



# PUBLIC NOTICE

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## RENEWAL OF CERTIFICATION OF CONVO COMMUNICATIONS, LLC, FOR THE PROVISION OF VIDEO RELAY SERVICE

### CG Docket Nos. 03-123 and 10-51

The Consumer and Governmental Affairs Bureau (Bureau) grants the application<sup>1</sup> of Convo Communications, LLC (Convo) for renewal of its certification of eligibility to receive compensation from the Interstate Telecommunications Relay Services (TRS) Fund<sup>2</sup> for the provision of Video Relay Service (VRS),<sup>3</sup> effective December 21, 2021, and continuing through December 20, 2026.<sup>4</sup> Convo has demonstrated that it will continue to meet all applicable TRS rules in its provision of VRS.

*Background.* Internet-based TRS providers must obtain certification from the Commission to be eligible for TRS Fund support.<sup>5</sup> Certification shall be granted upon a determination that the provider will meet all applicable minimum TRS standards and has adequate procedures and remedies for ensuring compliance with Commission rules.<sup>6</sup>

After certification, Internet-based TRS providers must file annual reports updating the information in their application to demonstrate continuing compliance with the Commission's mandatory minimum TRS standards.<sup>7</sup> Each provider also must include within its annual report a compliance plan

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<sup>1</sup> See Request for a Limited Waiver and Application for Re-certification of Convo Communications, LLC, CG Docket Nos. 03-123 and 10-51 (filed Sept. 30, 2021) (Convo Recertification Application), <https://ecfsapi.fcc.gov/file/10930248248426/REDACTED%20APPLICATION%202021.pdf> (redacted).

<sup>2</sup> The TRS Fund compensates eligible providers of Internet-based and interstate TRS for their reasonable costs of providing these services. See 47 CFR § 64.604(c)(5)(iii).

<sup>3</sup> VRS is a form of TRS that “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.” 47 CFR § 64.601(a)(50). Telecommunications Relay Services are “telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability” to communicate with others via wire or radio “in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability.” *Id.* § 64.601(a)(42).

<sup>4</sup> Convo currently holds a certification as a VRS provider which expires on December 21, 2021. See *Notice of Grant of Certification for Convo Communications, LLC for the Provision of Video Relay Service*, Public Notice, 31 FCC Rcd 13400 (2016) (*Convo Certification*); see also Convo Recertification Application at 1.

<sup>5</sup> *Structure and Practices of the Video Relay Service Program*, Second Report and Order, 26 FCC Rcd 10898, 10902, para. 8 (2011) (*2011 Internet-based TRS Certification Order*); see also 47 CFR § 64.606.

<sup>6</sup> *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10909-13, paras. 23-34; 47 CFR § 64.606 (b)(2); see also *Structure and Practices of the Video Relay Service Program et al.*, CG Docket Nos. 10-51 *et al.*, Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14895 (2011) (clarifying and modifying the certification requirements adopted in the *2011 Internet-based TRS Certification Order*).

<sup>7</sup> 47 CFR § 64.606(g).

describing the provider's policies and procedures for complying with Commission rules prohibiting VRS providers from engaging in the unauthorized and unnecessary use of VRS.<sup>8</sup>

Pursuant to section 64.606(c)(2) of the Commission's rules,<sup>9</sup> a provider seeking renewal of its certification must submit the required documentation at least 90 days prior to the expiration of its current certification.<sup>10</sup>

Convo was granted conditional certification as a VRS provider on November 15, 2011,<sup>11</sup> and full certification on December 21, 2016.<sup>12</sup> On September 30, 2021, Convo filed an application for recertification as a VRS provider.<sup>13</sup> On October 15, 2021, the Bureau sought comment on Convo's Recertification Application.<sup>14</sup> One party filed comments in support of the application,<sup>15</sup> and no party filed comments in opposition.

*Convo's VRS Qualifications.* Convo's recertification application provides all the information and documentation required by the above rules. Specifically, Convo has provided the following: (1) a description of the service to be provided;<sup>16</sup> (2) a detailed description of how Convo will meet all non-waived mandatory minimum standards applicable to VRS;<sup>17</sup> (3) all required documentary and other evidence showing that Convo leases, licenses, or has acquired its own call center facilities and operates such call centers;<sup>18</sup> (4) a description of Convo's organizational structure, including the names of its 10 percent or more equity interest holders, the names of persons with the power to vote 10 percent or more of

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<sup>8</sup> See *id.* §§ 64.604(c)(13), 64.606(g)(3).

<sup>9</sup> *Id.* § 64.606(c)(2).

<sup>10</sup> *Id.* § 64.606(a)(2).

<sup>11</sup> *Notice of Conditional Grant of Application of Convo Communications, LLC for Certification as a Provider of Video Relay Service Eligible for Compensation from Interstate Telecommunications Relay Services Fund*, CG Docket No. 10-51, Public Notice, 26 FCC Rcd 15956, 15958 (2011). The Commission also may grant conditional certification, in order to avoid interruption of service, where the Commission requires additional time to complete its evaluation of an applicant's qualifications or needs such time to verify information contained in the application. *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37. Such conditional certifications are granted without prejudice to the Commission's final determination of the applicant's qualifications and thus preserve the Commission's ability to fully review an application for certification on the merits. *Id.* at 10914, para. 37.

<sup>12</sup> *Convo Original Grant*, 31 FCC Rcd at 13400.

<sup>13</sup> Convo Recertification Application. As discussed below, we conclude that the filing of Convo's application nine days late does not warrant denial of the application.

<sup>14</sup> *Comment Sought on Application of Convo Communications, LLC for Recertification as a Provider of Video Relay Service*, CG Docket Nos. 10-51 and 03-123, Public Notice, DA 21-1298 (2021).

<sup>15</sup> Comments of ASL Services Holdings, LLC dba GlobalVRS Regarding Convo Communications, LLC Application for Recertification as a Provider of Video Relay Services, CG Docket Nos. 03-123 and 10-51 (filed Oct. 27, 2021) (GlobalVRS Comments).

<sup>16</sup> Convo Recertification Application at 2, 17; see also 47 CFR § 64.606(a)(2)(i).

<sup>17</sup> Convo Recertification Application at 2-16, Exh. G; see also 47 CFR § 64.606(a)(2)(ii).

<sup>18</sup> Convo Recertification Application at 2-7, 14-15, Exhs. B (Leases) (confidential version), H (At Home Program); see also 47 CFR §§ 64.606(a)(2)(ii)(A)(2)-(4), (6)-(8). The documentation provided by Convo includes (i) a list of all its call centers with location and staffing information (Letter from Amanda Montgomery, Convo, to Eliot Greenwald, Deputy Chief, Disability Rights Office, FCC, Attach. (Oct. 1, 2021)) and (ii) copies of leases for a representative sampling of call centers. Convo Recertification Application at Exh. B. Convo also states that there has been no change in the technology and equipment used to support its call center functions since 2012, *id.* at 14, and that it "continues to independently own and operate its automatic call distribution [] platform." *Id.* at 7, 14.

the securities of Convo, and the names of its executives, officers and members of its board;<sup>19</sup> (5) a confidential list of the number of its full-time and part-time employees involved in Convo's VRS operations by position;<sup>20</sup> (6) a confidential list of all sponsorship arrangements relating to the provision of Internet-based TRS;<sup>21</sup> (7) a description of Convo's complaint procedures;<sup>22</sup> (8) a statement that Convo will file annual compliance reports demonstrating continued compliance with the rules;<sup>23</sup> and (9) a certification by Convo's CEO confirming the accuracy and completeness of the information contained in the application.<sup>24</sup>

Based on our review of the Recertification Application, annual reports,<sup>25</sup> and other relevant information, we find that Convo will provide VRS in compliance with the applicable mandatory minimum TRS standards and that it makes available adequate procedures and remedies for compliance with such minimum standards and the requirements of section 64.606. Therefore, we recertify Convo as eligible to receive compensation from the Fund for the provision of VRS. This certification shall remain in effect for a period of five years.<sup>26</sup>

We emphasize that Convo must continue to operate in compliance with all relevant Commission rules and orders. The Commission may investigate compliance by Convo with the Commission's rules and orders, and take enforcement action, including suspension or revocation of this certification, if circumstances warrant.<sup>27</sup> This may include unannounced on-site visits to Convo's headquarters, offices, or call centers for the purpose of ensuring continued compliance with the certification requirements and the Commission's rules.<sup>28</sup>

*Convo's Late Filing.* The Bureau grants Convo recertification notwithstanding its failure to apply for renewal of its certification "at least 90 days prior to expiration of its certification."<sup>29</sup>

A Commission rule may be waived for "good cause shown."<sup>30</sup> In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.<sup>31</sup> In addition, we may take into account considerations of hardship, equity, or more effective implementation

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<sup>19</sup> Convo Recertification Application at 16, Exhs. A (confidential version), D (confidential version); Annual Report of Convo Communications, LLC, CG Docket Nos. 03-123, 10-51, at 16, Exhs. A, D (filed Dec. 18, 2020) (confidential version) (2020 Annual Report); *see also* 47 CFR § 64.606(a)(2)(ii)(B).

<sup>20</sup> Convo Recertification Application at Exh. E (confidential version); 2020 Annual Report at Exh. E (confidential version); *see also* 47 CFR § 64.606(a)(2)(ii)(C).

<sup>21</sup> Convo Recertification Application at Exh. F (confidential version); 2020 Annual Report at Exh. F (confidential version); *see also* 47 CFR § 64.606(a)(2)(ii)(E).

<sup>22</sup> Convo Recertification Application at 9, 12-13; 2020 Annual Report at 9, 12-13; *see also* 47 CFR § 64.606(a)(2)(iii).

<sup>23</sup> Convo Recertification Application at 17, Exh. C; *see also* 47 CFR § 64.606(a)(2)(iv).

<sup>24</sup> Convo Recertification Application at 18 (CEO Certification); *see also* 47 CFR § 64.606(a)(2)(v).

<sup>25</sup> *See* Annual Report of Convo Communications, LLC, CG Docket Nos. 03-123, 10-51 (filed Dec. 21, 2017); Annual Report of Convo Communications, LLC, CG Docket Nos. 03-123, 10-51 (filed Dec. 19, 2018); Annual Report of Convo Communications, LLC, CG Docket Nos. 03-123, 10-51 (filed Dec. 11, 2019); 2020 Annual Report.

<sup>26</sup> *See* 47 CFR § 64.606(c)(2).

<sup>27</sup> *See id.* § 64.606(e)(2).

<sup>28</sup> *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914, para. 36.

<sup>29</sup> Convo Recertification Application, Appx.; 47 CFR § 64.606(c)(2).

<sup>30</sup> 47 CFR § 1.3.

<sup>31</sup> *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

of overall policy on an individual basis.<sup>32</sup> Such a waiver is appropriate if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.<sup>33</sup>

Convo filed its application for recertification on September 30, 2021, 81 days before the expiration of its current certification. According to the recertification rule, the application should have been filed nine days earlier, on September 21, 2021.<sup>34</sup> Convo states that it filed its renewal application late due to miscalculation of the filing deadline.<sup>35</sup>

Convo has not shown good cause for retroactive waiver of this procedural requirement. Meeting filing deadlines is an obligation for all parties holding Commission licenses and certifications.<sup>36</sup>

In this instance, however, Convo's procedural violation does not warrant denial of its application. Convo's filing was not so late as to preclude public comment on the application or prevent the Commission from fully reviewing it prior to the expiration of its certification. We conclude that "denial of the renewal application and termination of the [certification] would be too harsh a result in proportion to the nature of the violation."<sup>37</sup>

We admonish Convo for its late filing, and our grant of Convo's renewal application is without prejudice to possible enforcement action regarding this procedural violation, which could result in a monetary penalty or other sanction. As a condition of this grant of certification renewal, we require that Convo implement policies and procedures to ensure that future filing deadlines are met. We also require Convo to include a description of such policies and procedures in its next annual compliance report.<sup>38</sup>

*People with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530.

*Additional Information.* For further information regarding this item, please contact William Wallace, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-2716 (voice) or by e-mail to [William.Wallace@fcc.gov](mailto:William.Wallace@fcc.gov).

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<sup>32</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

<sup>33</sup> *Northeast Cellular*, 897 F.2d at 1166.

<sup>34</sup> 47 CFR § 64.606(c)(2).

<sup>35</sup> Convo Recertification Application, Appx. at 19-20.

<sup>36</sup> See *Biennial Regulatory Review – Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services; Amendment of the Amateur Service Rules to Authorize Visiting Foreign Amateur Operators to Operate Stations in the United States; Amendment of Part 95 of Commission's Rules to Allow Organizational Licensing in the GMRS*, Memorandum Opinion and Order on Reconsideration, 14 FCC Rcd 11476, 11485, para. 21 (1999) ("FCBA suggests that there are many 'Murphy's Law'-type reasons why a licensee might inadvertently fail to file a renewal application, such as turnover in recordkeeping personnel, failure to check computer records, or simple forgetfulness. As a threshold matter, we reject the view that any of these are valid excuses, in and of themselves, for failure to file a timely renewal application. We emphasize that the licensee is fully responsible for knowing the term of its license and filing a timely renewal application.").

<sup>37</sup> *PST Digital LLC Late-Filed Application for Renewal and Request for Waiver of Section 1.949 for Broadband PCS Station WPSF623*, File No. 0006935227, Order, 30 FCC Rcd 13309, 13310-11, paras. 5-6 (WTB 2015).

<sup>38</sup> See 47 CFR § 64.606(g).