collocation space is provided through AuPix.

- 5. Proofs 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 agreement for automatic call distribution. (47 C.F.R. §64.606(a)(2)(ii)(A)(5));**

Proofs of purchase, leases or license agreements for all technology and equipment used to support call center functions, including a complete copy of any lease or license agreement for automatic call distribution is attached as confidential **Exhibit C**.

- C. For all applicants, a list of individuals or entities that hold at least a 10 percent equity interest in the applicant, have the power to vote 10 percent or more of the securities of the applicant, or exercise de jure or de facto control over the applicant, a description of the applicant’s organizational structure, and the names of its executives, officers, members of its board of directors, general partners (in the case of a partnership), and managing members (in the case of a limited liability company) (47 C.F.R. §64.606(a)(2)(ii)(B));**

Healinc’s managing member is Dr. Stanley Schoenbach, who maintains total corporate control. Dr. Schoenbach comprises Healinc’s sole officer, and managing member.

- D. For all applicants, a list of the number of applicant’s full-time and part-time employees involved in TRS operations, including and divided by the following positions: executives and officers; video phone installers (in the case of VRS), communications assistants, and persons involved in marketing and sponsorship activities (47 C.F.R. §64.606(a)(2)(ii)(C));**

Healinc currently employs [REDACTED] full-time, [REDACTED] part-time employees and [REDACTED] on call employees in the following categories:

Executives and Officers – [REDACTED] individuals

Video Phone Installers – 0 employees

Full Time Communications Assistants – [REDACTED] employees

Part Time Communications Assistants – [REDACTED] employees; [REDACTED] full time equivalent employees.

On Call Trained and certified Communication Assistants-[REDACTED] employees

An overview of senior management experience is attached at confidential **Exhibit G**.

- E. For all applicants, copies of employment agreements for all of the provider’s employees directly involved in TRS operations, executives, and communications assistants, and a list of names of employees directly involved in TRS operations, need not be submitted with the application, but must be retained by the applicant for five years from the date of application, and submitted to the Commission upon request (47 C.F.R. §64.606(a)(2)(ii)(D)); and**

Healinc affirmatively acknowledges its obligation to maintain, and maintains, copies of employment agreements for all employees directly involved in VRS operations, executives, and CAs. Healinc also maintains copies of employment agreements not directly involved in TRS operations if such individuals are employed. Further, Healinc avers to retain copies of all employment agreements for a minimum period of five years from the date of this Application, and is prepared to provide copies of employment agreements and a list of all employees to the Commission or its designee upon request.

- F. For all applicants, a list of all sponsorship arrangements relating to Internet-based TRS, including any associated written agreements (47 C.F.R. §64.606(a)(2)(ii)(E)):**

Healinc engages in *ad hoc* sponsorship of events and causes. It currently has no ongoing sponsorship arrangements and maintains no corresponding agreements, accordingly.

G. A description of the provider's complaint procedures. (47 C.F.R. §64.606(a)(2)(iii) and 64.606(b)(2)(ii)):

Subscribers and the Public may lodge complaints directly with Healinc through several media, including through Healinc's Website, telephonically video or land line, via electronic mail, or in writing. Healinc Management assumes responsibility for responding to any complaints or requesting any additional needed information. Complaints or technical issues are referred immediately to Healinc's customer service or technical support employees who are responsible for resolving complaints or addressing inquiries. If the complaint entails a technical issue, then a trouble ticket is prepared, and the trouble investigated and resolved by a technician. The technician is responsible for responding to the assigned CA who then communicates with the complainant, and the result is documented.

All inquiries and complaints are documented for review and Commission reporting. All complaints or inquires are reported to Healinc's Chief Operations Officer who is responsible for final investigation and disposition if necessary. In the event a complainant or inquiry requires further response, the manager who assumed responsibility for resolution will contact the complainant or inquirer.

Healinc maintains a complaint response within 24 hours for complaints requiring research. Ninety six percent (96%) of all complaints are resolved immediately. Further, Healinc has pursued a proactive customer education initiative to assist customers in better understanding how to use Healinc's service and minimize inquiries.

Also refer to discussion under Consumer Complaint Logs, *infra*.

H. A statement that the provider will file annual compliance reports demonstrating continued compliance with these rules. (47 C.F.R. §64.606(a)(2)(iv)):

Healinc avers that it will file, as it has annually since its initial Fund certification, annual compliance reports demonstrating continued compliance with Commission rules. A statement of compliance is attached as **Exhibit D**.

I. Assessment of Internet-Based Provider Certification Application (47 C.F.R. §64.606(a)(3))

Healinc affirmatively acknowledges that pursuant to Section 64.606(a)(3),²⁵

In order to assess the merits of a certification application submitted by an Internet-based TRS provider, the Commission may conduct one or more on-site visits of the applicant's premises, to which the applicant must consent.

With the submission of the instant Application, Healinc is prepared to welcome the Commission or Commission-designated entity to Healinc's premises at any time and have all such documentation as the Commission may request to demonstrate the representations made herein, and its compliance with the Commission's MMS and additional requirements.

J. Substantive Changes (47 C.F.R. §64.606(f)(2))²⁶

Healinc affirmatively acknowledges its obligation as a certificated VRS provider, and avers compliance, to

notify the Commission of substantive changes in [its] TRS programs, services, and features within 60 days of when such changes occur, and must certify that the interstate TRS provider continues to meet federal minimum standards after implementing the substantive change. Substantive changes shall include, but not be limited to: The use of new equipment or technologies to facilitate the manner in which relay services are provided; Providing services from a new facility not

²⁵ 47 C.F.R. §64.606(a)(3).

²⁶ Sections 64.606(b), Requirements for state certification, 64.606(c), State certification period, 64.606(d), Method of funding, and 64.606(e), Suspension or revocation of state certification, are either inapplicable or require no response or acknowledgement. Section 64.606(f)(1) governing state notifications is inapplicable

previously identified to the Commission or the Fund administrator; and Discontinuation of service from any facility.

K. Annual Reporting (47 C.F.R. §64.606(g))

Healinc affirmatively acknowledges its obligation as a certificated VRS provider to, and will,

[f]ile with the Commission, on an annual basis, a report demonstrating that they are in compliance with §64.604. Such reports must update the information required in paragraph [47 C.F.R. §64.606] (a)(2) and include updated documentation and a summary of the updates, or certify that there are no changes to the information and documentation submitted with the application for certification, application for renewal of certification, or the most recent annual report, as applicable.

Previous Healinc annual submissions are a matter of record with the Commission.

Healinc's officer certification of compliance under penalty of perjury is attached as **Exhibit D**.

L. Unauthorized Service Interruptions (47 C.F.R. §64.606(h))

Healinc affirmatively acknowledges its obligation as a certificated VRS provider to, and will, "provide Internet-based TRS without unauthorized voluntary service interruptions." In the event that Healinc must interrupt service for a period of 30 minutes or more in duration, the Company will submit a written request to the Commission's Consumer and Governmental Affairs Bureau ("CGB") at least 60 days prior to any planned service interruption, with detailed information required pursuant to subsections 64.606(h)(2)(i), (ii), and (iii). Further, in the event of unforeseen service interruptions due to circumstances beyond an Internet-based TRS service provider's control, or if a voluntary service interruption is less than 30 minutes in duration, Healinc will submit a written notification to CGB within two business days of the commencement of the service interruption, with an explanation of when and how Healinc has

restored service or its plan to do so imminently.²⁷ In the event Healinc has not restored service at the time such report is filed, the Company will submit a second report within two business days of the restoration of service with an explanation of when and how it has restored service. Healinc will also provide notification of service outages covered by this paragraph to consumers on an accessible website, and that notification of service status must be updated in a timely manner. Healinc affirmatively acknowledges that if it fails to obtain prior Commission authorization for a voluntary service interruption or fails to provide written notification after a voluntary service interruption of less than 30 minutes in duration, or fails to provide written notification after the commencement of an unforeseen service interruption due to circumstances beyond its control in accordance, the Company may be subject to revocation of certification, suspension of payment from the Fund, or other enforcement action by the Commission, as appropriate.

III. MANDATORY MINIMUM STANDARDS COMPLIANCE (47 C.F.R. §64.606(a)(2)(ii))

Sections 64.604(a), (b), and (c) of the FCC's rules, as amended, establish operational, technical, and functional MMS respectively, governing the provision of VRS. As set forth below, Healinc maintains that it meets or exceeds the entirety of the Commission's MMS for the provision of Fund compensable relay services and merits Commission certification to draw compensation from the federal TRS Fund as a Fund eligible provider.

²⁷ On September 18, 2011, submitted notice to the Commission in the instant proceeding, identifying a temporary involuntary service interruption. *See, Healinc Telecom, LLC Notice of Involuntary Unforeseen Service Interruption*, Letter from Andrew O. Isar, Miller Isar, Inc. to Marlene H. Dortch, CG Docket No. 10-51 (September 18, 2011).

A. Operational Standards

1. Communications Assistant (“CA”) – Training (47 C.F.R. §64.604(a)(1)).²⁸

Standard (i): “TRS providers are responsible for requiring that all CAs be sufficiently trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities.”

Standard (ii): “CAs must have competent skills in typing, grammar, spelling, interpretation of type written HEALINC, and familiarity with hearing and speech disability cultures, languages and etiquette. CAs must possess clear and articulate voice communications.”

Standard (iii): “CAs must provide a typing speed of a minimum of 60 words per minute. Technological aids may be used to reach the required typing speed. Providers must give oral-to-type tests of CA speed.”

Standard (iv): “TRS providers are responsible for requiring that VRS CAs are qualified interpreters. A “qualified interpreter” is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.”

Standard (v): “CAs answering and placing a TTY-based TRS or VRS call must stay with the call for a minimum of ten minutes. CAs answering and placing an STS call must stay with the call for a minimum of fifteen minutes.”²⁹

Standard (vi): “TRS providers must make best efforts to accommodate a TRS user's requested CA gender when a call is initiated and, if a transfer occurs, at the time the call is transferred to another CA.”

Standard (vii) TRS shall transmit conversations between TTY and voice callers in real time.³⁰

Healinc Compliance: Healinc remains in compliance with each of the foregoing requirements.

Healinc continues to focus on developing a highly professional competent CA staff, noted above.

This focus includes an emphasis on training, ongoing development or refinement of policies and

²⁸ Standard vii governing TTY services has been intentionally deleted from the list as effectively inapplicable.

²⁹Speech-to-Speech. (“ STS”) calling requirements has been waived indefinitely. *2004 TRS Report and Order*, para 138 and 139.

³⁰ Healinc has not received any TTY calls.

procedures to improve responsiveness and maintain service consistency and in hiring qualified CAs, as well as a process for investigation and disciplinary action if necessary.

As in years past, Senior Healinc CAs and experienced management team continue to rigorously screen new CA employee applicants, to verify American Sign Language proficiency, to ensure that CA applicants are fully trained in, and meet, the MMS, and are generally well suited to interact with callers in a professional and courteous manner. Beyond promoting Registry of Interpreters for the Deaf (RID), SCS, CI or CT, or National Association of the Deaf certification, Healinc now requires new CAs to either maintain such certification or be actively working toward certification. Certified CAs is given priority for employment.

Healinc employs an exceptionally qualified and experienced CA team. Healinc's CAs not only demonstrates high proficiency and professional standards, CAs are self-directed individuals who continually strive for professional and personal improvement. CAs represents a variety of backgrounds, interpreting styles, and skill sets to ensure that Healinc can serve a diverse set of subscribers and callers.

CAs are routinely monitored and critiqued. Healinc focuses on the refinement of skill training and various procedures to ensure comprehensive customer service satisfactions. CAs undergo ongoing coaching and formalized training, where necessary, to ensure MMS and Company policy compliance. Healinc communicates with CAs frequently to address issues of general concern. Any CA demonstrating a pattern of failing to meet MMS and company standards, despite corrective action, is dismissed.

Healinc enables callers to select interpreters by gender upon request.

The Company continues to rely upon performance surveys, quality assurance test calls, subscriber surveys, and direct supervision, as part of Healinc's Quality Assurance Program, a working copy of which is attached at **Exhibit E** to ensure CA support remains compliant and provides users with a gratifying call experience.

2. Communications Assistant ("CA") – Confidentiality and conversation content. (47 C.F.R. §64.604(a)(2)).

Standard (i): "Except as authorized by section 605 of the Communications Act, 47 U.S.C. 605, CAs are prohibited from disclosing the content of any relayed conversation regardless of content ... 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. The CA may retain the information only for as long as it takes to complete the subsequent calls."

Standard (ii): "CAs are prohibited from intentionally altering a relayed conversation and, to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes, must relay all conversation verbatim unless the relay user specifically requests summarization, or if the user requests interpretation of an HEALINC call. An STS CA may facilitate the call of an STS user with a speech disability so long as the CA does not interfere with the independence of the user, the user maintains control of the conversation, and the user does not object. Appropriate measures must be taken by relay providers to ensure that confidentiality of VRS users is maintained."

Healinc Compliance: Healinc continues to maintain strict privacy standards regarding communications content and subscriber data adopted from the MMS, and remains compliant with the above standard in all call centers, as it has since its inception. CAs are prohibited from disclosing the contents of any relayed conversation, keeping records of the content of calls beyond their duration, and intentionally altering a relayed conversation.³¹ Healinc ensures that all conversations are translated verbatim unless directed otherwise by the callers, as is required by

³¹ 47 C.F.R. §64.604(a)(2).

the Commission's rules, through CA training and monitoring.³² All CAs must comply with Healinc's confidentiality policy. CAs found to have violated this policy is subject to immediate disciplinary action, up to and including termination following a full investigation. CAs retains access to call data and the identity of the caller only so long as the caller is connected to the CA. Following disconnection of a call, the CA does not maintain any ability to review or retain call set up data. Call detail is stored in a separate server and is not accessible to any CA. Only supervisory staff may monitor calls for quality assurance and training. CAs answer calls in work areas that are physically isolated and preclude inadvertent call viewing by other individuals in each call center. All call centers are secured commercial offices. All CAs utilize hands-free headsets which preclude others from hearing call content. Healinc has posted information regarding protection of confidential customer proprietary network information and other customer information on its web site, accessible to the caller when accessing Healinc's VRS platform.³³ Confidentiality requirements are thoroughly covered through Healinc's training program.

3. Types of Calls (47 C.F.R. §64.604(a)(3)).

Standard (i): "Consistent with the obligations of telecommunications carrier operators, CAs are prohibited from refusing single or sequential calls or limiting the length of calls utilizing relay services."

Healinc Compliance: Healinc does not, and will not, refuse calls or limit the length of calls. All calls, including long distance calls, are and will continue to be completed without charge to the consumer. While Healinc does not currently expect to process the types of calls that have been

³² *Id.*

³³ *See*, <http://www.lifelinks.net/privacy.html> .

waived by the FCC, Healinc commits to process those types of calls when those waivers expire.

See infra.

Standard (ii): “Relay services shall be capable of handling any type of call normally provided by telecommunications carriers unless the Commission determines that it is not technologically feasible to do so. Relay service providers have the burden of proving the infeasibility of handling any type of call.”

Healinc Compliance: Healinc’s VRS platform is designed to process a variety of relay calls, including non-VRS calls. Healinc does not bill subscribers or called parties for calls. Alternative-billing calls such as person-to-person, reverse bill, or third-party billed typically placed as operator-assisted calls are inapplicable, accordingly.

Standard (iii): “Relay service providers are permitted to decline to complete a call because credit authorization is denied.”

Healinc Compliance: This standard is inapplicable as Healinc does not charge users for any call, and therefore does not conduct credit authorizations or checks, as part of its obligations to retain the Equal Access to Interexchange Carrier waivers for VRS providers.

Standard (iv): “Relay services shall be capable of handling pay-per-call calls.”

Healinc Compliance: Healinc has the ability of accepting pay-per-call calls though CAs will simply convey credit or debit card information on behalf of the caller. Such information is translated only and never recorded.

Standard (v): “TRS providers are required to provide the following types of TRS calls: (1) Text-to-voice and voice-to-text; (2) VCO, two-line VCO, VCO-to-TTY, and VCO-to-VCO; (3) HCO, two-line HCO, HCO-to-TTY, HCO-to-HCO.”³⁴

Healinc Compliance: Healinc’s platform maintains the capability of supporting all types of calls. Healinc’s ACD platform has the capability of supporting Voice Carry Over (VCO), allowing a user to speak directly to the person he or she is calling and receiving responses through the CA and vice-versa. Healinc has the capability to support VCO-VCO calls, VCO-HCO calls, VCO-TTY, and Two-Line VCO calls. Healinc’s VRS is also capable of supporting Hearing Carry Over (HCO) that allows an individual to listen to the called party and respond in text to be voiced by the CA and vice-versa. HCO users are able to hear the call set-up, ringing, and the called party answering the telephone. Healinc supports HCO-HCO calls, HCO-VCO calls, HCO-TTY calls, and Two-Line HCO calls.

Standard (vi): “TRS providers are required to provide the following features: (1) Call release functionality; (2) speed dialing functionality; and (3) three-way calling functionality.”

Healinc Compliance: Both callers and CAs have the ability to release calls immediately when terminated through the VRS platform software application for users, and platform capabilities for CAs. The application software inherently allows for speed dialing once the called number is input into the calling screen. Healinc CAs retain the ability to initiate three-way calls through the platform.

³⁴ Extended through July 1, 2012 conditioned upon the filing of a status report due April 16, 2012, detailing the progress made in complying with the requirement to provide the following services. *See, In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers*, Docket Nos. CG Docket No. 03-123 and WC Docket No. 05-196, *Order*, DA 11-1159, (June 30, 2011) [“2011 VRS Waiver Extension Order”].

Standard (vii): “Voice mail and interactive menus. CAs must alert the TRS user to the presence of a recorded message and interactive menu through a hot key on the CAs terminal. Relay providers shall electronically capture recorded messages and retain them for the length of the call. Relay providers may not impose any charges for additional calls, which must be made by the relay user in order to complete calls involving recorded or interactive messages;” and

Standard (viii): “TRS providers shall provide, as TRS features, answering machine and voice mail retrieval.”

Healinc Compliance: Healinc will record voice mail messages for subscribers who currently use voice mail devices, as requested by the subscriber. Healinc has been working with its ACD platform developer to establish a process for recording video mail and informing subscribers of new messages, which can be accessed directly by the subscriber. Healinc anticipates deployment before year’s end. Subscribers may also request that the CA assist in recording a video or voice mail message when the subscriber encounters a busy or do-not-answer call.

4. Handling of emergency calls. (47 C.F.R. §64.604(a)(4) and amended Section 64.605.

Standard: “(4) Emergency call handling requirements for TTY-based TRS providers. TTY-based TRS providers must use a system for incoming emergency calls that, at a minimum, automatically and immediately transfers the caller to an appropriate Public Safety Answering Point (PSAP). An appropriate PSAP is either a PSAP that the caller would have reached if he had dialed 911 directly, or a PSAP that is capable of enabling the dispatch of emergency services to the caller in an expeditious manner.”³⁵

“Our rules require TRS providers to automatically and immediately transfer emergency calls to an appropriate public safety answering point (PSAP).³⁶ The *VRS Waiver Order* granted VRS providers a two-year waiver of this requirement, but also required VRS providers to clearly explain on their website and in any VRS promotional materials “the

³⁵ See *Telecommunications Relay Services And Speech-to-Speech Services For Individuals With Hearing And Speech Disabilities, E911 Requirements For IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, *Report and Order*, 23 FCC Rcd 5255 (Mar. 19, 2008) (“*Interim Emergency Call Handling Order*”), [FCC 08-78], amended *Telecommunications Relay Services And Speech-to-Speech Services For Individuals With Hearing And Speech Disabilities, E911 Requirements For IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, *Order*, FCC 08-210, (rel. September 19, 2008), Appendix B.

³⁶ See 47 C.F.R. § 64.604(a)(4); see also *Second Improved TRS Order & NPRM* at ¶¶ 37-42.

shortcomings and potential dangers of using VRS to place an emergency call using 911.”³⁷

³⁸ “In the *Interim Emergency Call Handling Order*, the Commission terminated the temporary waivers of the emergency call handling rule, effective May 21, 2008, for VRS, IP Relay, and IP CTS in light of the “present imperative to provide Internet-based TRS users a reliable means of accessing emergency services.”³⁹ The Commission required Internet-based TRS providers to “accept and handle emergency calls” and to access, either directly or via a third party, a commercially available database that will allow the provider to determine an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority that corresponds to the caller’s location, and to relay the call to that entity. Further, the Commission promulgated the following Standards under Section 64.605, as amended by the Commission’s June 2008 *Report and Order and Further Notice of Proposed Rulemaking*.^{40 41}

Healinc Compliance: Healinc does not provide TTY-based TRS services although it maintains the capability to process TTY calls if received. Healinc’s compliance focuses on the amended provisions of Section 64.605(b) governing emergency call handling requirements for VRS providers, and related requirements for Internet-based TRS Registration promulgated under Sections 64.611⁴² and 52.34⁴³ applicable to Internet-Based TRS providers adopted under the *Interim Emergency Call Handling Order and Report and Order and Further Notice of Proposed Rulemaking*, accordingly, as addressed further below. Healinc’s calling platform has been designed to comply with section 64.605(b) for emergency call handling in conjunction with

³⁷ *VRS Waiver Order* at ¶ 14.

³⁸ 2004 *TRS Report and Order*, ¶ 116, footnotes from original.

³⁹ *Interim Emergency Call Handling Order*, para. 16.

⁴⁰ *Id.*; 47 C.F.R. § 64.605 (setting forth additional operational standards applicable to Internet-based TRS).

⁴¹ See, e.g. *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123 and WC Docket No. 05-196, *Report and Order and Further Notice of Proposed Rulemaking*, [FCC 08-151](#) (Rel. June 24, 2008)[“*Report and Order and Further Notice of Proposed Rulemaking*”].

⁴² 47 C.F.R. §64.611.

⁴³ 47 C.F.R. §52.34.

Bandwidth.com's E911 emergency routing service. In 2010, Healinc processed ten emergency 911 calls without incident.

Healinc's VRS platform coupled with Healinc's Bandwidth.com Emergency Routing System ("ERS") has the capability to determine callers' physical location through access to the Neustar Registered Location database and verified independently by the Bandwidth.com 911 ERS,⁴⁴ and route emergency 911 calls to the Public Safety Answering Point ("PSAP") responsible for serving each caller, through arrangements with other carriers, including incumbent local exchange carriers. Healinc receives geographically appropriate ten digit North American Number Plan telephone number assignments for subscribers through its arrangement with a numbering partner, pursuant to Section 64.611, promulgated under the Commission's June 24, 2008 *Report and Order and Further Notice of Proposed Rulemaking* governing assignment of uniform, conventional ten digit telephone numbers by all Internet based telecommunications relay service providers.

Further, Healinc is informing subscribers of the process for placing emergency VRS 911 calls through promotional materials, Healinc's website, and when users access Healinc's ACD platform.

With respect to the specific requirements specifically set forth in Section 64.605, Healinc provides the following statement of compliance.

⁴⁴ A diagram depicting the interconnection between the Company's ACD Platform and Bandwidth.com ERS.

§64.605 Emergency Calling Requirements

(a) Pursuant to 47 C.F.R. §64.605(a)(1), “(a) Additional Emergency Calling Requirements Applicable to Internet-based TRS Providers. (1) As of December 31, 2008, the requirements of paragraphs (a)(2)(i) and (a)(2)(iv) of this section shall not apply to providers of VRS and IP Relay to which §64.605(b) applies.

(2) Each provider of Internet-based TRS shall:

(ii) Implement a system that ensures that the provider answers an incoming emergency call before other non-emergency calls (i.e., prioritize emergency calls and move them to the top of the queue);

Healinc Compliance: Healinc’s ACD VRS platform detects “911” dialed emergency calls and directs these calls to the 911 call queue for immediate processing.

(iii) Request, at the beginning of each emergency call, the caller's name and location information, unless the Internet-based TRS provider already has, or has access to, a Registered Location for the caller;

Healinc Compliance: Healinc has implemented strict procedures for ensuring that CAs obtain emergency caller name, verify contact information from its registered subscribers, and verify the caller’s registered location. When “911” is dialed by the caller, the CA implements the verification procedures, and forwards the caller’s automatic number identification (“ANI”) to the Bandwidth.com 911 ERS for routing to the caller’s serving PSAP. Bandwidth.com’s 911 ERS includes a national automatic location information database that provides an additional verification of the user’s location to the appropriate PSAP when 911 is dialed.

(v) In the event one or both legs of an emergency call are disconnected (i.e. , either the call between the TRS user and the CA, or the outbound voice telephone call between the CA and the PSAP, designated statewide default answering point, or appropriate local emergency authority), immediately re-establish contact with the TRS user and/or the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority and resume handling the call;

Healinc Compliance: Although all required information will be transmitted under the Bandwidth.com 911 ERS, Healinc’s standard operating procedure directs CAs to obtain PSAP contact information immediately, verify location, and establish the CAs identity to ensure that in the event that the call is disconnected, the call can immediately be reestablished.

(vi) Ensure that information obtained as a result of this section is limited to that needed to facilitate 911 services, is made available only to emergency call handlers and emergency response or law enforcement personnel, and is used for the sole purpose of ascertaining a customer’s location in an emergency situation or for other emergency or law enforcement purposes.

Healinc Compliance: Healinc avers to strictly protect the confidentiality of all customer proprietary information pursuant the requirements set forth in this section, Section 64.604(a)(2)(i), and to be voluntarily bound by the provisions of the Commission’s Customer Proprietary Network Information rules, at Section 64.2001 *et seq.*⁴⁵

(b) E911 Service for VRS and IP Relay

(1) Scope. The following requirements are only applicable to providers of VRS or IP Relay. Further, the following requirements apply only to 911 calls placed by users whose Registered Location is in a geographic area served by a Wireline E911 Network.

(2) E911 Service. As of December 31, 2008:

(i) VRS or IP Relay providers must, as a condition of providing service to a user, provide that user with E911 service as described in this section;

(ii) VRS or IP Relay providers must transmit all 911 calls, as well as ANI, the caller’s Registered Location, the name of the VRS or IP Relay provider, and the CAs identification number for each call, to the PSAP, designated statewide default answering point, or appropriate local emergency authority that serves the caller’s Registered Location and that has been designated for telecommunications carriers pursuant to §64.3001 of this chapter, provided that “all 911 calls” is defined as “any communication initiated by a VRS or IP Relay user dialing 911”;

⁴⁵ 47 C.F.R §64.2001 *et seq.*

Healinc Compliance: Healinc currently interfaces with Neustar, Inc.'s Registered Location numbering assignment Administrator's database. The database is populated with assigned geographically appropriate ten digit numbers that reflect the user's physical location in support of routing of emergency calls to serving PSAP. Healinc is registered with Neustar, Inc. for access to the numbering database.

Registered location information is requested as part of the subscriber registration process.⁴⁶ CAs confirms the registered location on each 911 emergency call before directing the call to the appropriate PSAP through via the Bandwidth.com 911 ERS as a matter of policy.

As noted, the Bandwidth.com 911 ERS automatically transmits both the caller's name and Registered Location to the PSAP. The platform will also identify Healinc as the VRS provider and the CAs identification and call back numbers with the data transmitted to the PSAP.

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

Healinc Compliance: Healinc's platform will transmit ANI based on the assigned geographically-appropriate ten-digit number established in the Registered Location database for Healinc's subscribers. ANI data will be transmitted to the serving PSAP through dedicated 911 routing facilities via the ACD platform, Bandwidth.com 911 ERS's arrangements with interconnecting carriers. A 911 call flow diagram appears at **Exhibit B**.

⁴⁶ See, <http://www.lifelinks.net/account.html>. Subscribers have the capability to change location in the database through a secured access.

(iv) The Registered Location, the name of the VRS or IP Relay provider, and the CAs identification number must be available to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority from or through the appropriate automatic location information (ALI) database.

Healinc Compliance: Healinc's ACD platform is configured to automatically identify Healinc and the CAs identification number to the PSAP, in conjunction with ANI information obtained through Neustar's Registered Location database, via the Bandwidth.com 911 ERS.

(3) *Service Level Obligation.* Notwithstanding the provisions in paragraph (b)(2) of this section, if a PSAP, designated statewide default answering point, or appropriate local emergency authority is not capable of receiving and processing either ANI or location information, a VRS or IP Relay provider need not provide such ANI or location information; however, nothing in this paragraph affects the obligation under paragraph (c) of this section of a VRS or IP Relay provider to transmit via the Wireline E911 Network all 911 calls to the PSAP, designated statewide default answering point, or appropriate local emergency authority that serves the caller's Registered Location and that has been designated for telecommunications carriers pursuant to §64.3001 of this chapter.

Healinc Compliance: Healinc has incorporated this requirement into its policies and CA training procedures.⁴⁷

(4) *Registered Location Requirement.* As of December 31, 2008, VRS and IP Relay providers must:

(i) Obtain from each Registered Internet-based TRS User, prior to the initiation of service, the physical location at which the service will first be utilized; and

(ii) If the VRS or IP Relay is capable of being used from more than one location, provide their Registered Internet-based TRS Users one or more methods of updating their Registered Location, including at least one option that requires use only of the CPE necessary to access the VRS or IP Relay. Any method utilized must allow a Registered Internet-based TRS User to update the Registered Location at will and in a timely manner.

⁴⁷ Please refer to Exhibit E.

Healinc Compliance: In order for subscribers to select Healinc as a preferred provider and access Healinc's ACD platform, subscribers are required to affirmatively register with Healinc. Through this registration process, subscribers are required to provide necessary contact information, including physical location, needed to populate the Registered Location database. Subscribers are able to register and update information over a secure Internet web site, <http://www.lifelinks.net/account.html>, via email, or by contacting Healinc's customer service in writing or telephonically, with proper verification of identity. Further, Healinc's operating procedures dictate that CAs verify Registered Location information on all emergency calls, as noted *supra*. Healinc provides users with specific information on the use of customer proprietary network information to be collected for complying with 911 access requirements.

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

Standard: “Relay providers must offer STS users the option to maintain at the relay center a list of names and telephone numbers which the STS user calls. When the STS user requests one of these names, the CA must repeat the name and state the telephone number to the STS user. This information must be transferred to any new STS provider.”⁴⁸

Healinc Compliance: Healinc's VRS platform has the ability to process STS calls, but does not currently have the capability of maintaining a list of names and telephone numbers which STS users might call. Healinc's platform does enable subscribers to maintain a list of frequently contacted individuals and telephone numbers which enable the subscriber to initiate a call to the individual by clicking the option on the screen. The subscriber's personal list is maintained through the platform's user software obviating the need for maintaining a separate listing at the relay center. This creates an additional level of security for the user.

⁴⁸ The requirement has been waived indefinitely for VRS. See 2004 TRS Report & Order, 19 FCC Rcd at 12594 (Appendix E: Summary of IP Relay and VRS waivers).

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

Standard: A VRS CA may not enable a visual privacy screen or similar feature during a VRS call. A VRS CA must disconnect a VRS call if the caller or the called party to a VRS call enables a privacy screen or similar feature for more than five minutes or is otherwise unresponsive or unengaged for more than five minutes, unless the call is a 9-1-1 emergency call or the caller or called party is legitimately placed on hold and is present and waiting for active communications to commence. Prior to disconnecting the call, the CA must announce to both parties the intent to terminate the call and may reverse the decision to disconnect if one of the parties indicates continued engagement with the call.

Healinc Compliance: Healinc's ACD platform precludes CA's from enabling a visual privacy screen or any such feature as may obfuscate the CA's identity. CA's are trained to terminate calls if the caller enables a privacy screen or similar feature for more than five minutes or is otherwise unresponsive or unengaged for more than five minutes unless the call is a 911 emergency call or the caller or called party is legitimately placed on hold and is present and waiting for active communications to commence. CAs are trained to announce their intent to terminate the call in such instances, unless one of the parties indicates intent to continue the call.

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

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

Healinc Compliance: Healinc affirmatively acknowledges that calls originating from an international IP address will not be compensated, with the exception of calls made by a U.S. resident who has pre-registered with his or her default provider prior to leaving the country, during specified periods of time while on travel and from specified regions of travel, for which there is an accurate means of verifying the identity and location of such callers. Currently

Healinc'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 domestic VRS Customers for whom Healinc has pre-registered an international travel itinerary. Healinc has trained CAs to verify the subscriber's identity and location against pre-registered information collected by the Company.

B. Technical Standards

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

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

Healinc Compliance: Healinc's VRS platform supports text messaging, and may be accessible through other forms of conventional text/data transmissions including ASCII and Baudot format, generated through most TRS equipment. Nevertheless, Healinc has never processed a text call. The Company's new VRS platform will have texting capabilities.

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

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

Healinc Compliance: Engagement of experienced supervisory personnel and enhancements to call processing data analysis enabled Healinc to recalibrate staffing levels to more accurately ensure full coverage and to stay within call answer time metrics. Healinc continues to closely monitor call levels to determine staffing adjustments by time of day, in accordance with actual

calling volumes. The relay center supervisor maintains contact with on call CAs, and has the ability to contact all available CAs and bring them online within minutes, if unusually high call volumes are experienced. This flexibility ensures that Healinc maintains sufficient staffing to exceed service quality standards, even under exceptional instances of heavy call volumes.

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

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

Standard (iii): “Speed of answer requirements for VRS providers are phased-in as follows: ...by January 1, 2007, VRS providers must answer 80% of all calls within 120 seconds, measured on a monthly basis. Abandoned calls shall be included in the VRS speed of answer calculation.

Healinc Compliance: Healinc is in current compliance of the speed of answer requirements for VRS providers, and has adopted procedures to ensure that it remains compliant on a going forward basis. In 2010 average speed of answer metrics reflected that [REDACTED] percent of all calls were answered within 10 seconds including abandoned calls. Speed of answer time is

projected to go to average under [REDACTED] seconds in 2011 and under [REDACTED] seconds in 2012. Healinc has had to contend with external challenges outside of its control that at times did result in limited call delays and in some instances, abandonment. In early 2010 Healinc experienced several “SIP Attacks” from computer hackers. These attacks raised the Company’s abandoned called ratio to [REDACTED] percent for a limited period of time. The attacks were quickly traced to several specific locations. Healinc immediately installed preventative measures to preclude such attacks in the future. In late 2010, Healinc implemented a Quality Assurance Program to specifically deal with call abandonment, despite significant improvements in call abandonment abatement. As of October 2011, [REDACTED] percent of calls received were answered within 120 seconds.

3. Equal access to interexchange carriers. (47 C.F.R. §64.604(b)(3)).⁴⁹

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

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

⁴⁹ Waived through July 1, 2012. *See 2011 MMS Waiver Extension Order.*

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

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

Healinc Compliance: Healinc’s two primary call centers, [REDACTED], are staffed to maintain perpetual operations, as noted *supra*. The Company maintains additional call centers to supplement peak demand times and support scaled growth.

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

Healinc Compliance: Uninterruptible power supplies (“UPS”) are available for CA work stations at all call centers. Call and other support data are stored in Company servers and backed up daily in secure, off-site servers. Servers are also supported by UPS, which provide power for as much as seven days. Call centers are housed in commercial buildings that meet applicable fire suppression codes. Multiple broadband facilities are used to provide diversity routing. Independent broadband facilities are connected directly to all call centers, supporting continued operations in the event of facility outages to any singular location. Healinc’s VRS platform enables Healinc to configure CA availability throughout multiple call centers to supplement each other to provide redundant support.

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

Healinc Compliance: Healinc does not employ CAs who relay calls from a home location. As of August 31, 2011, all CAs began operations from commercial call centers.⁵⁰

⁵⁰ Please refer to confidential Exhibit A.

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

Healinc Compliance: Healinc has licensed its ACD platform from Aupix LTD. The ACD platform is licensed on an established fee basis that is in no way based on revenue sharing or compensated upon call usage. The equipment is located in its platform vendor’s location, though accessed and managed by the Company’s employees consistent with the Commission’s October 17, 2011 clarification.⁵¹ Evidence of Healinc’s compliance is attached as confidential **Exhibit C.**

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

Standard: “No regulation set forth in this subpart is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to person with disabilities. TRS facilities are permitted to use SS7 technology or any other type of similar technology to enhance the functional equivalency and quality of TRS. TRS facilities that utilize SS7 technology shall be subject to the Calling Party Telephone Number rules set forth at 47 CFR 64.1600 et seq.”

Healinc Compliance: Healinc has pursued development of an advanced, unified call processing ACD platform, robust in functionality, scalable, and capable of supporting mobile access with

⁵¹“ [w]e confirm that a VRS provider leasing an ACD platform from a vendor not affiliated with any VRS provider need not locate such ACD on its premises or use its own employees to manage such a platform. However, regardless of the location of the ACD, each provider is responsible for the oversight of the entire core operations associated with such ACD platform, and shall be held accountable for compliance with all pertinent Commission rules and policies. *See, e.g. In the Matter of Structure and Practices of the Video Relay Service Program, Sprint Nextel Corporation Expedited Petition for Clarification, Sorenson Communications, Inc. Petition for Reconsideration of Two Aspects of the Certification Order, AT&T Services, Inc. Petition for Reconsideration of AT&T, CG Docket No. 10-51, Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking, FCC 11-155 (October 17, 2011) [“MO&O”] at para. 15.*

the Platform manufacturer. Future developments in Healinc's ACD platform will maximize current video, voice, and transmission processing technology to provide an unequaled calling experience, consistent with Commission's policy.

Specifically, Healinc has been engaged in evaluating advanced technology applications for VRS and IP-Relay in addition to conducting interviews with users to ensure caller considerations are fully addressed. Healinc is planning to introduce mobile solutions for Android Phones including the Samsung Epic 4G, HTC Evo, HTC Evo (Shift), HTC Thunderbolt, T-Mobile myTouch 4G, Samsung Galaxy Tab, Dell Streak 5, Nexus S from Google, and in the near future, the iPhone 4, iPod Touch (4 and 5th Generations), iPad 2, iPhone 5 (Next Year). Healinc is also working on advanced instant messaging solutions i.e., iChat for Mac OSX, Web-Based Browser i.e., Internet Explorer, and Mozilla Firefox, and is considering incorporating flexible solutions including H.323, H.264 and SIP-based applications; and evaluating deployment of its own interoperable LifeLinks Video Phone (Wired) and LifeLinks Video Phone (Wireless) devices.

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

Standard: "When a TRS facility is able to transmit any calling party identifying information to the public network, the TRS facility must pass through, to the called party, at least one of the following: the number of the TRS facility, 711, or the 10-digit number of the calling party."

Healinc Compliance: Healinc's ACD platform passes through the number of the center from which the CA is placing the call and the registered subscriber's assigned ten digit telephone numbers.

C. Functional Standards

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

Standard (i): “States and interstate providers must maintain a log of consumer complaints including all complaints about TRS in the state, whether filed with the TRS provider or the State, and must retain the log until the next application for certification is granted. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.”

Healinc Compliance: Healinc currently maintains, and submits, a complaint log to the Commission associated with its VRS service annually since first granted certification.⁵² Users have, and will continue to have, the ability to initiate complaints to a CA or CA supervisor, via electronic mail to the Company’s customer service address, and via the Company’s web site, www.lifelinksvrs.com as well as by mail, relay call, or landline call. Complaints are logged into Healinc’s complaint tracking system. The CA who received the complaint or an assigned customer service representative in instances where complaints cannot be addressed by an individual CA, will assign a complaint tracking number, will investigate the issue, and will respond to the complainant in no more than 48 hours. The response is recorded in the complaint log.

Standard (ii): “Beginning July 1, 2002, states and TRS providers shall submit summaries of logs indicating the number of complaints received for the 12-month period ending May 31 to the Commission by July 1 of each year. Summaries of logs submitted to the Commission on July 1, 2001 shall indicate the number of complaints received from the date of OMB approval through May 31, 2001.

Healinc Compliance: Healinc avers to continue submitting complaint logs annually.

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

“Contact persons. Beginning on June 30, 2000, State TRS Programs, interstate TRS providers, and TRS providers that have state contracts must submit to the Commission a

⁵² See, e.g. Healinc Telecom, LLC Annual Consumer Complaint Log Submission, CG Docket No. 03-123.

contact person and/or office for TRS consumer information and complaints about a certified State TRS Program's provision of intrastate TRS, or, as appropriate, about the TRS provider's service. This submission must include, at a minimum, the following:"

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

Healinc Compliance: The senior individual responsible to receive complaints, grievances, inquiries, and suggestions for Healinc is:

Dr. Stanley Schoenbach
Healinc Telecom, LLC
3333 Henry Hudson Parkway, Suite 1A,
Riverdale, NY 10643
Telephone: 718.543.4100
E-Mail: s.schoenmd@lifelinks.net or info@lifelinks.net

Healinc avers to timely inform the Commission any changes in contact information for the senior individual responsible for complaints.

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

Healinc Compliance: Healinc maintains multiple contact points based on the caller's preference for communicating with the Company:

Voice telephone: 718.543.4100 or 1-VRS-744-6111 (1.877.744.6111)
Spanish Speaking Callers: 1-VRS-SIGN-526 (1.877.744.6526)
Fax number: 718.601.5400
Hearing Callers to video phone: 877.774.6111
E-Mail Address: techsupport@lifelinks.net
Web Address: <http://www.lifelinks.net>
Video Phone Access: HealincTelecom.tv (formerly llvrs.tv prior to September 27, 2011)

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

Healinc Compliance: Correspondence should be sent to:

Healinc Telecom, LLC
3333 Henry Hudson Parkway, Suite 1A,
Riverdale, NY 10643

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

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

Healinc Compliance: Healinc will continue to pursue its outreach program entailing active marketing and targeted educational services targeted to the Deaf community. Healinc has employed a host of media to encourage and promote public access including: Social Networking – Twitter, YouTube, Facebook, MySpace; Trade Shows - Deaf Expo, ASL Expo, Deaf Nation; Vlogsphere World - Deaf Video, DeafCube, DeafRead; Deaf News - iDeaf News, Deaf Newspaper, Deaf Digest, NAD.org, Deaf News Today, Ohsoez, Deaf Spot, Deaf Times, Rocky Mountain Deaf News, Deaf Nyc, All Deaf; E-mails distribution; Mass Mailings; Search Engines Google, Yahoo, Bing; Deaf Forums -All Deaf, Deaf Notes, Deaf Freedom, Deaf Online 2, Deaf X; Education - Deaf Schools, Colleges with DSS Services, Deaf and Hard of Hearing Programs, and Independent Living Centers

Healinc is investing heavily in the Deaf community through the Company’s “Community Payback Projects.” Current and planned projects include:⁵³

- Scholarship for Deaf College Students
- News Center for Deaf and Hard of Hearing Adults/Kids Vlogs/Blogs

⁵³ Should any sponsorship opportunities result in an ongoing relationship between Healinc and the sponsored entity, Healinc will so advise the Commission and provide a copy of any sponsorship arrangement to the Commission upon request.

- Laptop/Desktop For Middle School and High School Students
- Supporting Deaf Animals (Deaf Dogs) Donations of Food, Towels, Blankets, Leash and Collars
- Deaf Elderly Visitation Programs/Elder Services
- Free Mentoring Program for Candidate Interpreters who want to work in the VRS Industry.
- Support Deaf Non-Profit Organizations (Between \$500.00 to \$2,500.00) 4 to 6 times a year.
- Support Deaf Child Today
- Provide Free Tutoring Programs in the U.S. (Year Round)
- Assistance to Hearing/Deaf parents who cannot afford to buy hearing aids for deaf/hard of hearing children. (Two times a year)
- Provide VRS Equipment and support thirty days free of charge to any organization wishing to see how VRS works.
- Deaf Children/Adults in Juvenile and Prison Settings (providing VRI Services and ensuring provision of VRS equipment for accessibility)
- Release from Jail/Providing assistance to transition back into the Community.
- Free Standalone Equipment at various public places i.e., Airports
- Social Networking (DEAF) to include Video Conference Programs which include our Tutoring component, good for Middle School, High School and College Students.
- Employer Tuition Assistance
- Implementation of Electronic Newsletter for Hispanic Population throughout the United States. Establishing more awareness for the need and provision of VRS services with qualified Trilingual translations.

In 2010, Healinc employed a new senior management team with established, long-standing experience and ties to the Deaf community to better integrate its operations with the needs and interests of its Deaf community subscribers.

Advertising. Healinc's outreach program strategy continues to rely upon a combination of press releases, co-marketing with Deaf organizations via the Internet, as well as general and targeted advertising. The Company engages in direct marketing to the Deaf Community, and through

continued advertising in Deaf Community expositions, seminars, and trade conferences, and through sponsorship opportunities. Healinc also advertises indirectly through the production of self-help video programs developed for the Deaf Community.

Partnerships and Affiliations. Healinc is working to broaden its partnerships and affiliations with state and national organizations devoted to serving the Deaf Community to make information concerning the Company's VRS services widely available. Additionally, Healinc will consider longer-term sponsorship opportunities to broaden company name and service recognition in the State. Healinc has also expanded its outreach to the underserved Hispanic community through engagement of certified trilingual CAs in Spanish, ASL, and English, and generally expanded outreach via development of a community newsletter, a Facebook, and Twitter presence on the Internet.

4. Rates. (47 C.F.R. §64.604(c)(4)).

Standard: "TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination."

Healinc Compliance: Inapplicable. Healinc's subscribers will not be charged for Healinc's VRS service. See, Compliance with Types of Calls (47 C.F.R. §64.604(a)(3)), *supra*.

5. Jurisdictional Separation of Costs. (47 C.F.R. §64.604(c)(5)(iii)(C)).⁵⁴

Standard (1): "*Data Collection and Audits from TRS Providers.* TRS providers seeking compensation from the TRS Fund shall provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested to determine the TRS Fund revenue requirements and payments. TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS investment in general in accordance with part 32 of this chapter, and other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements.

⁵⁴ Standards (i), (ii), (iii)(A) and (iii)(B) require no response, and are acknowledged by Applicant.

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

Healinc Compliance: Healinc affirmatively acknowledges its obligation to provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested to determine the TRS Fund revenue requirements and payments in accordance with the requirements set forth in 47 C.F.R. §64.604(c)(5)(iii)(C)(1) and (2), and any such additional procedures adopted by the administrator. Healinc has been providing the required monthly data electronically collected through its ACD platform.

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

Healinc Compliance: Healinc affirmatively acknowledges its obligation to provide speed of answer compliance data to the Fund administrator and Commission, as a continuation of its current practices.

Standard (4): *“Providers submitting call record and speed of answer data in compliance with sections 64.604(c)(5)(iii)(C)(2) and (3) shall (i) employ an automated record keeping system to capture such data required pursuant to section 64.604(c)(5)(iii)(C)(2) for each TRS call for which minutes are submitted to the fund administrator for compensation; and (ii) submit such data electronically, in a standardized format. For purposes of this subparagraph, an automated record keeping system is a system that captures data in a computerized and electronic format that does not allow human intervention during the call session for either conversation or session time.”*

Healinc Compliance: Healinc affirmatively acknowledges its obligation to provide data through an automated record keeping system which captures required data, formats for reporting, and reports, as it has been doing. A description of the specific automated data collected by Healinc’s ACD platform, which includes all of the required data pursuant to section 64.604(c)(5)(iii)(C)(2), *supra* in a format required by the Fund Administrator appears at confidential **Exhibit B.**⁵⁵

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

Healinc Compliance: Healinc affirmatively acknowledges its obligation to, and will, certify through its Chief Executive Officer that each and every request for compensation are truthful, accurate, and do not result from any impermissible financial incentives or payments to generate calls. Such certification shall contain the specific certification language set forth in Section 64.604(c)(5)(iii)(C)(5).

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

⁵⁵ See, *The AuPix VR-ACD CDR*, in particular discussion beginning at page 22 and “Healinc RLSA Sample CDR Data.csv” file.

suspension of payment until it submits to the requested audit or provides sufficient documentation.

Healinc Compliance: Healinc affirmatively acknowledges its obligation to, has, and will, submit to annual or at times determined by the auditing entity, to audits from the Fund Administrator and the Commission, including the Office of Inspector General. Healinc will provide all such data and documentation as requested by the auditing entity to for examination and verification of the data submitted as necessary to assure the accuracy and integrity of TRS Fund payments.

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

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

D. Information filed with the administrator. (47 C.F.R. 64.604(c)(5)(iii)(I))⁵⁶

Healinc Compliance: Healinc affirmatively acknowledges the obligation of its Chief Executive Officer (“CEO”), Chief Financial Officer (“CFO”), or other senior executive to each instance,

⁵⁶ Sections 64.604(c)(5)(iii)(D)(Reserved), 64.604(c)(5)(iii)(E), Payments to TRS providers, 64.604(c)(5)(iii)(F), TRS providers eligible for receiving payments from the TRS Fund, 64.604(c)(5)(iii)(G) intention to notify the Fund Administrator of participation in the Fund, 64.604(c)(5)(iii)(H) Administrator reporting, monitoring, and filing requirements, 64.604(c)(5)(iii)(J) The administrator's performance and this plan shall be reviewed by the Commission after two years, and 64.604(c)(5)(iii)(K) All parties providing services or contributions or receiving payments under this section are subject to the enforcement provisions specified in the Communications Act, the Americans with Disabilities Act, and the Commission's rules, require no response, and are acknowledged by Applicant.

certify, under penalty of perjury, that the minutes for which Fund compensation is requested are in compliance with U.S. Code Title 47, section 225⁵⁷ and the Commission's rules and orders, and are not the result of impermissible financial incentives or payments to generate calls. The CEO, CFO, or other senior executive will certify under penalty of perjury to the TRS Fund administrator that such information is true and correct.

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

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

Standard (2): If the Fund administrator in consultation with the Commission, or the Commission on its own accord, determines that payments for certain minutes should be withheld, a TRS provider will be notified within two months from the date for the request for compensation was filed, as to why its claim for compensation has been withheld in whole or in part. TRS providers then will be given two additional months from the date of notification to provide additional justification for payment of such minutes of use. Such justification should be sufficiently detailed to provide the Fund administrator and the Commission the information needed to evaluate whether the minutes of use in dispute are compensable. If a TRS provider does not respond, or does not respond with sufficiently detailed information within two months after notification that payment for minutes of use is being withheld, payment for the minutes of use in dispute will be denied permanently.

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

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

⁵⁷ 47 U.S.C. §225.

determined at any time that such payment was for minutes billed to the Commission in violation of the Commission's rules or any other civil or criminal law.

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

Healinc Compliance: Healinc affirmatively acknowledges, and avers compliance with, the promulgated procedures for suspension/with holding of payment under amended Commission rules.

F. Whistleblower protections. (47 C.F.R. 64.604(c)(5)(iii)(M))

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

Healinc Compliance: Healinc affirmatively acknowledges, and avers compliance with the Whistleblower protections promulgated under amended Commission rules. Healinc further affirms that it shall not take any reprisal in the form of a personnel action against any current or former employee or contractor who discloses to a designated manager of the provider, the Commission, the TRS Fund administrator or to any federal or state law enforcement entity, any information that the reporting person reasonably believes evidences known or suspected

violations of the Communications Act or TRS regulations, or any other activity that the reporting person reasonably believes constitutes waste, fraud, or abuse, or that otherwise could result in the improper billing of minutes of use to the TRS Fund and discloses that information to a designated manager of the provider, the Commission, the TRS Fund administrator or to any federal or state law enforcement entity. Healinc has developed a Whistleblower Policy attached at **Exhibit F**. The Company's employee manual is also attached at **Exhibit G**. This Policy incorporates the specific provisions contained in 64.604(c)(5)(iii)(M) by providing an accurate and complete description of its whistleblower protections, including the right to notify the FCC's Office of Inspector General or its Enforcement Bureau, to all employees and contractors, in writing, subject to employee acknowledgment.

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

(1) Eligibility for reimbursement from the TRS Fund.

Standard (i): Only an eligible VRS provider, as defined in subsection (c)(5)(iii)(F), may hold itself out to the general public as providing VRS.

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

Healinc Compliance: Healinc affirmatively acknowledges, and avers strict compliance with its obligation to identify itself to the Public as the Fund eligible certified entity.⁵⁸

Standard (iii): An eligible VRS provider may not contract with or otherwise authorize any third party to provide interpretation services or call center functions (including call

⁵⁸ As is now a matter of record and further discussed *infra*, Healinc has worked with its former sub-contractors to ensure that their involvement in processing calls was entirely transparent to the public. All calls are routed via Healinc's sole healintelecom.tv URL, and voice calls are routed through Healinc's queue. Healinc's web site and communications now clearly identify "Healinc Telecom, LLC" as the Fund eligible certified provider.

distribution, call routing, call setup, mapping, call features, billing, and registration) on its behalf, unless that authorized third party also is an eligible provider.

Healinc Compliance: Upon the effective date of his regulation,⁵⁹ Healinc ceased to contract with or otherwise authorize any third party to provide interpretation services or call center functions including call distribution, call routing, call setup, mapping, call features, billing, and registration on its behalf.

Standard (iv): To the extent that an eligible VRS provider contracts with or otherwise authorizes a third party to provide any other services or functions related to the provision of VRS other than interpretation services or call center functions, that third party must not hold itself out as a provider of VRS, and must clearly identify the eligible VRS provider to the public. To the extent an eligible VRS provider contracts with or authorizes a third party to provide any services or functions related to marketing or outreach, and such services utilize VRS, those VRS minutes are not compensable on a per minute basis from the TRS fund.

Healinc Compliance: Healinc does not contract for any services or functions related to the provision of VRS beyond the authorized leasing of its ACD from a non-provider manufacturer, as may be verified by the Commission through a review of the entirety of Healinc's contracts. Healinc has engaged Dr. Tomas Garcia whose primary responsibility is to write articles for, and increase awareness of relay service issues and Healinc's services among the Hispanic community.

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

Healinc Compliance: Healinc so acknowledges and is prepared to provide all contracts or agreements to the Commission or designated auditor upon request.

⁵⁹ Implementation of 47 C.F.R. 64.604(c)(5)(iii)(N)(1)(iii) was initially stayed until October 1, 2011, and was subsequently extended to November 15, 2011. See *Structure and Practices of the Video Relay Service Program*, GC Docket No. 10-51, Order Suspending Effective Date, 26 FCC Rcd 8327 (2011); *Structure and Practices of the Video Relay Service Program*, GC Docket No. 10-51, Order Suspending Effective Date (September 30, 2011).

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

Healinc Compliance: Healinc affirmatively acknowledges its responsibility to, and will make semi-annual call center reports to the Commission and Fund Administrator on or before April 1 and October 1 of each year.

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

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

(4) *Remote training session calls.* VRS calls to a remote training session or a comparable activity will not be compensable from the TRS Fund when the provider submitting minutes for such a call has been involved, in any manner, with such a training session. Such prohibited involvement includes training programs or comparable activities in which the provider or any affiliate or related party thereto, including but not limited to its subcontractors, partners, employees or sponsoring organizations or entities, has any role in arranging, scheduling, sponsoring, hosting, conducting or promoting such programs or activities.

Healinc Compliance: Healinc affirmatively acknowledges that VRS calls to a remote training session or a comparable activity will not be compensable from the TRS Fund. Healinc states further that it has at no time sought Fund compensation for such calls.

IV. COMPLIANCE WITH THE WAIVED MANDATORY MINIMUM STANDARDS FOR THE PROVISION OF FEDERALLY-FUNDED VRS (47 C.F.R. §64.606(a)(2)(ii))⁶⁰

Healinc continues to comply with those MMS that have been waived for VRS subscribers, as follows.⁶¹

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

Healinc Compliance: Healinc has complied with the *One-line VCO, VCO-to-TTY, and VCO-to-VCO* requirement since its inception. HEALINC has the capability of providing VRS for all call types.

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

Healinc Compliance: Healinc has complied with the *One-line HCO, HCO-to-TTY, and HCO-to-HCO* requirement since its inception.

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

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

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

Healinc Compliance: Healinc has processed no such calls, but has the capability to do so in the event such calls are placed.

⁶⁰ See 2011 VRS Waiver Extension Order.

⁶¹ See also, *Healinc Telecom, Inc. 2011 Annual Mandatory Minimum Standards Waiver Report*, CH Docket No. 03-123 (April 14, 2011).

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

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

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

Healinc Compliance: Healinc has complied with the *Equal Access to Interexchange Carriers* requirement since its inception, by not charging callers to place long distance calls. Healinc maintains that the new numbering and registered location requirements adopted in 2009 moot the very need to maintain this exemption. Subscribers are effectively presubscribed to each VRS provider. It is virtually inconceivable that a subscriber would request to be routed to an interexchange carrier. The Deaf Community has come to expect that interexchange calls placed via VRS will not be subject to separate charges. Those subscribers who may also maintain separate interexchange services are otherwise not impacted. Healinc has not experienced an instance where a caller has requested to be routed over a specific interexchange carrier before or after implementation of the numbering and registered location requirements. Nevertheless, Healinc urges the Commission to solicit public comment before removal of the waiver to build a record supporting a decision to terminate the waiver.

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

Healinc Compliance: As is the case with TTY-to-TTY calls, Healinc maintains the technical capability to process such calls, though its experience with such calls is virtually non-existent.

V. ADDITIONAL COMPLIANCE REQUIREMENTS.

On September 29, 2011, the Commission Enforcement Bureau issued citations against several Fund ineligible VRS providers for violations of 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(i), (ii), and (iii).⁶² According to the citations,

Under section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules, Eligible Providers were prohibited from having contracts authorizing a third party to provide core functions associated with providing VRS. However, the Commission stayed the effective date of section 64.604(c)(5)(iii)(N)(1)(iii) until October 1, 2011.⁶³ This stay allows Eligible Providers to have certain revenue sharing arrangements, including subcontracting with third parties to provide interpretation services and call center functions on the Eligible Provider's behalf.⁶⁴ In such cases, the third-party may not hold itself out as offering or providing the service; the Eligible Provider must always be identified as the entity offering and providing the VRS regardless of whether the service is offered directly by the Eligible Provider or through a contract with a third-party.^{65 66}

⁶² 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(i), (ii), and (iii).

⁶³ *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Order Suspending Effective Date, 26 FCC Rcd 8327 (2011). The stay did not affect the requirements under section 64.604(c)(5)(iii)(N)(1)(i) and (ii).

⁶⁴ Call Center functions include call distribution, call routing, call setup, mapping, call features, billing, and registration. 47 C.F.R. § 64.604(c)(5)(iii)(N)(1)(iii).

⁶⁵ § 64.604(c)(5)(iii)(N)(1)(ii). Brand names such as XYZ Co. powered by Eligible Provider or XYZ Co., a subcontractor of Eligible Provider, do not comply with the requirement that service be offered in the name of the Eligible Provider. Neither of these brand names clearly identifies the Eligible Provider as the entity actually providing the service. See *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 6862 (2011).

To ensure that for its part Healinc strictly complies with Sections 64.604(c)(5)(iii)(N)(1)(i) and (ii) until the section 64.604(c)(5)(iii)(N)(1)(iii) effective date,⁶⁷

Healinc implemented the following steps:

- Sub-contracted VRS providers were considered part of Healinc;
- Sub-contracted VRS providers' identity was been made entirely transparent to the Public:
 - All calls were routed exclusively to Healinc's single Uniform Resource Locator ("URL"), llvrs.tv and after September 27, 2011, healinctelecom.tv, or Healinc's own toll free number;
 - Sub-contracted VRS providers were immediately precluded from identifying the name of the sub-contracted entity in any way; if a CA identifies the VRS provider, such identification is to be that of "Healinc Telecom, LLC;"
 - Sub-contracted VRS providers were directed to immediately deactivate any VRS-related web site pending their Fund eligibility certification, should they elect to pursue it.
- Healinc placed VRS provider sub-contractors on notice that failure to comply with any of these requirements will result in immediate termination.

These actions removed any possibility for Public confusion regarding Healinc's identity as the Fund eligible provider. Though Healinc does not anticipate again engaging in contractual relationships with other Fund eligible providers for the provision of VRS, should it elect to do so in the future, the Company will impose the foregoing requirements on sub-contracted entities following due notice to the Commission.

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

⁶⁶ See, e.g. Official Citation, Federal Communications Commission, to CODA VRS Corporation, EB-11-TC-097, DA 11-1615, (September 29, 2011) [collectively "Citations"] Footnotes from original retained.

⁶⁷ Extended through November 14, 2011. See, *In the Matter of Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, *Order Extending Suspension of Effective Date*, FCC 11-145 (rel. September 30, 2011).

based TRS users, as amended, and applicable Commission orders and policies, as may be amended from time to time.⁶⁸

VI. PUBLIC INTEREST SHOWING.

Healinc maintains that the grant of the instant Application is in the public interest. Healinc's recertification will continue to provide the Public generally, and Deaf Community specifically with a real choice of responsible compliant provider. Healinc is an experienced provider with a legacy of responsible provision of service to the Deaf Community. Healinc CAs and employees have deep ties to the Deaf Community and have made a meaningful contribution to making simplified, functionally equivalent VRS available to the Deaf and hard of hearing. Healinc has offered and is prepared to continue offering technologically-advanced relay services and expand the availability of relay services in the U.S.

VII. CONCLUSION

Over the course of the past five and a half years of its Fund eligibility certification, Healinc has made vast improvements in its service, technology, operations, and organization while maintaining compliance with non-waived and waived MMS, and Commission and Fund Administrator orders and policies. Healinc continues to provide the very type of innovative, advanced-technology VRS envisioned by the Commission, consistent with the Commission's

⁶⁸ The recent amendments to Sections 64.611 and 64.613 do not impact Healinc. Regarding newly promulgated Section 64.611(f) (redesignated from Section 64.611(e)), Healinc has not assigned a toll free number to any subscriber. Pursuant to Section 64.613, Healinc has assigned geographically appropriate North American Numbering Plan numbers to subscribers since the ten-digit numbering requirements were implemented. *See, e.g. In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, E911 Requirements for IP-Enabled Service Providers, Internet-Based Telecommunications Relay Service Numbering et al.*, CG Docket No. 03-123, WC Docket Nos. 05-196 and 10-191, *Report and Order*, FCC 11-123 (August 4, 2011).

long-standing pro-competitive policy, while constantly striving to fully integrate itself with the Deaf Community and Public and improve on the quality of its services.

By the instant Application, Exhibits, and statements made by the Company's Chief Executive Officer subject to penalty of perjury, Healinc demonstrates that it meets or exceeds the Commission's MMS, has met the Commission's certification requirements, as amended, and is otherwise in compliance with Commission orders and policies governing the provision of video relay services and IP Relay service as a federal Telecommunications Relay Service Fund eligible certificated provider. Healinc respectfully requests that the Commission now grant Healinc certification as a Telecommunications Relay Service Fund eligible provider for the provision of VRS and IP Relay, accordingly. Healinc further requests that it be granted certification as a Telecommunications Relay Service Fund eligible provider on or before January 4, 2012, to ensure the seamless provision of VRS to its subscribers and Public.

A Verification attesting to the truth, accuracy, and completeness of this Application under penalty of perjury signed by me as Chief Executive Officer of Healinc and notarized, is attached.

Respectfully submitted this 15th day of November, 2011,

Healinc Telecom, LLC

By:  _____

Stanley F. Schoenbach, M.D.
Chief Executive Officer/Managing Member
3333 Henry Hudson Parkway, Suite 1A,
Riverdale, NY 10643

[original signature in hard copy]

STATE OF NEW YORK)
) ss.
COUNTY OF BRONX)

VERIFICATION

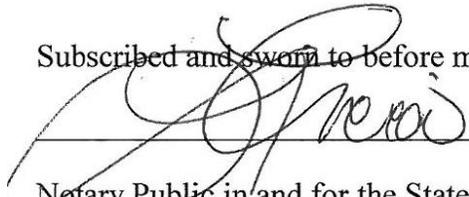
I swear under penalty of perjury that I am Stanley F. Schoenbach, Chief Executive Officer and Managing Member of Healinc Telecom, LLC an officer of the above-named applicant, and that I have examined the foregoing submissions, and that all information required under the Commission’s rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.

Healinc Telecom, LLC

By: 

Stanley F. Schoenbach, M.D.
Chief Executive Officer/Managing Member
3333 Henry Hudson Parkway, Suite 1A,
Riverdale, NY 10643

Subscribed and sworn to before me this 14 day of November, 2011


Notary Public in and for the State of New York

LISA M. RIVERA
Notary Public, State of New York
Qualified in Bronx County
No. 01R16221590
My Commission Expires May 3, 2014

[original signatures in hard copy]

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

In the matter of)
)
Structure and Practices of the) CG Docket No. 10-51
Video Relay Service Program)
)

**Internet-based TRS Certification Application
Of Healinc Telecom, LLC**

LISTING OF EXHIBITS

Exhibit	Content
A	CONFIDENTIAL A copy of each lease for each call center operated by Healinc Telecom, LLC Listing of all call centers and their addresses
B	CONFIDENTIAL A description of the technology and equipment used to support call center functions
C	CONFIDENTIAL Proofs 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 agreement for automatic call distribution is attached as confidential
D	Statement that Healinc will file annual compliance reports demonstrating continued compliance with Commission rules.
E	Quality Assurance Plan; VRS Training Presentation
F	Whistleblower Policy
G	CONFIDENTIAL Senior Management Overview CONFIDENTIAL Employee Manual

CONFIDENTIAL Exhibit A

**A copy of each lease for each call center operated by Healinc Telecom, LLC
Listing of all call centers and their addresses**

(Attached)

Supporting documentation:

[REDACTED]

CONFIDENTIAL Exhibit B

A description of the technology and equipment used to support call center functions

(Attached)

Supporting documentation:

[REDACTED]

CONFIDENTIAL Exhibit C

Proofs 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 agreement for automatic call distribution is attached as confidential

(Attached)

Supporting documentation:

[REDACTED]

Exhibit D

Statement that Healinc will file annual compliance reports demonstrating continued compliance with Commission rules.

(Attached)

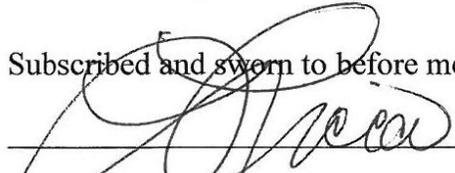
swear under penalty of perjury that upon a grant of certification, Healinc Telecom, LLC will file annual compliance reports in accordance with the entirety of Section 64.606(g) of the Commission's rules. Such annual reports will be examined by me first hand, and the accuracy and completeness thereof will be further verified by me under oath as Chief Executive Officer of Healinc Telecom, LLC subject to penalty of perjury in accordance with the specific officer certification language set forth in Section 64.606(g)(2)(interim) of the Commission's rules.

Healinc Telecom, LLC

By: 

Stanley F. Schoenbach, M.D.
Chief Executive Officer/Managing Member
3333 Henry Hudson Parkway, Suite 1A,
Riverdale, NY 10643

Subscribed and sworn to before me this 14 day of November, 2011


Notary Public in and for the State of New York

LISA M. RIVERA
Notary Public, State of New York
Qualified in Bronx County
No. 01RI6221590
My Commission Expires May 3, 2014

[original signatures in hard copy]

Exhibit E

**Quality Assurance Plan
VRS Training Presentation**

(Attached)

Exhibit F
Whistleblower Policy
(Attached)

Healinc Telecom, LLC

Whistleblower Policy

Introduction

Healinc Telecom, LLC's ("Healinc") Code of Ethics and Conduct ("Code") imposes an obligation on officers, directors, and employees (collectively "Employees") to observe the highest standards of business and personal ethics and integrity in the conduct of their duties and responsibilities. As Healinc Employees and representatives each person must practice honesty and integrity in fulfilling professional responsibilities and comply with all applicable laws and regulations. As an integral part of Healinc's Code, Healinc has incorporated this Whistleblower Policy.

Healinc Whistleblower Policy

According to Section 64.604(c)(5)(iii)(M) of the Federal Communications Commission's rules (47 C.F.R. 64.604(c)(5)(iii)(M)) no reprisal may be taken against any current or former Employee or contractor who discloses to a designated manager of the provider, the Federal Communications Commission, the Telecommunications Relay Service ("TRS") Fund administrator or to any federal or state law enforcement entity, any information that the reporting person reasonably believes evidences known or suspected violations of the Communications Act or TRS regulations, or any other activity that the reporting person reasonably believes constitutes waste, fraud, or abuse, or that otherwise could result in the improper billing of minutes of use to the TRS Fund (collectively "Disclosures") and discloses that information to a designated manager of Healinc, the Commission, the TRS Fund administrator or to any federal or state law enforcement entity.

As a Healinc Employee, you have the right to make Disclosures to Healinc, the TRS Fund Administrator, the Federal Communications Commission's Office of Inspector General, Federal Communications Commission's Enforcement Bureau, or any federal or state law enforcement entity without fear of reprisal, retribution, discrimination, dismissal, harassment or threat.

Responsible Officer

The Healinc's Chief Operations Officer ("COO") is the primary responsible Employee for investigation and resolution of Disclosures brought before Healinc.

Confidentiality

Disclosures may be submitted on a confidential basis by the Employee or may be submitted anonymously. Disclosures presented to Healinc's Responsible Officer will be kept confidential to as to the disclosing party.

Healinc Response to Disclosures

The Chief Operations Officer, if presented with a Disclosure, will notify the disclosing Employee and acknowledge receipt of the Disclosure within five business days. An Audit Committee comprised of Healinc's managing members shall address any Disclosure brought to the Company's attention. The Chief Operations Officer shall immediately notify the Audit Committee of any such complaint and assume responsibility for ensuring that Disclosures are fully addressed. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation. The disclosing Employee shall be notified of the action taken.

Acting in Good Faith

Employees are expected to act in good faith and have reasonable grounds for making Disclosures that suggest a violation of Healinc's Code of Conduct, Commission rules, federal and state law, or is in any way are believed to constitute waste, fraud, or abuse, or that otherwise could result in the improper billing of minutes of use to the TRS Fund. Employees proven upon investigation to have been made malicious or intentionally false Disclosures will be subject to disciplinary action.

I have on this date read and understand this Whistleblower Policy, and agree to act in accordance with this Policy.

Signature

Date

CONFIDENTIAL Exhibit G

**Senior Management Overview
Employee Manual**

(Attached)

[REDACTED]

Healinc Telecom, LLC

Quality Assurance Program

Introduction. Service quality is one of the most critical components of Healinc Telecom, LLC's ("Healinc") operations and a hallmark of Healinc's reputation. Subscribers have a right to expect and receive exceptional service from Healinc and its partners. Exceptional service quality is an ongoing objective that demands constant attention, practice, and enhancement. It is with this exceptional service objective in mind, that Healinc's Quality Assurance Program has been designed to exceed subscriber expectations, exceed regulatory standards, and build a service platform that is the envy of competitors. The following is an overview of Healinc's Quality Assurance Program.

Communications Assistant Assessment Process.

Initial Evaluation: All Healinc Communications Assistants (CA's) must reside in the United States and be immersed in Deaf Community culture. Additionally they must be as well as the local community culture in which they reside. Healinc CAs must be Nationally Certified Interpreters possessing a State Certification, CI/CT, CSC, NIC, NIC ADVANCED, NIC MASTERS, OTC and SC:L. Because of this our expectations are higher than most and thus our evaluations are more stringent.

CAs must have at least two years proven experience in interpreting prior to being considered as a Healinc interpreter. Additional consideration is given to each candidate's education and previous training.

Healinc's stringent CA credentialing process specifically includes:

- *Overview FCC rules pertaining to VRS Services*
- *Telephone Interview*
- *Interview via webcam or Video Phone*
- *Assessment by company's C.T.O. who is also deaf.*
- *Contractor Information Worksheet completed*
- *Detailed Testing (Verbal & Written)*
- *Qualifying process via VRS/VRI manager, Sr. Vice President or MODL*
- *Internet and Computer Specs/Requirements Evaluated*
- *Verification of work area, secured lock entrance/exit, Pictures of work area submitted*
- *Independent Contractor's Agreement Completed*
- *Role of the Professional Interpreter*
- *Conduct and Procedures*
- *Code of Professional Ethics*
- *Statement of Neutrality and Confidentiality*
- *Invoicing*
- *Orientation 8 hour training course by our Training Manager*
- *Continuous Evaluation*

Healinc Telecom, LLC

Quality Assurance Program

The first three steps provide an opportunity for the CA/VRS Management Team to determine a given interpreter's initial skill set and ability to continue through the evaluation process. Developed over the last 6 years, this method of separating merely bilingual applicants from competent CAs has been found to be extremely effective. Those found to be qualified during the telephone interview receive a Contractor Information Sheet. Candidates found not to meet minimum qualifications through the Contractor Information Sheet review are not tested. Ultimately candidates are weeded through the evaluation process.

Healinc's final CA interpreter exam process was created in coordination with the Director Healinc's Language Services, Director of the International Interpretation Resource Center (IIRC) at the Monterey Institute of International Studies, in consultation with Oregon Health Science University and industry experts, including NCIHC (National Council on Interpreting in Health Care) and the Cross-Cultural Health Care Program and the Registry of Interpreters for the Deaf.

This exam is conducted telephonically and incorporates the following key components:

Medical & Social Service Terminology

- Body parts
- Equipment
- Pharmaceuticals
- Medical tests and procedures
- Basic common health conditions
- Scenarios involving child abuse, family assistance programs
- Abbreviations (e.g. ICU, qid)
- Specialties (e.g. medical, mental health, substance abuse, herbal medicine)

Language Competency

- Fluency in source and target languages
- Standard language and common colloquialisms (slang)
- Basic legal terminology

Interpreter Competency

- Interpreting skills (e.g. memory skills)
- Customer service
- Message accuracy; meaning for meaning interpretation
- Interpreting in the 1st person

Healinc Telecom, LLC

Quality Assurance Program

Professional Ethics

- Customer satisfaction
- Confidentiality
- HIPAA Compliance
- Professional conduct
- Advocacy
- Conflict of interest
- Acting as a “cultural broker”

CA Standards

All Interpreters, white labels are always undergoing multiple checks, monitoring's and other related quality check points to ensure that all business is legitimate and that all Healinc, LLC policies and procedures and strict rules of professional conduct are honored and mandated.

Ongoing Evaluation:

Newly engaged CA calls are monitored for quality assurance for a minimum of 3 to 6 months. After the initial period, Healinc monitors every interpreter for quality on a monthly basis. This ongoing evaluation process monitors CA adherence to Healinc's code of ethics and standards of practice and customer service. This was recently implemented in 3 of 2011 and forms are being drafted and should be ready to implement by June 1, 2011.

Further, Healinc monitors a number of service factors daily, including time to connect to a CA and quality of interpretation. Lead CAs in management capacity, deaf management, and the executive management team randomly monitor calls to check for quality, professionalism, and accuracy of interpretation. It is of paramount importance that the key factors of both quality interpretation and time to connect are adequately monitored to assure the utmost in customer satisfaction. Healinc also monitors the “on-call” log to make certain that we have more than enough interpreters on call at any given time.

Customer Service complaints are immediately logged into a Customer Complaint Resolution file in our company-wide computer network. This applies to all types of complaints. Once a complaint is logged, an e-mail is immediately sent to all appropriate personnel. All discussions pertaining to the complaint and the resolutions are logged. This file can be accessed by the C.T.O./Quality Assurance Manager, VRS Manager, Operations Coordinator and all executive management staff. This allows for cross-departmental input, which helps to ensure that a solution designed by one department does not have negative ramifications on our operating procedures.

Healinc Telecom, LLC

Quality Assurance Program

Complaints or concerns are addressed within 12-24 hours so long as the forms are documented by the Manager on Duty/Lead completes her task timely.

VIVRS Call Evaluation Review

Order #		Issue:
Date		Notes:
Time		
Caller: VRSID#		
Phone:		
Interp #:		Action Taken:

Follow UP Action

Needed: _____

Evaluator Comments: _____

Evaluator's Signature:

Management:



LifeLinks Video Interpreting Service

“Bridging the Language Gap”

450 Seventh Avenue

Suite 502

New York, NY 10123

Video Interpreter Training



Healinc's Mission Statement

“At Healinc, we recognize the diverse communication needs of the deaf, hard of hearing, and late deafened communities and strive to provide a variety of personalized relay services that enable them to connect successfully with the hearing world. Our commitment to technological innovations, ethical practices, and investment in the community provide connections that afford our users full communication access according to individual preferences.”

Expectations

Autonomy

Mastery

Purpose

Healinc Community Purpose

“Open the VRS Experience
to the Diverse Needs of
ALL Deaf and Hard of
Hearing Individuals”

Healinic Interpreter Purpose

“Bring the VRS Experience
as Close to a Real Life
Experience as Possible”

Healinc FCC Purpose

“To Be Knowledgeable and Current on FCC Regulations. To Process Organic VRS Calls. That Every Call be in Line With the FCC Regulations and Their Intent for Relay Calls.”

FCC Information

- Relay Regulations
<http://www.fcc.gov/cgb/consumerfacts/trs.html>
- History Docket
[http://www.fcc.gov/cgb/dro/trs history docket.html#2010](http://www.fcc.gov/cgb/dro/trs_history_docket.html#2010)
- Reporting
<http://www.fcc.gov/cgb/consumerfacts/videorelay.html>

New Employee Checklist

- Non-Disclosure Agreement
- Fob and Door Key Form
- LifeLinks.net Email
- Brosix User Name and Password
- APS-50 Agent and Password
- Timesheet

Desktop

- Recycle Bin
- Brosix (IM Chat)
- APS-50 (VRS Platform)



Brosix

- IM Communication Between Interpreters, Management, and the Life Links MODL and Tech Support

Username is Your Interpreter
Number Plus the Word "say"

Password is sh1234
DO NOT CHANGE



Brosix

- The Contact List Includes 4 Groups
- The MODL is Always on Top and is Your Go To Person for Any Platform Related Issues/Aid, Including Transfers
- Features and Settings



Brosix

- Remember to be Professional and Courteous
- Features

Add Contact to Chat

Send Screenshot

Chat History



Nudge

Emoticons

Direct Call
(Use Offline)

Log In

APS-50 Log In



Agent Number

Password 1234
(DON'T CHANGE)

APS-50

Platform Icons

Direct Call

Call History

Log Out

Settings

The screenshot shows the APS-50 AuFix VideoPhone interface. At the top left, there are five icons: a green arrow pointing right (Direct Call), a document with a checkmark (Call History), a document with a checkmark (Log Out), a person with an 'X' (Log Out), and a speech bubble with 'Ab' (Settings). Below these icons is a menu bar with 'Conference', 'Queues', 'Agents', 'DTMF', and 'Note Pad'. The main area is a large video window showing a blurred eye graphic. At the bottom left, there are four icons: a person with a plus sign (Add Call), two people (Transfer), a person with a vertical bar (Pause (Break)), and a person with a document (Tech Report). At the bottom right, there is a status box with the following text:

850m SayHeyVRS (2168)
Current Session
Total Session
Logged In 18 s

Add Call

Transfer

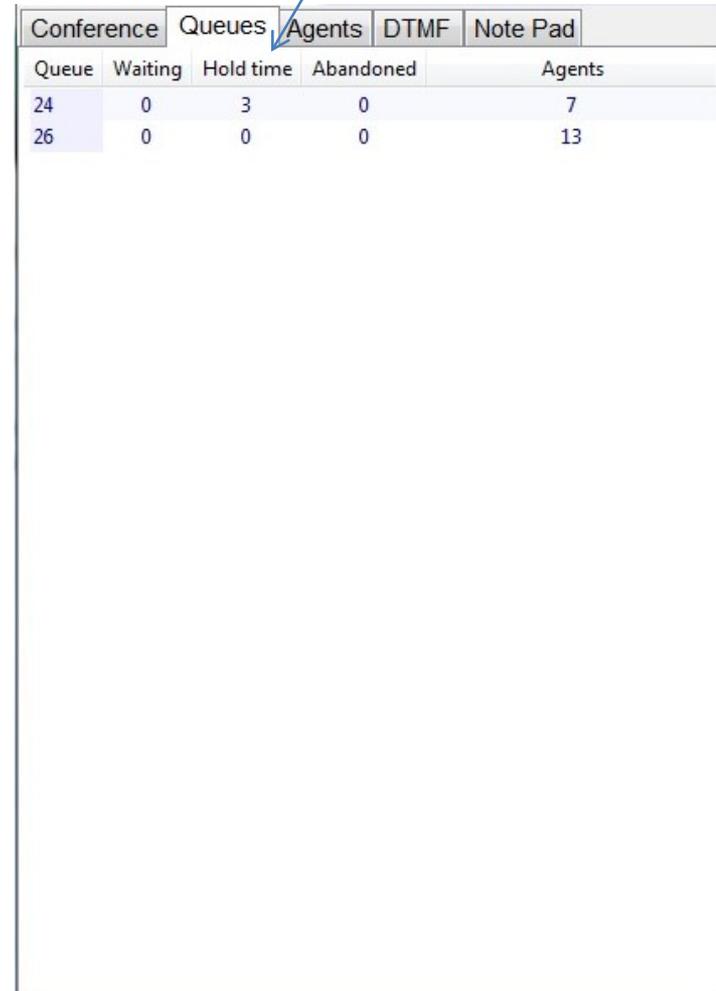
Pause (Break)

Tech Report

APS-50 Queues

ASA

- 24 is the Say-Hey Queue
(Includes Life Links Interpreters but Say-Hey Interpreters Will Always Receive Calls First)
- 26 is the 911 Queue
(All Interpreters are in this Queue)



Queue	Waiting	Hold time	Abandoned	Agents
24	0	3	0	7
26	0	0	0	13

APS-50 Agents

- All Agents Logged In

Pause (Break)

Available

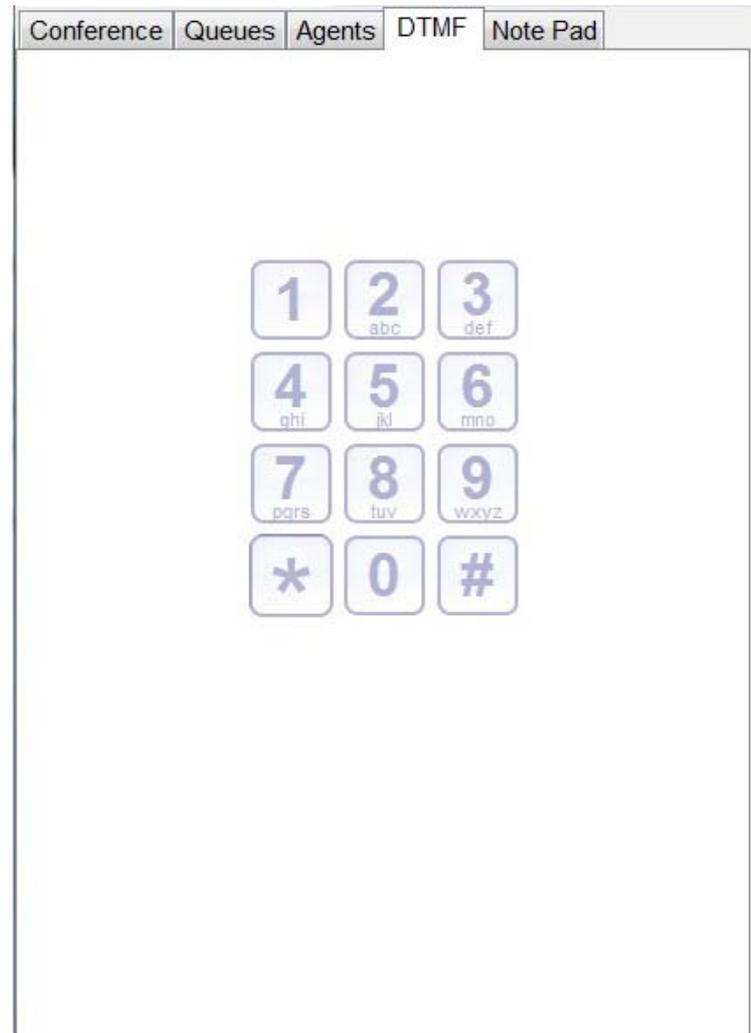
On Call

Conference	Queues	Agents	DTMF	Note Pad
	Agent	Ext.	Name	
	2006	4064	751f ACEVRS Traci Caswell	
	2015	4190	116f Aviva Ben Shitrit	
	2043	4059	108m Myron Yoder	
	2055	4016	703f TRUVRS	
	2058	4035	651f SKYVRS	
	2066	4056	766m AceVRS Ryan Strege	
	2076	1045	406f Amy Egan	
	2102	1062	Fernando Velazquez	
	2144	4008	Lifelinks CSR Jose	
	2162	4106	221M Lionell Gonzalez Aps-50	
	2168	4041	850m SayHeyVRS	
	2180	1046	601f CODAVRS Carol Halley	
	2190	4153	605f CODAVRS	
	2215	4147	418f Cinderella Branch APS-50	
	2222	1029	LifelinksTech 1 Dale	
	2224	4156	428f Amira Griffith APS-50	
	2227	4160	129m Dan Cook Tech Support APS-50	
	2234	4116	VRI - MODL	
	2283	4239	959f DSBVRS	
	2286	4237	712f TRUVRS	

APS-50

DTMF

- In Call Number Entry
- Number Pad Can be Used
- # = Shift 3
- * = Shift 8



APS-50 Note Pad

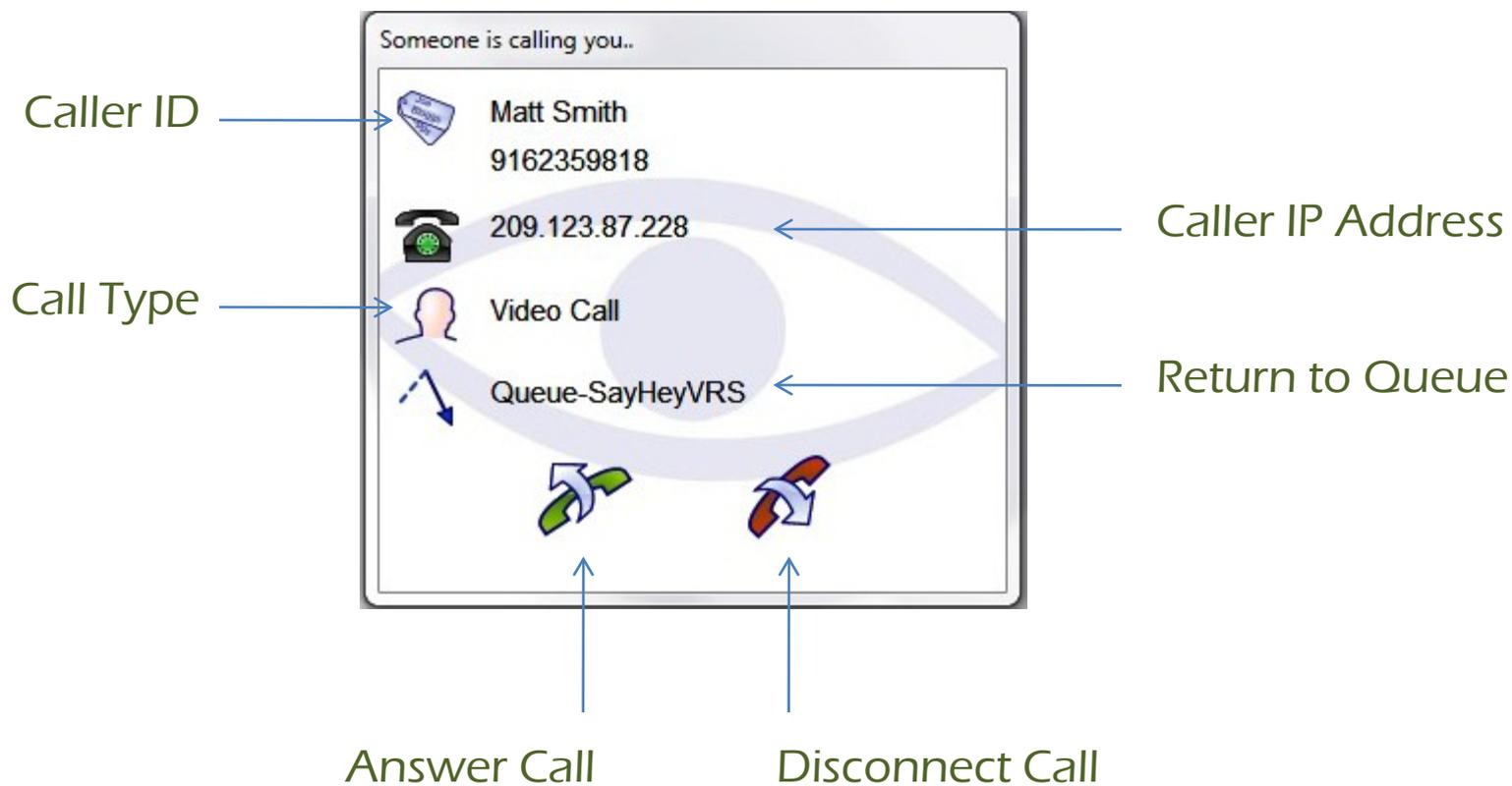
- Notes Needed During a Call
- Notes Will Automatically Delete at the End of Call



The screenshot shows a software interface with a tabbed menu at the top containing 'Conference', 'Queues', 'Agents', 'DTMF', and 'Note Pad'. The 'Note Pad' tab is active, displaying a text input area. The input area contains the text 'Social Security #', 'Address', and 'Phone Number|', where the vertical bar indicates the current cursor position. A vertical scrollbar is visible on the right side of the text area.

APS-50

Incoming Call



APS-50 In Session

Hang Up Session

Caller View

Self View

Mute/Volume

APS-50 AuPix VideoPhone

Conference Queues Agents DTMF Note Pad

2168 (Agent 2168)

9162359818 (Matt Smith)

Call Legs (Up to 4)

Add Call

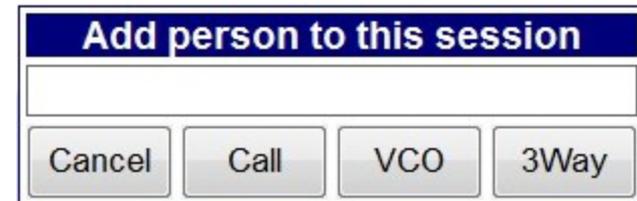
Queue-SayHeyVRS
From 9162359818 (Matt Smith) VRSID-1272295276.1600

850m SayHeyVRS (2168)

Current Session	29 s
Total Session	2 m, 6 s
Logged In	21 m, 50 s

APS-50 Calling

- Calls, VCO, and Three Way Calls All Done From Here!
Just Put In a Number and Click the One You Want.



The screenshot shows a dialog box titled "Add person to this session". It features a text input field for entering a number. Below the input field are four buttons: "Cancel", "Call", "VCO", and "3Way".

Add person to this session			
<input type="text"/>			
Cancel	Call	VCO	3Way

APS-50 Troubleshooting

- Restart APS-50
- Restart the Computer
- Check the Audio and Video Settings in “Voice and Video Over IP”
- Contact MODL



Policy and Procedure

- Maintain Code of Professional Conduct
- Healthy Interpreting
- Personal Disclosure
- Confidentiality
- IM Chatting During Call
- Interpret at All Times
- No Privacy Screen
- 10 Minute FCC Ruling
- Video Relay Service Interpreting Program

911 Calls

- If caller has a 10 digit number, dial 911 and call (process as normal VRS call)
- If no 10 digit number ask for the callers address. Google full address comma police (e.g. 3333 North Ave, Carmichael, CA, 95608, police) and call the local police station that comes up.
- Notify MODL that you are on a 911 call.

Pranks and Suicide Calls

- Notify MODL and transfer the call to them.
- Interpreters can reject such calls.

LifeLinks SPEC Program

- Standards Professionalism Excellence Consistency Program
- LifeLinks will monitor and check in with interpreters from time to time to ensure the best of service offered to our customers!