



PUBLIC NOTICE

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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 SERVICE FUND

CG DOCKET NO. 10-51

By the Chief, Consumer and Governmental Affairs Bureau:

On November 4, 2011, Convo Communications, LLC (Convo) filed an application to be certified¹ as a provider of video relay service (VRS) that is eligible for compensation from the Interstate TRS Fund (Fund).² For the reasons discussed below, the Consumer and Governmental Affairs Bureau (Bureau) hereby grants Convo's application on a conditional basis, pending inspection of Convo's facilities and confirmation of Convo's compliance with all applicable rules and orders.

In the *iTRS Certification Order* released on July 28, 2011, the Commission amended its requirements and processes for certifying iTRS providers as eligible for compensation from the Fund, to ensure that iTRS providers receiving certification are qualified to provide iTRS in compliance with the Commission's rules, and to eliminate waste, fraud and abuse through improved oversight of such

¹ Convo Communications, LLC, *Amended and Restated Video Relay Service Certification Application*, CG Docket No. 10-51 (filed Nov. 4, 2011) (Convo Application). See 47 C.F.R. § 64.606; *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Second Report and Order and Order, 26 FCC Rcd 10898 (2011) (*iTRS Certification Order*).

² The Communications Act of 1934, as amended, defines telecommunications relay services (TRS) as:

... 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 engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.

47 U.S.C. § 225(a)(3) (as amended by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), Pub. L. No. 111-260, § 103(b), 124 Stat. 2751, 2755 (2010); Pub. L. No. 111-265 (technical amendments to CVAA)). VRS is a form of Internet-based TRS (iTRS) that uses a broadband Internet connection between the VRS user and the communications assistant (CA) to enable a person using American Sign Language to communicate over video with another party through a CA. During a VRS call, the CA relays the communications between the two parties, signing what the other party says to the deaf or hard of hearing user and responding in voice to the other party to the call. The Interstate TRS Fund compensates eligible providers of VRS and other forms of interstate TRS for their reasonable costs of providing these services. See 47 C.F.R. § 64.604(c)(5)(iii).

providers.³ These new rules require that all iTRS providers obtain certification from the Commission to be eligible to receive compensation from the Fund.⁴ They further require that all VRS applicants for certification lease, license or own, as well as operate, essential facilities associated with iTRS call centers and employ their own CAs to staff those centers on the date of their application for certification.⁵ Each iTRS applicant for certification is also required to submit specific types of documentary evidence that demonstrate its compliance with Commission rules, including those adopted in the *VRS Practices R&O*.⁶ On October 17, 2011, the Commission released the *iTRS Certification Clarification Order*,⁷ clarifying certain aspects of the certification requirements adopted in the *iTRS Certification Order*, and modifying section 64.606 of the Commission's rules to lessen the burdens on applicants for certification and providers associated with providing certain documentation to the Commission.⁸

Based on our review of the Convo Application, we grant conditional certification to Convo to provide VRS service. In the *iTRS Certification Order*, the Commission reserved the right, after initial review of the application, to conditionally grant certification subject to one or more subsequent on-site visits of the applicant.⁹ The Commission noted that such visits would “better enable the Commission to verify the information provided in a certification application, and help us to better assess an applicant’s ability to provide service in compliance with our rules.”¹⁰ We grant this certification conditionally, in part because this is the first time that Convo will become eligible to receive compensation directly from the Fund. While we find that Convo’s application facially meets the certification requirements,¹¹ we believe that an on-site visit is necessary to verify Convo’s ability to provide service in compliance with the Commission’s rules.¹² This grant of conditional certification is without prejudice to the Commission’s final determination of Convo’s qualifications, and is dependent on the Commission verifying the information provided in the application for certification, and the veracity of the applicant’s representations that it will provide service in compliance with all pertinent Commission requirements.¹³

³ *iTRS Certification Order*, 26 FCC Rcd at 10899, ¶ 1. The measures adopted in the *iTRS Certification Order* were part of the Commission’s ongoing and transitional efforts to reform the structure and practices of the VRS program, and the new certification processes by which this grant of conditional certification is awarded may be superseded or modified by future Commission actions on VRS reform.

⁴ *Id.* at ¶ 2.

⁵ *Id.*

⁶ *See, e.g.*, 47 C.F.R. § 64.606(a); *see also 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*).

⁷ *Structure and Practices of the Video Relay Service Program, Sprint Nextel Corporation Expedited Petition for Clarification, Sorenson Communications, Inc. Petition for Clarification, 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 (2011) (*iTRS Certification Clarification Order*).

⁸ *See id.* at ¶¶ 16-20.

⁹ 47 C.F.R. § 64.606(a)(3); *see also iTRS Certification Order*, 26 FCC Rcd at 10914, ¶ 37.

¹⁰ *iTRS Certification Order*, 26 FCC Rcd at 10914, ¶ 36.

¹¹ *Id.* at ¶ 37; *see* 47 C.F.R. § 64.606(b)(2).

¹² *See iTRS Certification Order*, 26 FCC Rcd at 10914, ¶ 36.

¹³ *Id.* at ¶ 37.

The Bureau notes an inaccuracy in Convo's application. Specifically, Convo states in its application that its automatic call distribution system will be able to access certain information from "the Neustar Registered Location database."¹⁴ We remind Convo that providers do not obtain registered location information from the TRS Numbering Directory, which is maintained by its administrator, Neustar. The primary purpose of this directory is to record the mapping of the North America Numbering Plan telephone number of each registered iTRS user to a unique Uniform Resource Identifier (URI).¹⁵ Because this directory does not maintain a list of registered location information for VRS users, we remind Convo that it must maintain its own database of such registered location information in order to comply with the numbering requirements.

Our grant of certification to Convo is contingent on verification of information provided in its application. The Commission reserves the right to conduct one or more on-site inspections of Convo's facilities by designated personnel, and to request additional documentation relating to Convo's provision of VRS. Ultimate conversion to full certification will be granted if and when, based on on-site visits and/or the review of additional documentation, the Commission finds that Convo is in compliance with its rules and orders, including the 24/7 rule and the E911 rules, and is accordingly qualified to receive compensation from the Fund for the provision of VRS.¹⁶ If at any time during the period in which Convo is operating pursuant to this conditional certification, the Commission determines that the assertions in Convo's application cannot be supported, or finds evidence of apparent rule violations, fraud, waste, or abuse, it will terminate Convo's conditional certification. In such case, Convo's application will be denied and its conditional certification will automatically terminate 35 days after denial.¹⁷ If, however, the Commission grants full certification, Convo, like all VRS providers, will be expected to operate in compliance with all relevant Commission rules and orders.

We understand that once certified, Convo will require a limited period of time to transition to providing stand-alone VRS as a conditionally certified provider. Specifically, as a conditionally certified provider, Convo may need to interconnect with the TRS Numbering Directory in order to register ten-digit telephone numbers for their new customers, establish coordination with the TRS Fund Administrator, reroute IP addresses relevant to the provision of VRS, and make other arrangements necessary to register users and handle their calls as a stand-alone provider.¹⁸ Accordingly, we grant Convo a waiver of section 64.604(c)(5)(iii)(N)(I)(iii) of the Commission's rules¹⁹ until November 30, 2011, in order to facilitate such a transition.²⁰ Because the stay of effectiveness of section

¹⁴ Convo Application at 28.

¹⁵ See 47 C.F.R. § 64.613.

¹⁶ See *iTRS Certification Order*, 26 FCC Rcd at 10914, ¶ 37; 47 C.F.R. § 64.606(b)(2),(c)(2).

¹⁷ See *iTRS Certification Order*, 26 FCC Rcd at 10914, ¶ 37. If the Commission terminates a conditional certification, the provider must give at least 30 days' notice to its customers that it will no longer offer service.

¹⁸ See, e.g., Letter from David J. Bahar, Vice President of Government and Regulatory Affairs, Convo, to Marlene H. Dortch, Secretary, FCC (filed Nov. 8, 2011), at 1 (describing steps required to transition from VRS subcontractor to stand-alone VRS provider, and asserting that it will take Convo between two weeks and one month to commence independent VRS operations).

¹⁹ 47 C.F.R. § 64.604(c)(5)(iii)(N)(I)(iii).

²⁰ See 47 C.F.R. § 1.3 (Commission may waive its rules on its own motion if good cause therefor is shown). This transition period is consistent with the Commission's objective to provide subcontractors to eligible VRS providers with "the opportunity to apply for certification prior to the expiration of the stay and...the opportunity to seek to transition to eligibility in a seamless manner, without any interruption in providing service." *Structure and*

64.604(c)(5)(iii)(N)(I)(iii) expires on November 15, 2011, we find that this additional time will be necessary and sufficient to enable Convo to transition to providing stand-alone VRS on a conditional basis, and will serve the public interest. We thus find good cause for granting this waiver.²¹

A copy of Convo's redacted application 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, DC 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, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554. Customers may contact BCPI at its web site: www.bcpweb.com, or by calling 1-800-378-3160. A copy of Convo's redacted 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. 10-51 into the Proceeding block).

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For further information, please contact Gregory Hlibok, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (866) 954-4053 (voice/videophone), (202) 418-0431 (TTY), or e-mail at Gregory.Hlibok@fcc.gov.

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Practices of the Video Relay Service Program, Order Extending Suspension of Effective Date, 26 FCC Rcd 13820, 13821, ¶ 4 (2011).

²¹ We distinguish this grant of a brief waiver of section 64.604(c)(5)(iii)(N)(I)(iii) to Convo from our decision on November 8, 2011 denying a request filed by Gallaudet University to extend the stay of effective date of that rule. See *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Public Notice, DA 11-1868 (CGB rel. Nov. 8, 2011) (*VRS Stay Extension Denial Order*). We did not find good cause to extend the stay of the effective date of section 64.604(c)(5)(iii)(N)(I)(iii) in the *VRS Stay Extension Denial Order* because we concluded that Gallaudet had adequate time and notice to apply for certification as a stand-alone provider of VRS that would not require such an extension. In contrast, here Convo has timely filed an application for certification, which the Bureau has conditionally granted. A limited waiver of section 64.604(c)(5)(iii)(N)(I)(iii) thus is necessary to allow Convo to transition from a subcontracting entity to a stand-alone VRS provider.