



PUBLIC NOTICE

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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

By the Chief, Consumer and Governmental Affairs Bureau:

On February 22, 2006, Healinc Telecom, LLC (Healinc) filed an application for certification¹ as a VRS and IP Relay provider eligible for compensation from the Interstate TRS Fund (Fund)² pursuant to the recently adopted provider certification rules.³ On April 18, 2006, Healinc submitted an addendum⁴ to its original application clarifying that it was seeking certification only as a provider of VRS. The addendum also documented Healinc's compliance with some mandatory minimum standards that were not addressed in its original application. Healinc's application is granted, subject to the conditions noted below.

On December 12, 2005, the Commission released an order adopting new rules permitting carriers desiring to offer VRS and receive payment from the Fund to seek certification as a provider eligible for

¹ Healinc Telecom, LLC, *VRS Certification Application of Healinc Telecom, LLC*, CG Docket No. 03-123 (Feb. 22, 2006) (*Healinc Application*).

² "Telecommunications Relay Service" (TRS), created by Title IV of the Americans with Disabilities Act of 1990 (ADA), enables an individual with a hearing or speech disability to communicate by telephone or other device through the telephone system with a person without such a disability. *See* 47 U.S.C. § 225(a)(3) (defining TRS); 47 C.F.R. § 64.601(14). Video Relay Service is an Internet-based form of TRS that, rather than using text, allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller. *See* 47 C.F.R. § 64.601(12). The Interstate TRS Fund compensates eligible providers of VRS and other forms of VRS for their costs of providing TRS. *See* 47 C.F.R. § 64.604(c)(5)(iii).

³ *See Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Order on Reconsideration, CG Docket No. 03-123, FCC 05-203 (Dec. 12, 2005) (*2005 VRS Provider Order*); 47 C.F.R. § 64.605(a)(2). The rules also apply to providers seeking to offer Internet Protocol (IP) Relay. Prior to the *2005 VRS Provider Order*, an entity desiring to offer TRS and receive compensation from the Fund had to meet one of the three eligibility standards set forth in 47 C.F.R. § 64.604(c)(5)(iii)(F).

⁴ Healinc Telecom, LLC, *VRS Certification Addendum of Healinc Telecom, LLC*, CG Docket No. 03-123 (April 18, 2006) (*Healinc Addendum*).

compensation from the Fund.⁵ The rules require entities seeking such certification to submit documentation to the Commission setting forth, in narrative form:

- (i) a description of the forms of TRS to be provided (*i.e.*, VRS and/or IP Relay); (ii) a description of how the provider will meet all non-waived mandatory minimum standards applicable to each form of TRS offered; (iii) a description of the provider's procedures for ensuring compliance with all applicable TRS rules; (iv) a description of the provider's complaint procedures; (v) a narrative describing any areas in which the provider's service will differ from the applicable mandatory minimum standards; (vi) a narrative establishing that services that differ from the mandatory minimum standards do not violate applicable mandatory minimum standards; (vii) demonstration of status as a common carrier; and (viii) a statement that the provider will file annual compliance reports demonstrating continued compliance with these rules.^[6]

The rules further provide that after review of the submitted documentation, the Commission shall certify that the VRS provider is eligible for compensation from the Fund if the Commission determines that the certification documentation:

- (i) establishes that the provision of VRS ... will meet or exceed all non-waived operational, technical, and functional minimum standards contained in § 64.604;
- (ii) establishes that the VRS ... provider makes available adequate procedures and remedies for ensuring compliance with the requirements of this section and the mandatory minimum standards contained in § 64.604, including that it makes available for TRS users informational materials on complaint procedures sufficient for users to know the proper procedures for filing complaints; and
- (iii) where the TRS service differs from the mandatory minimum standards contained in § 64.604, the VRS ... provider establishes that its service does not violate applicable mandatory minimum standards.^[7]

We have reviewed the *Healinc Application* and *Healinc Addendum* pursuant to these rules. We conclude that Healinc has sufficiently demonstrated that its provision of VRS service will meet or exceed all operational, technical, and functional TRS standards set forth in the Commission's rules, 47 C.F.R. § 64.604; that it makes available adequate procedures and remedies for ensuring compliance with applicable Commission rules; and that to the extent Healinc's service differs from the mandatory minimum standards, the service does not violate the rules.⁸

We note that the Commission has adopted a declaratory ruling requiring the interoperability of VRS equipment and service.⁹ We condition this grant of certification upon compliance with that order.¹⁰

⁵ 2005 VRS Provider Order, *supra*.

⁶ 47 C.F.R. § 64.605(a)(2).

⁷ 47 C.F.R. § 64.605(b)(2).

⁸ See, e.g., *Healinc Application* at page 9-13 of Appendix 2 (noting that Healinc will offer picture caller ID, picture directory of VRS CAs, and text messaging service).

⁹ See *Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Declaratory Ruling and Further Notice of Proposed Rulemaking, FCC 06-57 (May 9, 2006)(addressing California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), *Petition for Declaratory Ruling on Interoperability*, CC Docket No. 98-67, CG Docket No. 03-123 (filed Feb. 15, 2005)).

This certification shall remain in effect for a period of five years from the release date of this *Public Notice*.¹¹ Within ninety days prior to the expiration of this certification, Healinc may apply for renewal of its VRS service certification by filing documentation in accordance with the Commission's rules.¹²

A copy of Healinc's application and addendum is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Suite CY-A257, Washington, D.C. 20554, (202) 418-0270. The full text of this *Public Notice* is similarly available for public inspection or copying. These documents may also be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, D.C. 20554. Customers may contact the Commission's duplicating contractor at their web site: www.bcpweb.com or by calling 1-800-378-3160. A copy of Healinc's application may also be found by searching on the Commission's Electronic Comment Filing System (ECFS) at <http://www.fcc.gov/cgb/ecfs> (insert CG Docket No. 03-123 into the Proceeding block).

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For further information, please contact Gregory Hlibok, Consumer & Governmental Affairs Bureau, Disability Rights Office, at (866) 410-5787 ext. 16757 (voice), (202) 418-0431 (TTY), or e-mail at Gregory.Hlibok@fcc.gov.

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¹⁰ See also 47 C.F.R. § 64.605(e)(2) (Commission may require certified providers to submit documentation demonstrating compliance with the mandatory minimum standards). Further, Healinc must file an annual report with the Commission evidencing that they are in compliance with Section 64.604. 47 C.F.R. § 64.605(g). The first such report shall be due one year after the release date of this *Public Notice*, and subsequent reports shall be due each year thereafter.

¹¹ See 47 C.F.R. § 64.605(e)(2).

¹² See *id.*