

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 healinctelecom.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).