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September 2, 2005

VIA OVERNIGHT MAIL

Hon. Jaclyn A. Brillling  
Secretary  
New York Public Service Commission  
Three Empire State Plaza  
Albany, NY 12223

RECEIVED  
PUBLIC SERVICE  
COMMISSION  
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Re: Case No. 05-C-\_\_\_\_: Petition of Healinc Telecom, LLC, for  
Certification of Compliance with Federal Mandatory Minimum Standards  
Applicable to the Provision of Video Relay Services to the Speech and  
Hearing Impaired Pursuant to 47 C.F.R. §64.604

Secretary Brillling:

Enclosed please find the original and five (5) copies of the public version of the Petition of Healinc Telecom, LLC, for Certification of Compliance with Federal Mandatory Minimum Standards Applicable to the Provision of Video Relay Services to the Speech and Hearing Impaired Pursuant to 47 C.F.R. §64.604. A confidential version of the Petition is being provided to Steven Blow, Esq., as Commission Records Access Officer.

Please do not hesitate to contact me with any questions.

Respectfully submitted,

Andrew M. Klein  
Counsel for Healinc Telecom, LLC

Enclosures

cc: Dr. Stanley Schoen, Healinc Telecom  
Andrew Isar, Miller Isar Inc.

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

Petition of

**HEALINC TELECOM, LLC**

For Certification of Compliance with  
Federal Mandatory Minimum Standards  
Applicable to the Provision of  
Video Relay Services to the  
Speech and Hearing Impaired  
Pursuant to 47 C.F.R. §64.604

Case No. 05-C-\_\_\_\_\_

**PETITION OF HEALINC TELECOM, LLC, FOR  
CERTIFICATION OF COMPLIANCE**

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**Regulatory Consultant to Healinc Telecom,  
LLC**

**September 2, 2005**



**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

Petition of

**HEALINC TELECOM, LLC**

For Certification of Compliance with  
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Applicable to the Provision of  
Video Relay Services to the  
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Case No. 05-C-\_\_\_\_\_

**PETITION OF HEALINC TELECOM, LLC, FOR  
CERTIFICATION OF COMPLIANCE**

Healinc Telecom, LLC (“Healinc” or “Petitioner”), by its undersigned counsel, and pursuant to Part 64 of the Federal Communications Commission (“FCC”) regulations, section 64.604,<sup>1</sup> as amended, the New York Public Service Law, and New York Code of Rules and Regulations, hereby petitions the New York Public Service Commission (“Commission”) for certification that Healinc complies with the Mandatory Minimum Standards applicable to the provision of federally-funded video relay service (“VRS”) to those with speech and hearing disabilities. In support of its Petition, Healinc states as follows.

**I. INTRODUCTION**

By the instant Petition, Healinc seeks Commission certification that the Company currently complies with, and can demonstrate continued compliance with, applicable FCC operational, technical, and functional Mandatory Minimum Standards for the

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<sup>1</sup> 47 C.F.R. §64.604.

provision of VRS to speech and hearing impaired subscribers, as set forth in section 64.604(a) and (b) of FCC regulations. Healinc seeks Commission certification of compliance as a prerequisite to federal Telecommunications Relay Service program funding when providing VRS services to the speech and hearing impaired, pursuant to section 64.604 (c)(5)(ii) of the FCC rules.

Healinc is a New York based provider of video relay services and interpreting solutions to speech and hearing disabled patients in more than twenty-five hospitals located throughout metropolitan New York City. Healinc utilizes a technologically-advanced, Company-developed VRS solution, which incorporates a proprietary software-based application and Voice over Internet Protocol transmission over broadband facilities. Subscribers of Healinc's branded "LifeLinks" VRS, gain virtually instant access to multi-lingual American Sign Language ("ASL") Communications Assistants/interpreters (collectively "CA's") through any modern personal computer (including laptop computers) connected to a web camera and a high-speed Internet broadband connection. No specialized equipment is required.

Through Healinc's close relationship with Comcast Cable, Healinc provides broadband Internet connectivity as an integral component of its LifeLinks VRS. Subscribers may use the provided broadband facilities both for VRS and general Internet access. The LifeLinks VRS is interoperable with other VRS and telecommunications relay service ("TRS") applications, including D-Link equipment, and does not preclude subscribers from accessing other TRS/VRS providers.

Healinc's LifeLinks VRS has been exceptionally well received by its current health care facility subscribers and nearly 500 speech and hearing impaired individuals

who have participated in a limited, no-cost trial of the LifeLinks VRS over the past three months. Healinc is encouraged by the trial results and the tremendous potential LifeLinks' VRS offers the speech and hearing disabled, and now intends to make the service generally available to the public. Healinc seeks to draw from federal TRS program funding to provide its LifeLinks VRS to speech and hearing impaired subscribers at parity with other TRS/VRS providers, as provided for at section 64.604 (c)(5)(ii) of the FCC rules.

As demonstrated below, Healinc meets or exceeds federal Mandatory Minimum operational, technical, and functional Standards for the provision VRS to the public, for purposes of qualifying for federal funding to recoup its costs through the TRS program fund. Healinc further maintains that certification of Company compliance with federal Mandatory Minimum Standards and its provision of VRS to those with speech and hearing disabilities made possible through access to federal TRS funding will confer significant benefits on the speech and hearing impaired community, as well as to the public at large. Certification of Healinc's compliance will not interfere with any contractual relationship between the State of New York and its contract TRS provider nor impose added obligations on the State of New York. Certification of Healinc's compliance is thus in the public interest, and will bring the provision of VRS a quantum step closer to "functional equivalency" with voice services consistent with the public policy goals established by Congress and the FCC. Healinc respectfully requests that the Commission certify Healinc's compliance with federal Mandatory Minimum Standards, accordingly.

## II. BACKGROUND

Title IV of the Americans with Disabilities Act of 1990<sup>2</sup> was designed to further promote universal service objectives set out in the Communications Act of 1934, as amended (the "Act"), by providing to individuals with hearing or speech disabilities telephone services that are "functionally equivalent" to those available to individuals without such disabilities.<sup>3</sup> Congress recognized that persons with hearing and speech disabilities have long experienced barriers to their ability to access, utilize, and benefit from telecommunications services.<sup>4</sup> Attendant federal regulations implementing the provisions of Title IV and section 225 of the Act have been codified in Part 64, Subpart F, Telecommunications Relay Services and Related Customer Premises Equipment for Persons With Disabilities as subsequently amended.<sup>5</sup>

Of particular relevance to the instant Petition, section 64.604 of the FCC's rules establishes, *inter alia*, Mandatory Minimum operational, technical, and functional Standards for the provision of TRS/VRS services. Section 64 further allows TRS/VRS providers to recoup service costs from federal TRS funding when successfully

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<sup>2</sup> Pub. L. No. 101-336, § 401, 104 Stat. 327, 336-69 (1990), adding Section 225 to the Communications Act of 1934 (Communications Act), as amended, 47 U.S.C. § 225; implementing regulations at 47 C.F.R. § 64.601 *et seq.* In Title IV, Congress announced that "[i]n order to carry out the purposes established under section 1 [of the Communications Act of 1934], to make available to all individuals in the United States a rapid, efficient nationwide communication service, and to increase the utility of the telephone system of the Nation, the Commission shall ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States." 47 U.S.C. § 225(b)(1).

<sup>3</sup> See, e.g., See H.R. Rep. No. 485, Pt. 2, 101st Cong., 2d Sess. at 129-130 (1990) (House Report) (Section 225 "imposes on all common carriers providing interstate or intrastate telephone service[] an obligation to provide to hearing and speech-disabled individuals telecommunications services that enable them to communicate with hearing individuals. These services must be functionally equivalent to telephone service provided to hearing individuals."); 47 U.S.C. § 225(a)(3).

<sup>4</sup> See, e.g., House Report at 129.

<sup>5</sup> 47 C.F.R. § 64.601 *et seq.*

demonstrating compliance with those standards to state utility regulatory agencies in states that maintain a state TRS/VRS program, such as New York.

Federal TRS/VRS regulation has evolved and has been amended to adapt to technology and industry changes. In March 2000, the FCC tentatively concluded that VRS is a form of TRS.<sup>6</sup> The FCC found that TRS encompasses VRS, and that VRS would make relay services functionally equivalent to conventional telephone service for individuals whose first language is American Sign Language.<sup>7</sup> The FCC did not at that time mandate the provision of VRS, given its technological nascence.<sup>8</sup> Yet the FCC encouraged the use and development of VRS and established that all VRS calls would be eligible for cost recovery from the Interstate TRS Fund on an interim basis.<sup>9</sup>

The recent FCC TRS *Report and Order*<sup>10</sup> underscored the importance of VRS as a significant advancement toward achieving “functional equivalency.”

The advent of VRS as a form of TRS has been one of the most important developments in the short history of TRS. VRS allows a deaf person whose primary language is ASL to communicate in ASL with the CA, who is a qualified interpreter, through a video link; the CA, in turn, places an outbound telephone call to a hearing person. During the call, the CA communicates in ASL with the deaf person and by voice with the hearing person. As a result, the conversation between the two end users, deaf and hearing, flows in near real time and in a faster and more articulate manner than with a TTY or text-based TRS call. As a result, VRS calls reflect a degree of “functional equivalency” unimaginable in a solely text-based

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<sup>6</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140 (March 6, 2000).

<sup>7</sup> *Id.* 15 FCC Rcd at 5152-5153, para. 23.

<sup>8</sup> *Id.*, 15 FCC Rcd at 5152, para. 22.

<sup>9</sup> *Id.*, 15 FCC Rcd at 5152-5154, paras. 23-27.

<sup>10</sup> *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, CG Docket No. 03-123, CC Docket No. 98-67, FCC 05-140 (July 19, 2005) [“Report and Order”].



TRS world. The use of VRS reflects this reality: in April 2005 the monthly minutes of use were approximately 1.8 million, a ten-fold increase in the past two years, and more than the number of interstate traditional TRS minutes.<sup>11</sup>

To promote “functional equivalency,” Congress further sought to ensure that attendant FCC TRS regulation would in no way stifle technological advancement. Pursuant to section 225(d)(2) of the Act,

The Commission shall ensure that regulations prescribed to implement this section encourage, consistent with section 157(a) of this title, the use of existing technology and do not discourage or impair the development of improved technology.

FCC Commissioner Michael J. Copps recently addressed the critical importance of technologic advancement in communications for those with speech and hearing disabilities, noting that

Americans with disabilities spend much of their time fighting for the opportunities for advancement that others of us just take for granted.... Advances in technology have already made a huge difference for many people with visual, auditory, and ambulatory challenges, and technology can do far more.<sup>12</sup>

The desirability of technologically advanced VRS by the speech and hearing disabled is well documented. In its 2004 Report to Congress, *Availability of Advanced Telecommunications Capability in the United States*, the FCC addressed the substantial increase in usage of VRS and IP relay as a tool for the hearing and speech impaired:

Broadband-based Internet services have also become a critical communications tool for the deaf and hard-of-hearing, through the use of

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<sup>11</sup> *Report and Order* at 3. See TRS Fund Performance Status Report as of May 31, 2005, [www.neca.org](http://www.neca.org) (under Resources, then TRS Fund).

<sup>12</sup> Remarks of FCC Commissioner Michael J. Copps, Cellular Telecommunications and Internet Association Wireless Accessibility Workshop, New Orleans, LA March 14, 2005

Internet Protocol Relay (IP Relay) and Video Relay Service (VRS), two forms of telecommunications relay services (TRS) that rely on the Internet. This report shows that there has been more than a 640 percent increase in IP Relay usage and more than a 2,000 percent increase in VRS in the past two years.<sup>13</sup>

An estimated 825,000 New Yorkers are classified as those who “have difficulty hearing normal conversation” or “unable to hear normal conversation” according to U.S. Census Bureau data.<sup>14</sup> These individuals currently have only limited number of TRS/VRS alternatives available. Such alternatives, including existing VRS applications, have historically relied on bulky specialized communications equipment that limits user mobility and potentially restricts accessibility to alternative TRS/VRS applications. These solutions have not yet reached the technological “functional equivalency” standard contemplated by Congress and the FCC, to enable speech and hearing impaired individuals to communicate with the flexibility and mobility which non-disabled individuals often take for granted.

Healinc has introduced a technologically advanced VRS solution, which approximates the “functional equivalency” standard set forth in the Act. By providing a simplified, “user friendly” software-based VRS application, any individual regardless of computer literacy level, can connect to an ASL communications assistant (CA) and initiate a VRS call using the power and flexibility of the Internet and broadband

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<sup>13</sup> *Availability of Advanced Telecommunications Capability in the United State*, (FCC Fourth Report to Congress (September 9, 2004) ([http://www.neca.org/wawatch/wwpdf/091004\\_1.pdf](http://www.neca.org/wawatch/wwpdf/091004_1.pdf)) at 9. The FCC’s *Fourth Report to Congress* notes specifically that in June 2002, consumers used 35,443 VRS minutes. In May 2004, consumers used 733,040 VRS minutes; a more than 2,000 percent increase in VRS in the past two years (*Fourth Report to Congress* at 37.

<sup>14</sup> Gallaudet University, *Statistics: Deaf Population of Individual U.S. States, Territories and Localities*, <http://library.gallaudet.edu/dr/faq-statistics-deaf-states.html>. Statistics on total number of those who “Have difficulty hearing normal conversation” and “Unable to hear normal conversation” based on U.S. Census Bureau data collected 1994-1995.

connectivity. The advent of wireless broadband, or "Wi-Fi" connectivity and laptop computers, provides subscribers enhanced flexibility, mobility, and accessibility to communicate through a convergence of advanced technology applications. Healinc seeks to bring these tangible benefits of its VRS solutions to New York's speech and hearing impaired community as a "next generation" VRS provider.

Healinc respectfully requests Commission certification of Healinc's compliance with federal Mandatory Minimum Standards pursuant to section 64.604 of the FCC's rules, in order to begin providing its technologically advanced VRS to those with speech and hearing disabilities, subject to federal funding, as set forth in FCC regulations, and to bring subscribers one step closer to the "functional equivalency" in telecommunications established as a matter of national policy.

### **III. HEALINC TELECOM, LLC.**

#### **A. Identification of Petitioner.**

Petitioner's name, address and telephone number are:

Healinc Telecom, LLC  
3333 Henry Hudson Parkway  
Riverdale, N.Y. 10463  
Telephone: 888.465.4325 or  
Telephone: 714.543.4100

Correspondence regarding the instant Petition should be addressed to

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**B. Petitioner's Corporate Structure.**

Petitioner is a limited liability corporation organized under the laws of the State of New York on June 14, 2002. Petitioner was granted a Certificate of Public Convenience and Necessity to provide telecommunications services by the Commission on January 10, 2005 in Case No. 04-C-1451. Petitioner currently provides on-demand video relay and video interpreting services primarily to hospitals, medical facilities, and their patients located in metropolitan New York City, under the "LifeLinks"<sup>15</sup> brand name. Petitioner's employees and associates, including more than 250 sign language and 1,500 foreign language interpreters process more than 15,000 calls each day from Petitioner's Manhattan relay center.

Petitioner is affiliated with Northern Leasing Systems, Inc., through common ownership by Petitioner's majority principal. Northern Leasing Systems is a financially viable company, as demonstrated by its current balance sheet, submitted under seal as confidential **Exhibit A**. Petitioner may draw on added capitalization through its majority principal, in the event that additional capitalization may be necessary during Petitioner's initial provision of VRS to the public.

Petitioner's executive management team has broad medical, business, and technical experience to support the Company's provision of VRS services in New York

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<sup>15</sup> See, <http://www.lifelinks.net/>  
WASH1\4728555.2

and throughout the U.S. An overview of Petitioner's senior management team is attached hereto at **Exhibit B**. The LifeLinks VRS application was developed by Petitioner's founder and Chief Executive Officer, Stanley Schoen, M.D., M.B.A. Dr. Schoen is a surgeon who left private practice to manage VRS operations for a major interexchange carrier, prior to developing the LifeLinks VRS application. Petitioner further employs and contracts with certified CAs having extensive experience, as typified by the individual whose *curriculum vitae* is also included at **Exhibit B**.

**C. Petitioner's LifeLinks Video Relay Service Application.**

Petitioner has developed technologically-advanced, software-based, next generation VRS technology, utilizing Internet Protocol ("IP") over broadband facilities. Through its licensing of proprietary "Sightspeed" software VRS application, Petitioner provides VRS, video interpretive services and multi-lingual capabilities, with virtually immediate CA access.<sup>16</sup> Petitioner's services support all call types, including text messaging. LifeLinks VRS, and for the first time, gives users the ability to communicate with virtually the same ease as they would with in-person communications.

Petitioner's VRS provides numerous desirable, advanced capabilities and features.

**Software Enabled.** Petitioner's "Sightspeed" software operates effectively on any modern computer.<sup>17</sup> As a software-based solution, Petitioner's "Sightspeed" VRS application is scalable, reliable, and can be instantly upgraded by downloading the most current version of the program from Petitioner's web site at any location with Internet

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<sup>16</sup> Access within 10 to 15 seconds.

<sup>17</sup> Minimum computer processing requirements: Operating Systems: Windows 2000, XP; Processor Speed: 1.8GHz or higher; Memory: 256MB; Hard Drive Space: 150 MB of available space; CD-ROM Drive: Required; USB Port: Required; Browser: Internet Explorer 6.0 SP1

access, at no cost. LifeLinks' "Sightspeed" is more reliable than equipment-based services because it is not equipment dependent and therefore not susceptible to equipment failure. LifeLinks's software is constantly being updated and new versions are provided to customers at the click of an icon, following immediate message notification to customers who access the service via electronic mail.

**IP Enabled.** Petitioner's VRS utilizes Voice over Internet Protocol ("VoIP") as a transmission medium. Coupled with broadband connectivity and "Sightspeed" software, Petitioner's VRS provides reliable, high-quality video and audio transmission capabilities that approximate in-person communications between the caller, interpreter, and called party.

**Broadband Connectivity.** Petitioner's VRS relies on broadband connections with the Internet. Through a strategic relationship established with Comcast Cable, Petitioner is able to provide high-speed broadband connectivity to LifeLinks subscribers at no cost to the subscriber.<sup>18</sup> LifeLinks' broadband connection may be used with LifeLinks VRS *and* for general Internet access. The provided broadband facilities are capable of supporting uploading speeds in upwards of 764 kbs and download speeds of 4 to 6 mbs, ensuring high-quality communications. And, with the advent of Wi-Fi and Wi-Max wireless broadband connectivity now becoming increasingly available to the public, LifeLinks subscribers may utilize laptop computers with Sightspeed software to place calls from any location having high-speed Internet access, when away from their LifeLinks registered location, affording users heretofore unimaginable communications mobility.

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<sup>18</sup> See Exhibit C.  
WASH1\4728555.2

**Virtually Instant Interpreter Access.** LifeLinks subscribers have the capability to connect to an interpreter in less than 15 seconds, 24 hours per day, seven days per week, simply by clicking an icon appearing on the subscriber's computer screen, through Petitioner's licensed "Sightspeed" VRS software. Subscribers may select individual interpreters by gender, language capabilities, or simply by personal preference.

**Multi-Lingual Interpreter Capabilities.** Petitioner engages certified interpreters, many of whom are multilingual. Petitioner's VRS supports interpretation translation from ASL into most major languages including Chinese, Spanish, French, Japanese, and German.

**Unlimited Access and Interoperability.** No limitations are imposed on subscribers' VRS usage or access to alternative providers. Subscribers may place as many or as few VRS calls utilizing Petitioner's VRS as desired. Subscribers' use of Petitioner's VRS in no way limits the subscriber's access to alternative VRS or TRS providers. The LifeLinks VRS does not block access to other providers, and is fully interoperable with other TRS/VRS equipment, including legacy D-Link VRS equipment.

**Simultaneous Connectivity.** LifeLinks broadband connectivity allows for *simultaneous* and *independent* use of Petitioner's VRS and other VRS alternatives such as D-Link VRS equipment. This allows for contemporaneous VRS calls to be placed by two or more disabled callers from the same location utilizing the same broadband connection. This is made possible as a result of LifeLinks' dynamic Internet Protocol ("IP") addressing capabilities. Legacy TRS/VRS providers currently utilize costly and often unavailable static IP addresses which technologically preclude multiple simultaneous usage.

**Enhanced Security.** Petitioner's VRS creates a dynamic IP address - rather than a static IP address - to identify the subscriber's computer. The dynamic IP address capabilities provide added security protection for subscribers against computer hackers because the address constantly changes each time the LifeLinks VRS is used. Further, the "Sightspeed" software incorporates added security protection by erecting "firewalls" which preclude unauthorized access to subscriber computers by others during the time the subscriber's computer is on. And "Sightspeed" utilizes 128 bit video and audio data encryption for secure communications transmission.

**Enhanced Features. "Family and Friends"** Petitioner's "Sightspeed" software enables subscribers to create a list of frequently called numbers, facilitating call setup for those individuals with whom the subscriber communicates most often at the click of a computer screen icon.

**Videomail.** Subscribers have access to Petitioner's Videomail feature, which allows the storage and retrieval of calls placed to the subscriber when the subscriber is unavailable, and allows the user to record Videomail messages. The subscriber can access Videomail capabilities at anytime and at no cost, as an integrated "Sightspeed" software feature. Subscribers are notified of videomail messages by electronic mail message and an indicator appearing on the subscriber's screen, when accessing the LifeLinks VRS.

Petitioner's technologically-advanced LifeLinks VRS functions and features offer several advantages over conventional TRS and VRS applications, that simplify communications for disabled users. A summary comparison is attached hereto at **Exhibit D.**



#### **D. LifeLinks Subscription and Operation.**

**Subscription.** To subscribe to LifeLinks VRS, subscribers register electronically at a web site belonging to Club Deaf, a LifeLinks/Healinc Telecom affiliate,<sup>19</sup> as a LifeLinks subscriber. Subscribers are requested to provide basic subscriber information. Subscriber's initial registration and contact with LifeLinks enables verification of the subscriber's qualification for TRS program funding. All subscriber data is considered proprietary and subject to the strictest privacy protection. Subscribers will be provided a written copy of Petitioner's privacy policy, which will also appear at Petitioner's web site.

Once registered, the subscriber downloads the most recent version of LifeLinks' proprietary "Sightspeed" VRS software onto the subscriber's computer, installs the program through a provided installation program, using easy to follow directions sent separately to new subscribers via electronic mail and sets up the web camera that is also provided to new subscribers.<sup>20</sup> Directions are Petitioner then coordinates with Comcast (or another local broadband service provider if Comcast does not provide service at the subscriber's location) to install broadband capabilities to the customer's premises. Comcast technicians are instructed to stay with the new subscriber to verify that the cable connection and LifeLinks application are functioning properly.<sup>21</sup> When LifeLinks'

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<sup>19</sup> [www.clubdeaf.com](http://www.clubdeaf.com).

<sup>20</sup> LifeLinks also plans to provide preprogrammed computers and digital cameras to new subscribers for their use in accessing LifeLinks' VRS, as well as for their personal use in instances where the subscriber does not have, or cannot afford their own computers.

<sup>21</sup> See Comcast Installer and User Instructions, attached hereto at **Exhibit E**.

software and broadband service has been installed, the subscriber may begin using the service immediately.

**Operation.** LifeLinks VRS operates in the same manner as Petitioner's video interpreting system for health care facility subscribers that is currently in use. The subscriber will click an icon appearing on the subscriber's computer desktop to activate the "Sightspeed" software and the connection to LifeLinks. A listing of available interpreters, their gender, and specialized skills – such as other language skills – will appear. The user will select the interpreter and will be connected to the interpreter.<sup>22</sup> The interpreter will then establish a three-way connection with subscriber and called party, and proceed with the call, in accordance to the subscriber's directions. A graphic depiction of the current call completion process for Petitioner's health facility subscribers is attached hereto at **Exhibit F**.

**Call Tracking.** LifeLinks call data is captured on Petitioner's server. The caller's IP address and caller identification number are collected automatically. When the interpreter connects the subscriber's call, call detail - including the called number – are collected. A timer begins the moment that the call is answered, and ends at the instant that either party terminates the call, in accordance with the National Exchange Carrier Association methodology for reporting minutes.<sup>23</sup> Call detail data is stored on the Petitioner's server.<sup>24</sup>

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<sup>22</sup>All interpreters use hands-free headsets which provide maximum flexibility to perform ASL interpretation.

<sup>23</sup> "All minutes reported on [reporting] forms are to be "**conversation minutes**." Conversation minutes, also known as **completed minutes**, are measured in terms of conversation time between the calling and called parties – *i.e.*, from the connection of the calling party to the called party to the disconnect of both parties. Conversation minutes do not include time for call set-up, ringing, waiting for an answer, and wrap-up, or for calls that have reached busy numbers or receive no answer." *See, e.g.* NECA Intrastate WASH1\4728555.2

#### **E. Affiliations.**

Petitioner has established strategic relationships and affiliations with entities who share a commitment to support and promote the speech and hearing impaired community. Through these affiliations, Petitioner will engage in consumer outreach, education, financial support, and interpreter training initiatives, while supporting the speech and hearing community in general. Among them,

**Comcast Cable.** Comcast maintains the largest cable network in the U.S. and provides Petitioner with commercial grade broadband facilities for use with the LifeLinks' VRS. Comcast installs the facility at the customer's premises and enables customer access to interpreters at the time of installation, without charge. Comcast may also broadcast LifeLinks/Deaf Club-produced video educational video programming over its cable network.

**ClubDeaf.** ClubDeaf.com, LLC ([www.clubdeaf.com](http://www.clubdeaf.com)) is an online community for the hearing disabled. ClubDeaf will make LifeLinks VRS available to its thousands of members via its website. ClubDeaf will also assist in development and filming of video educational programming geared to the needs of the hearing impaired community to be distributed in conjunction with Petitioner. And ClubDeaf will also assist in recruitment of interpreters for the LifeLinks VRS call centers, as well in advertising services.

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Telecommunications Relay Service (TRS) Fund Instructions for Reporting Minutes Monthly, ([http://www.neca.org/media/0804\\_instructions\\_for\\_reporting\\_minutes\\_monthly.doc](http://www.neca.org/media/0804_instructions_for_reporting_minutes_monthly.doc)).

<sup>24</sup> This data will be used to account for actual conversation minutes for billing purposes. Sample call detail data appears at **Exhibit G**.

**Certified Language Interpreters, Inc.** LifeLinks has partnered with Certified Language Interpreters, Inc., the largest interpreting firm in the U.S. to offer videoconference-based interpreting services to hospitals in 150 languages, over LifeLinks' VRS. The Company presently provides audio-only services to more than three thousand U.S. hospitals, and is introducing LifeLinks' VRS to existing customers.

**ASCOM.** ASCOM is an international provider of broadband over power line services. The company serves an integrated provider of voice and data communications, wireless, security solutions and network revenue collection systems. Based in Berne, Switzerland, the Company generates more than \$1 billion in annual revenue.

Petitioner has also initiated discussions with the following entities:

**Utah State Court System.** Petitioner has entered into preliminary discussions with the Utah State Court system regarding bidding on an on-demand video-interpreting contract to provide access to interpreters in a simultaneous and sequential interpreting mode, utilizing Utah's existing interpreters between State courthouses. Lifelinks VRS solution is available for 20% below the cost of the existing system, provides interpreter access within 10-15 seconds, uses existing courthouse broadband facilities, and carries no additional expensive equipment. LifeLinks technology also provides the capability for digitally recorded and accessible transcripts, which are encrypted and catalogued.

**Courtroom 21.** Courtroom 21 (<http://www.wm.edu/law/courtroom21/>) is the legal technology showplace, and an actual functioning courthouse, located at the William and Mary Law School. Courtroom 21 has invited LifeLinks to present its VRS technology for certification in the Courtroom 21 program.

**DCARA.** DCARA, the Deaf Counseling, Advocacy and Referral Agency, is a California and Oregon-based agency formed to provide support to the hearing impaired community. DCARA can assist in the distribution of LifeLinks' VRS equipment, without charge, to Deaf individuals. The equipment is pre-programmed to dial LifeLinks' sign language interpreting services.

**F. Initial Field Trial Results.**

Petitioner has engaged in initial field service trials to evaluate LifeLinks operability and reliability, as well as market receptivity. Through its affiliation with ClubDeaf, Petitioner has provided its LifeLinks VRS to nearly 500 speech and hearing impaired individuals located in ten states over a three-month trial period. Costs have been underwritten entirely by Petitioner. Petitioner's LifeLinks service -- including broadband Internet access, digital camera, and hands-free headsets - have been provided to those engaged in the field trials at no cost. Field trial results have been particularly encouraging both in system operability and in potential market demand.

**Operability.** The most current week's trial results reveal dramatic increases in the number of LifeLinks VRS conversation minutes, as demonstrated in confidential **Exhibit H**. Exhibit H reflects conversation minutes for the fourth full week in August 2005. The results apply exclusively to the trial and do not include usage attributable to Petitioner's hospital video interpreting services. The usage data is particularly significant in light of the fact that the trial began with a limited number of volunteers.

**Market Potential.** Petitioner initially limited its field trial to less than two dozen individuals. Within two months, nearly 500 individuals had requested to be included in the trial as a result of referrals from initial service trial users. To date, Petitioner has had

more than 13,000 inquiries regarding the LifeLinks service. These results and user feedback support Petitioner's conclusions that its LifeLinks VRS will be well received by the speech and hearing impaired community as demonstrated at **Exhibit I**, and will fill a much desired demand for VRS services that is not currently being met by existing providers.

**IV. HEALINC COMPLIES WITH FEDERAL MANDATORY MINIMUM STANDARDS FOR THE PROVISION OF FEDERALLY FUNDED VRS PURSUANT TO 47 C.F.R. §64.604.**

Section 64.604(a) of the FCC's rules, as amended, establish Mandatory Minimum operational, technical, and functional Standards governing the provision of TRS/VRS. Pursuant to section 64.604 (c)(5)(ii), a TRS/VRS provider may draw upon federal TRS program funding to recoup its costs of providing TRS/VRS, upon a demonstration to the state regulatory agency responsible for certification of the state's TRS program to the FCC that the provider fully complies with the Mandatory Minimum Standards contained in federal regulation.<sup>25</sup> As set forth below, Petitioner fully believes that it meets or exceeds federal Mandatory Minimum Standards applicable to the provision of its VRS,<sup>26</sup> and merits Commission certification of compliance for purposes of recouping costs from federal TRS program funds.<sup>27</sup>

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<sup>25</sup> 47 C.F.R. §64.604(c)(5)(ii)Cost recovery. "... In a state that has a certified program under Sec. 64.605, the state agency providing TRS shall, through the state's regulatory agency, permit a common carrier to recover costs incurred in providing TRS by a method consistent with the requirements of this section."

<sup>26</sup> For purposes of demonstrating compliance, Petitioner interprets the rule term "TRS" as synonymous with "VRS" unless the requirement is technologically inapplicable.

<sup>27</sup> On June 30, 2004, the FCC released a *Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking* in its ongoing TRS proceeding, adopting *inter alia* waivers of the Mandatory Minimum Standards in 47 C.F.R. §64.604 for IP Relay and VRS providers for a specified period of time. Citations to these waivers as set forth therein, are addressed under each Mandatory Minimum Standard to which they apply. See e.g. *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities* CC Docket No. 90-571, CC Docket No. 98-WASH1\4728555.2

**A. Operational Standards**

**1. Communications Assistant ("CA") – Training (47 C.F.R. §64.604(a)(1)).**

**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."

**Healinc Compliance:** Qualified CAs are the absolute key to the successful provision of Petitioner's VRS and Petitioner's ability to meet its subscribers' specialized and varied communications needs. The critical importance of the CA's role demands that CA's first meet Petitioner's minimum qualifications for employment, and then, that the CA demonstrates complete understanding of Petitioner's operating standards, before the CA is allowed to go "on line."

CA candidates are first screened for typing ability, ASL skills and skill certification,<sup>28</sup> and then judged for attitude and orientation toward helping the speech and hearing impaired.<sup>29</sup> As part of the initial qualifying process, a team of CAs headed by a

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67, CG Docket No. 03-123, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 04-137 (June 30, 2004) [hereinafter "2004 TRS Report and Order"].

<sup>28</sup> Prospective CAs must maintain one or more of the following certifications Registry of Interpreters for the Deaf (RID), SCS, CI or CT, or National Association of the Deaf.

<sup>29</sup> Petitioner's minimum CA standards are consistent with those set forth by the Commission in its TRS re-certification application, *In the Matter of Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, DA-02-1006, *TRS State Re-Certification Application, Request of the New York State Public Service Commission for Re-Certification of its Telephone Relay Service* (September 30, 2002), "Telecommunication Relay Service (TRS) CAs must, at a minimum, possess the following qualifications: (1) spelling skills at a 12th grade level and the ability to exercise proper telephone etiquette; (2) basic skills in English grammar at a minimum of a 12th grade level; (3) minimum typing speed of 60 words per minute; (4) the ability to understand ASL users as they borrow English, and to translate such communication into English; and, (5) the ability to convey the full content, context, and intent of relay communication they translate. CAs must strive to maintain functional equivalence for both TTY relay users and the non-TTY relay users when a communication is relayed."

senior CA, performs candidate screening. The candidate CA's stated qualifications are reviewed and tested, and the individual's orientation to the position is judged. Candidates are then tested in mock calls to determine operating capabilities. If the candidate passes initial testing and is recommended for employment, security/references are verified and the candidate is subjected to drug screening. Only then do candidates qualify for employment at a relay center.<sup>30</sup>

Each newly hired CA undergoes an initial orientation with presentations from senior management regarding company mission, objectives, obligations, and compliance. New hires receive detailed orientation from experienced CAs, and are provided reference materials, including a listing of compliance requirements and metrics. New CAs receive training on each type of call that may be received, and are given an opportunity to engage in mock practice calls to gain confidence in equipment usage and procedures. The new hire is then assigned to a CA observer for a minimum of one week, and to gain practical interpreting experience under the supervision of the assigned interpreter. The assigned interpreter will evaluate the new hire's ability to process calls and will provide a critique. New hires are evaluated monthly for an initial period of three months, and become permanent hires upon the successful completion of the three-month evaluation period.

On an ongoing basis, CA's participate in weekly meetings and periodic focus group meetings with volunteer disabled users to discuss operations, share experiences, and provide practical education. A mentor is assigned to the new CA to assist in the CA's development and to serve as an ongoing resource. Each CA is evaluated semi-annually by a supervisor, to ensure that the CA maintains proficiency and meets operational

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<sup>30</sup> Contract CA's must also qualify to meet minimum employment standards, even if engaged under contract.  
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standards. Those CAs who are found substandard are required to engage in remedial training subject to more frequent evaluation, and ultimately dismissal if performance fails to meet minimum standards. Petitioner conducts scheduled “refresher courses” and frequent seminars to address topics of particular importance to CAs, to include changes in operating standards and issues affecting Petitioner’s subscribers. Guest speakers are invited to address issues of concern to the speech and hearing impaired community. CAs are encouraged to engage in continuing education. Petitioner plans to underwrite a portion of the costs of continuing education in subjects directly related to the CAs professional responsibilities.

CAs are required to sign a statement agreeing to be bound by the Registry of Interpreters for the Deaf or National Association of the Deaf Code of Ethics through the course of their employment with Petitioner.

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

**Healinc Compliance:** CA certification is a prerequisite for employment, as noted above. A CA’s typing, grammar, and spelling skills, as well as the CA’s ability to interpret ASL, and familiarity with hearing and speech disability cultures, languages and etiquette, and ability to communicate articulately, are judged as part of the initial screening process, and ongoing post-hire evaluations. Candidates who do not qualify based on the determination of the initial CA screening team, are not considered for employment. Although many

new hires will have practical interpreting experience, Petitioner's CA screening team will also consider educational experience and teacher evaluations for candidates who recently graduated from accredited colleges or training courses. CAs whose performance is deemed substandard will be required to engage in remedial training, subject to frequent evaluation during a probationary period, to ensure standards are maintained.

**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."

**Healinc Compliance:** As Petitioner offers VRS, primary skill set focus is placed upon the CA's ability to interpret from ASL. LifeLinks VRS software further utilizes pre-programmed macros and auto-correcting software which facilitates text interpretation. Nevertheless, because Petitioner's VRS supports instant text messaging, candidates and CAs are expected to meet the minimum 60 words per minute standard, which is incorporated into initial screening tests and subsequent evaluation of CAs.

**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."

**Healinc Compliance:** Employee candidates must maintain certification through the Registry of Interpreters for the Deaf (RID), SCS, CI or CT, or National Association of the Deaf, have demonstrated practical experience as an ASL interpreter and/or be a graduate

of an accredited institution's ASL interpreter program. These minimum requirements, coupled with the extensive screening, ensures that employed CAs are effective in understanding and meeting the communications needs of Petitioner's subscribers.

**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."<sup>31</sup>

**Healinc Compliance:** Petitioner has adopted this standard to the extent applicable to VRS calls and includes the requirement in training and in performance evaluations. Petitioner has incorporated the standard in planning for interpreter staffing requirements, as a function of subscribers served and the probability of TTY-based and STS calls. Call data for a typical interpreter appears at **Exhibit J**. As a general matter, CA's are instructed to remain on each call until the call is terminated, even if the call extends beyond the CA's shift, unless a change in CA's is expressly authorized by the subscriber.

**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."

**Healinc Compliance:** An inherent function of Petitioner's LifeLinks VRS is the ability of subscribers to select interpreter gender, language skills, and even individual interpreters. Interpreter pictures, gender, and language capabilities appear on the

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<sup>31</sup> STS calling requirements are waived indefinitely. *2004 TRS Report and Order*, para 138 and 139.  
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subscriber's computer screen, enabling the subscriber to see available interpreters, and select an interpreter at the click of a button, as demonstrated at **Exhibit K**.

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

**Healinc Compliance:** Although only a minority of calls will ever be TTY calls in light of the fact that Petitioner's service is intended specifically to provide VRS, CAs are required to support text messaging, including TTY calls, as noted *supra* at "Standard (v)."

To evaluate ongoing CA operational standard compliance, Petitioner has adopted a Quality Assurance Program comprised of three key functions:

1. **Monthly CA Surveys** – Petitioner conducts formal monthly surveys of CA performance to evaluate work performance, personal effectiveness, and attendance. Survey results are used to provide CAs with objective performance measures.
2. **Quality Assurance Test Calls** – Frequent test calls are placed to CAs to evaluate call-processing capabilities. Each CA is given immediate critiques and areas for improvement are underscored.
3. **Subscriber Surveys** - Subscribers are requested to provide feedback on their calling experience on an ongoing basis. Additionally, *ad hoc* surveys are made by CA supervisors to solicit specific observations from subscribers. Anonymous survey responses are provided to all CAs and to specific CAs if subscriber responses pertain to an individual CA.

Petitioner's Quality Assurance Program ensures that standards are met, and moreover, that subscribers' calling experience is exceptional, and that CAs remain proficient in serving subscribers.

**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, and with a limited exception for STS CAs, 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. STS CAs may retain information from a particular call in order to facilitate the completion of consecutive calls, at the request of the user. The caller may request the STS CA to retain such information, or the CA may ask the caller if he wants the CA to repeat the same information during subsequent calls. The CA may retain the information only for as long as it takes to complete the subsequent calls."

**Healine Compliance:** Petitioner has adopted strict privacy standards, not only regarding communications content, but with regard to subscriber data. Communications contact standards pursuant to 47 U.S.C. 605 and generally, are incorporated into Petitioner's policies, training program, Code of Ethics compliance, and compliance checklist provided to all CAs. CAs are bound to comply with Petitioner's confidentiality policy. CA's found to have violated prohibition regarding the disclosure of call content and any relayed conversation regardless of content, will be subject to immediate disciplinary action, up to and including termination of employment, following a full investigation of claims of a breach of confidentiality.

From an operational perspective, CAs retain access to call data and the identity of the caller (collectively “call set up data”) only so long as the caller is connected to the CA. Call set up data remains confidential and cannot be used for any other purposes, unless in the case of an emergency situation. 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 a calls for quality assurance and training, and then, only with the expressed approval of the caller. CAs receive calls in cubicles, which are physically isolated and preclude inadvertent viewing of a call by other individuals. CA’s work from secured premises. CAs utilize hands-free headsets which preclude others from hearing call content.

**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 ASL call. An STS<sup>32</sup> 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.”

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<sup>32</sup> Speech-to-Speech.  
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**Healinc Compliance:** All CA's are bound to this standard through compliance with national interpreter association codes of ethics, adopted by Petitioner. Consistent with Petitioner's policies regarding call content security, prohibitions against altering or summarizing a relayed conversation without the expressed direction of the subscriber are incorporated into Petitioner's training program and compliance checklist provided to all CAs. CA's found to have violated such prohibition may be subject to immediate termination of employment following investigation. No call information is retained by the CA once the inbound call is released from the CA position.

**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:** This standard is incorporated into Petitioner's training program and compliance checklist provided to all CAs, and is verified through Petitioner's Quality Assurance Program. Operationally, the inherent nature of Petitioner's LifeLinks VRS precludes any CA who is on duty at an interpreting station to refuse any VRS call that has been directed to the CA's station. Any confirmed intentional premature call termination is subject to disciplinary action, up to and including termination of employment.

**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.”<sup>33</sup>

**Healinc Compliance:** Petitioner’s VRS is designed specifically to process VRS calls, although other calls including text and other non-VRS calls are supported through the LifeLinks VRS, as discussed *infra*. As Petitioner 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 not supported and inapplicable to Petitioner’s offerings.

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

**Healinc Compliance:** No LifeLinks subscriber will be denied access to place calls for financial reasons, as LifeLinks VRS is provided to subscribers at no cost.

**Standard (iv):** “Relay services shall be capable of handling pay-per-call calls.”<sup>34</sup>

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<sup>33</sup> Types of Calls requirements are waived through January 1, 2008. *2004 TRS Report and Order*, para 113 through 115. “We agree with the parties that it remains technologically infeasible for VRS providers to offer operator assisted calls and to bill for certain types of long distance calls because one leg of the VRS call is transmitted over the Internet.”<sup>33</sup> We therefore grant VRS providers a waiver of this TRS requirement until January 1, 2008, conditioned on the filing of an annual report with the Commission as indicated above. We will also continue to require VRS providers to allow calls to be placed using calling cards and/or to provide free long distance calls during the waiver period.”

<sup>34</sup> Pay-per-call Service requirements are waived for IP Relay and VRS providers through January 1, 2008. *2004 TRS Report and Order*, para 130 through 132. “We agree with the parties that VRS providers do not have the technology to complete pay-per-call (900 number) calls, and therefore we waive this TRS requirement until January 1, 2008. We believe that technology will be developed to allow VRS providers to handle these types of calls, and will require VRS providers to submit a report annually to the Commission as indicated above and detailing advancements that may enable VRS providers to comply with this requirement.”



**Healinc Compliance:** Petitioner avers to comply to the extent ultimately required by the FCC. Petitioner's CA do have the capability of placing pay-per-call calls utilizing a subscriber's calling card or credit card if so directed by the subscriber.

**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."<sup>35</sup>

**Healinc Compliance:** Petitioner has the capability of supporting all types of calls, although the focus remains on the provision of VRS. Petitioner's LifeLinks VRS 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. Peititioner has the capability to support VCO-VCO calls, VCO-HCO calls, VCO-TTY, and Two-Line VCO calls. Petitioner's LifeLinks 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. LifeLinks 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."<sup>36</sup>

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<sup>35</sup> Types of Calls requirements are waived for IP Relay and VRS providers through January 1, 2008. *2004 TRS Report and Order*, paras. 134, 135. "This waiver is conditioned on the annual submission of a report to the Commission [FCC] as detailed above."

<sup>36</sup> Call Release, 3-Way Calling, and Speed Dialing requirements are waived for IP Relay and VRS providers through January 1, 2008. *2004 TRS Report and Order*, para 76.

**Healinc Compliance:** Petitioner's "Sightspeed" software has built-in subscriber termination capabilities and a "friends and families" accessible by clicking the appropriate function on the subscriber's computer screen, as demonstrated in **Exhibit L**. LifeLinks VRS supports, and CA's are trained to perform, three-way calling, as demonstrated in **Exhibit M**.

**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 CA's terminal. The hot key will send text from the CA to the consumer's TTY indicating that a recording or interactive menu has been encountered. 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."

**Healinc Compliance:** Subscribers have the capability of receiving and recording Videomail through the LifeLinks' "Sightspeed" software. To receive videomail, subscribers receive a message when logging on the LifeLinks VRS alerting them that a video or text message has been received. Subscribers also receive a separate notice of videomail via an electronic (e-mail) message. The message may be retrieved by clicking on the mail icon when in the "Sightspeed" program. The subscriber is then given the option to record a message and respond. Videomail and other messages are stored and may be accessed by the subscriber for a period of 30 days. 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. Callers may also leave videomail for Lifelinks subscribers, recorded by the CA.

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

**Compliance:** As noted above, videomail is an inherent feature of Petitioner's "Sightspeed" VRS software.

**4. Handling of emergency calls. (47 C.F.R. §64.604(a)(4)).**

**Standard:** "Providers must use a system for incoming emergency calls that, at a minimum, automatically and immediately transfers the caller to the nearest Public Safety Answering Point (PSAP). An appropriated 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."<sup>37</sup>

**Healine Compliance:** As concluded by the FCC, current technology does not support automatic transfer of emergency calls containing the caller's location information, to the appropriate emergency service provider. Petitioner, however, recognizes the growing need to implement emergency calling capabilities for VRS providers. Petitioner is evaluating "Sightspeed" software programming options, to include the ability to record and transmit the subscriber's modem access control number at the time the subscriber accesses the "Sightspeed" software to place a call, allowing for correlation with the

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<sup>37</sup> Emergency Call Handling requirements are waived for IP Relay and VRS providers through January 1, 2008 and for IP Relay providers, and January 1, 2006 for VRS providers. *2004 TRS Report and Order*, para 116 through 118. "The record reflects that VRS providers currently do not have the technology to automatically transfer emergency calls, with the caller's location information, to the appropriate emergency service provider [footnote in original omitted]. We also note that no party, including those in the disability community, filed comments opposing an extension of the emergency call handling waiver for VRS providers. Therefore, because it is currently technologically infeasible for VRS providers to automatically and immediately transfer emergency calls to the appropriate PSAP, we waive this TRS mandatory minimum standard. Because of the importance of emergency call handling, however, this waiver will expire on January 1, 2006, and is conditioned on the filing of an annual report with the Commission as indicated above. In addition, we will continue to require VRS providers to inform VRS users in their promotional materials and on their website of the potential dangers of using VRS for emergency calls."

subscriber's current location and the serving Public Safety Answering Point. Until a solution is developed, Petitioner will prominently inform subscribers of the potential dangers of using VRS for emergency calls in its promotional materials and website, and upon access to Petitioner's VRS.

**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."<sup>38</sup>

**Healinc Compliance:** Petitioner's VRS system 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. LifeLinks' "Sightspeed" software does enable subscribers to maintain a "Family and Friends" 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, either directly or through the LifeLinks VRS, as demonstrated in **Exhibit L**. The subscriber's personal list maintained on the "Sightspeed" software obviates the need for maintaining a list at the relay center, and creates an additional level of security for the user.

**B. Technical Standards**

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

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<sup>38</sup> STS calling requirements are waived indefinitely. *2004 TRS Report and Order*, paras. 138 and 139.  
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**Standard:** "TRS shall be capable of communicating with ASCII and Baudot format, at any speed generally in use."

**Healinc Compliance:** Petitioner's LifeLinks VRS 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.<sup>39</sup>

**2. Speed of Answer. (47 C.F.R. §64.604(b)(2)).**<sup>40</sup>

**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:** Petitioner has developed an algorithm that enables accurate calculation of the number of CAs needed to support the number of registered subscribers in order to maintain a P.01 voice grade of service equivalency, based on anticipated call volumes by time of day. This algorithm has been tested during the recent three-month

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<sup>39</sup> See, e.g., Exhibit K.

<sup>40</sup> Speed of Answer calling requirements are waived for VRS providers until the FCC adopts a new speed of answer rule or January 1, 2006, whichever ever occurs first. *2004 TRS Report and Order*, para 119 through 123. "We find that VRS will continue to benefit from an extension of the waiver of our speed of answer rule, and therefore we waive our speed of answer requirement as set forth herein. We condition this waiver on VRS providers submitting to the Commission an annual report as indicated above detailing, and which also summarizes the provider's speed of answer data for the prior twelve-month period. Although we are extending this waiver, we again urge providers to work diligently to meet the needs of callers. We note that the record reflects that VRS is a highly competitive service, and that providers who do not provide prompt and efficient service will run the risk that customers will go elsewhere."<sup>40</sup> We believe that this competition should provide incentive for VRS providers to answer VRS calls as promptly as possible until such time as we terminate this waiver. We also note that because VRS remains a voluntary service, it is appropriate to provide flexibility that might not be warranted for a mandatory service." (para. 121).

trial and has been demonstrated effective in ensuring proper staffing. The algorithm generally calls for 35 CAs to support the first 1,000 subscribers, and 25 CAs per each additional 1,000 subscribers. Petitioner currently maintains 25 to 30 CAs on staff to support its hospital VRS interpreting services and its initial VRS trials.<sup>41</sup> Petitioner further engages in active call monitoring to determine staffing adjustments by time of day, in accordance with actual calling volumes by time, as demonstrated in **Exhibit J**. The relay center supervisor constantly monitors available interpreters. If call volumes appear particularly high, the supervisor will reassign one or more of the CAs who support Petitioner's hospital interpreting service, to the relay center. This flexibility ensures that Petitioner 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.

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<sup>41</sup> Petitioner has also identified prospective CAs for employment and is prepared to engage in active recruitment through its established relationship with ClubDeaf and other organizations which support the speech and hearing impaired community.

- (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."

**Healing Compliance:** Initial trial data results indicate that subscribers are able to reach interpreters within 15 seconds from the time a call is connected. Petitioner has tracked daily call volumes by time of day to determine adequate staffing to exceed the 85% within 15-second access time threshold. The ability to actively monitor call volumes and assign CAs to support Petitioner's VRS service noted *supra*, ensures that the minimum service quality standards are met and exceeded. Petitioner currently utilizes a T-3 broadband facility in its Manhattan relay center. Facility capacity is constantly monitored by Petitioner's technical staff to gauge usage and anticipate the need to augment facilities. Petitioner will submit to the FCC an annual report, which summarizes the provider's speed of answer data for the prior twelve-month period, as set forth in the *2004 TRS Report and Order*.

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

**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."<sup>42</sup>

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<sup>42</sup> On December 31, 2001, the FCC granted a temporary waiver of the requirement for VRS providers in response to a request by Hamilton Telephone Company. "Accordingly, we grant Hamilton's request for a temporary waiver of the requirement to offer operator assisted calls and billing for certain types of long  
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**Healinc Compliance:** Petitioner's LifeLinks VRS acts as a supplement to, but does not replace, existing subscriber interexchange services. Subscribers retain access to their presubscribed interexchange (and local) carriers. To the extent that a subscriber were to rely exclusively on LifeLinks as the subscriber's *de facto* communications service provider, subscribers would not, as a practical matter, require access to a wireline interexchange carrier. As Petitioner's VRS is accessed through the Internet, and any interexchange calls that would be required are billed to Petitioner rather than to the subscriber, there would be no practical rationale for a subscriber to require access to any one particular carrier. Petitioner currently provides "free" domestic interstate and international long distance services, as required by the FCC. Nevertheless, Petitioner has 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, should the subscriber so request.

**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."<sup>43</sup>

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distances calls. VRS providers must, however, allow VRS calls to be placed using calling cards and/or provide free long distance calls during the wavier period." The waiver period remains in effect. *See e.g. In the matter of Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Order, DA 01-3029 (December 31, 2001) at para. 10 Extended indefinitely for IP Relay providers and until January 1, 2008 for VRS providers by the 2004 TRS Report and Order at para 124 through 129. "Until such time, however, we will require VRS providers to provide free long distance service to their VRS customers. We also condition this waiver on VRS providers submitting an annual report to the Commission [FCC] ..." para. 127.

<sup>43</sup> Amended by the FCC's *Report and Order* in CG Docket No. 03-123 and CC Docket No. 98-67, as discussed below. The 2004 TRS Report and Order notes that pursuant to 47 C.F.R. §64.604(b)(4), "Relay services that are not mandated by this Commission are not required to be provided every day, 24 hours a day." WASH1\4728555.2



**Healine Compliance:** Petitioner's relay center operates 24 hours per day, 7 days per week.

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

**Healine Compliance:** Petitioner is deploying an uninterruptible power supply ("UPS") to maintain power, for 24 hours after a power failure at its Manhattan relay center. During a power outage, the UPS will provide a seamless power transition. Arrangements are being made for emergency generators to be used in the event of a catastrophic emergency. Emergency power is maintained to all CA equipment, servers, and facilities that support the relay center. Call and other support data is backed up at least on a daily basis, and copies are backed up off site, to ensure that data cannot be lost. In exceptional cases of extreme service affecting outages, Petitioner also has the capability to route VRS calls to call centers that are prepared to support users. Petitioner's relay center is housed in a commercial building that meets applicable codes for fire suppression. Petitioner has further installed portable fire extinguishers throughout the relay center to enable immediate fire suppression in the event of containable fires.

##### **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

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The FCC goes on to state that "VRS is not a mandatory TRS service" and therefore not subject to perpetual staffing requirements.

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:** Petitioner’s LifeLinks VRS represents the most technologically advanced VRS solution available today. Petitioner’s system draws on the power of computer processing, Voice over Internet Protocol transmission, wireless technology, the Internet, and relay center technology, to provide reliable VRS communications for the speech and hearing impaired. Petitioner’s VRS is provided utilizing Internet Protocol, although SS7 technology may be used.

**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:** Petitioner’s relay center passes through the number of the center from which the interpreter is placing the call.

## **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:** Petitioner avers to maintain a complaint log consistent with the format used by the Commission as posted on the FCC’s New York TRS web site.<sup>44</sup> Subscribers have the ability to initiate complaints to the CA, a CA supervisor, and via electronic mail. The complaint is logged into Petitioner’s complaint tracking system. The CA who received the complaint, or an assigned CA in instances where complaints are not directed to 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 Petitioner’s complaint log. A supervisor will monitor complaint status and will ensure that action is taken within the specified period.

If the complaint entails a technical issue, then a trouble ticket is prepared, documents, and the trouble investigated and resolved by an on-site technician. The technician is responsible for responding to the assigned CA who then communicates with the complainant, and the result is documented.

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<sup>44</sup> [http://www.fcc.gov/cgb/dro/2004\\_trs\\_data/ny\\_complaint\\_log.xls](http://www.fcc.gov/cgb/dro/2004_trs_data/ny_complaint_log.xls)  
WASH1\4728555.2

**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:** Petitioner avers to comply. Petitioner will provide complaint logs to the FCC and Commission, the latter in accordance with such direction as the Commission may provide.”

**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 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 Petitioner is:

Ms. Margo Hensler  
Healinc Telecom, LLC  
3333 Henry Hudson Parkway  
Riverdale, N.Y. 10463  
Telephone: 866.4LIFELI(NKS) (866.454.3354)  
E-mail: margo@lifelinks.net

As noted, all CAs are also responsible for receipt of specific complaints, pursuit of timely resolution, responses to the complainant, and documentation (all subject to supervisory review). Petitioner will inform the Commission of the name and address of the senior individual responsible for complaints, grievances, inquiries, and suggestions within one business day of the date of a change in designated individual.

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

**Healinc Compliance:** Voice and TTY telephone numbers, fax number, e-mail address, and web address are:

Voice telephone: 888.465.HEAL (888.465.4325)  
TTY Telephone: Pending  
Fax number: 718.601.5400  
E-Mail Address: [response@lifelinks.net](mailto:response@lifelinks.net)  
Web Address: [www.lifelinks.net](http://www.lifelinks.net)  
LifeLinks Access: [www.clubdeaf.com](http://www.clubdeaf.com)

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

**Healinc Compliance:** Correspondence should be sent to:

Ms. Margo Hensler  
Healinc Telecom, LLC  
3333 Henry Hudson Parkway  
Riverdale, N.Y. 10463  
Telephone: 866.4LIFELI(NKS) (866.454.3354)  
E-mail: [margo@lifelinks.net](mailto:margo@lifelinks.net)

Commission inquiries should be addressed to:

Andrew O. Isar  
Miller Isar, Inc.  
7901 Skansie Avenue, Suite 240  
Gig Harbor, WA 98335

**3. Public Access to Information. (47 C.F.R. §64.604(c)(2)).**

**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."

**Healine Compliance:** Petitioner will engage in an aggressive two-pronged outreach program entailing active marketing and educational services targeted to the hearing and speech impaired community:

**Advertising.** Petitioner's outreach program strategy will include a combination of press releases, as well as general and targeted advertising. The company projects that it will allocate as much as 25 percent of its projected New York budget over the first year of operations to advertise in statewide newspapers and speech and hearing impaired publications. The Company will also prepare informational brochures to be available at government agencies where the speech and hearing impaired may frequent, including, but not limited to, Business and Economic Development agencies, Community agencies, Department of Motor Vehicles, Community & Family Health Services, Employer

Services, the Office of the Attorney General, State medical centers, and the Better Business Bureau. Petitioner will engage directory advertising entities to place advertising and notices in telephone directories. Petitioner will provide links and content on web sites geared to the speech and hearing impaired community. And, through Petitioner's affiliations with speech and hearing impaired organizations and its relationship with Comcast, Petitioner will engage in direct advertising through electronic and regular mail, pursuant to federal law and the policies of the affiliate and Comcast.

Petitioner also has the capability to provide video content through its network in conjunction with its ClubDeaf affiliation. This capability enables Petitioner to provide subscribers and the public with educational video presentations on a myriad of subjects of interest to the speech and hearing impaired community. LifeLinks will also use this medium to supply service information and advertising.

**Partnerships and Affiliations.** Petitioner will also broaden partnerships and affiliations with state and national organizations devoted to serving the speech and hearing impaired community to make information concerning the Company's VRS services widely available. Petitioner will work with these organizations and community groups to provide no-cost counseling services in sign language to the speech and hearing impaired community in such areas as vocations, finances, psychology, etc. Additionally, Petitioner will consider sponsorship opportunities to broaden company name and service recognition in the State. Further, Petitioner will seek to participate in State relay program organizations to the extent that involvement in such groups is welcomed, and will evaluate active participation in educational institutions, which maintain – or are interested in developing – educational programs designed to expand the pool of certified CAs.

**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.”

**Healing Compliance:** Inapplicable. Petitioner’s subscribers will not be charged for Petitioner’s VRS service.

**D. New York State Requirements**

Petitioner further avers to comply with such additional requirements as may from time to time be imposed by the Commission with respect to Petitioner’s VRS services, including such reports or response to *ad hoc* information requests, on-site visits, inspection of books, materials, and operations, whether applicable specifically to New York or any other state in which Petitioner may provide services. As discussed further below, Petitioner acknowledges Commission certification of compliance is not static, but may entail ongoing verification. Petitioner will at all times cooperate with the Commission and assist the Commission in verification of compliance, response to any complaints and inquiries, and in any such requirement or request as may be made by the Commission to Petitioner. Petitioner will also provide the Commission with such information regarding Petitioner’s operations as will be needed by the Commission to comply with FCC state TRS/VRS re-certification requirements pursuant to section 64.605 of the FCC’s rules.



**V. HEALINC COMPLIES WITH APPLICABLE PROVISIONS OF NEWLY PROMULGATED FCC ORDERS AND REGULATIONS PERTAINING TO VRS.**

In addition to the foregoing, Petitioner avers compliance with recent FCC decisions regarding the provision of VRS:

**A. Speed of Answer Rule and Perpetual Operations.** On July 19, 2005, the FCC released a *Report and Order* adopting new speed of answer and perpetual operation requirements for VRS providers.<sup>45</sup> In an effort to move VRS further into the realm of a “functionally equivalent” to voice services, The *Report and Order* found, that

(1) by January 1, 2006, VRS providers must answer 80 percent of all VRS calls within 180 seconds, measured on a monthly basis; 2) by July 1, 2006, VRS providers must answer 80 percent of all VRS calls within 150 seconds, measured on a monthly basis; and (3) by January 1, 2007, VRS providers must answer 80 percent of all VRS calls within 120 seconds, measured on a monthly basis.<sup>46</sup>

**Healinc Compliance:** Petitioner *currently* meets and exceeds the January 1, 2007 standard of answering 80 percent of all VRS calls within 120 seconds, as demonstrated by the results of Petitioner’s trial data. Petitioner’s subscribers are capable of accessing Petitioner’s CA within 15 seconds 100 percent of the time.

The *Report and Order* further found

that effective January 1, 2006, VRS providers seeking compensation from the Interstate TRS Fund must provide VRS 24 hours a day, 7 days a week.<sup>47</sup>

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<sup>45</sup> *Report and Order*. The *Report and Order* further addressed whether VRS providers may be compensated for providing VRS Mail.

<sup>46</sup> *Id.* at 1. Footnote in original omitted.

<sup>47</sup> *Id.* at 2. Citation in original: “The Commission raised in the FNPRM of the 2004 TRS Report & Order whether VRS should be required to be offered 24/7. See 2004 TRS Report & Order, 19 FCC Rcd at 12568, para. 245.”

Petitioner currently maintains perpetual operations of its relay center, 24 hours per day, seven days per week, 365 days per year, as discussed *supra*.

**B. Financial Incentives Declaratory Ruling.** On January 26, 2005, the FCC's Consumer & Governmental Affairs Bureau issued a *Financial Incentives Declaratory Ruling*.<sup>48</sup> The Ruling concluded that "any program that offers any kind of financial incentive or reward for a consumer to place a TRS call, including minimum usage arrangements or programs (whether or not tied to the acceptance of equipment), violates Section 225 of the Communications Act." According to the Ruling,

in view of the intent and nature of Section 225, and the obligation placed on entities providing voice telephone services to also offer TRS as an accommodation to persons who, because of a disability, cannot meaningfully use the voice telephone system, we interpret Section 225 and the implementing regulations to prohibit a TRS provider's use of any kind of financial incentives or rewards, including arrangements tying the receipt of equipment to minimum TRS usage, directed at a consumer's use of their TRS service.

On July 28, 2005, in a related Order, the FCC concluded that "any TRS provider offering to TRS consumers financial incentives relating to free or discount long distance service, as set forth above, SHALL BE ineligible for compensation from the Interstate TRS Fund."<sup>49</sup>

**Healing Compliance:** Petitioner offers the LifeLinks VRS exclusively as a tool for speech and hearing impaired subscribers to communicate. Petitioner does not, and avers

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<sup>48</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, CG Docket No. 03-123, Declaratory Ruling, 20 FCC Rcd 1466, at 1467-1468, para. 4 (Jan. 26, 2005) (*Financial Incentives Declaratory Ruling*) as clarified further in the FCC's July 28, 2005 Order in this proceeding. "We find that offering free or discount long distance service (subject to the exceptions noted below) to TRS consumers as an incentive to use a particular TRS provider's relay service, or as an incentive for a consumer to make more or longer TRS calls, constitutes an impermissible financial incentive in violation of the *Financial Incentives Declaratory Ruling*."

<sup>49</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, CG Docket No. 03-123, Order, FCC 05-2066 (July 28, 2005), at 4. Emphasis in original.

not to offer, an inducement of any kind to promote usage for subscribers, subject to such verification as may be requested by the Commission. Petitioner's advertising and outreach will be limited solely to advise prospective subscribers of the availability of Petitioner's VRS as an alternative option. Petitioner will provide a camera, broadband access, and in cases of demonstrable economic need, a laptop computer at no cost to the subscriber, in order to enable the subscriber to access Petitioner's VRS. LifeLinks will assume the cost of broadband services for those who currently have them. These offerings are to be provided expressly to enable subscriber access, and in no way are provided, or intended to be offered as an inducement to generate additional calling volume beyond the subscriber's current calling volume. Notwithstanding the foregoing, the fact that Petitioner does not bill for service eliminates added incentives for unlawful usage stimulation.

**C. Spanish Language Translation Capabilities.** Spanish language translation capabilities were waived indefinitely for VRS providers pursuant to the *2004 TRS Report and Order*.<sup>50</sup> On July 19, 2005, the FCC, in an Order on Reconsideration in response to a Texas Public Utilities Commission petition for reconsideration of the *2004 TRS Report and Order* concluded that "non-shared language Spanish translation [VRS] – relay service in which the CA translates what is signed in ASL into spoken Spanish, and *vice versa* – is a form of TRS compensable from the Interstate TRS Fund. Therefore,

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<sup>50</sup> *2004 TRS Report and Order*, para 138 and 139

although we do not mandate this service, providers offering ASL-to-Spanish VRS may be compensated from the Interstate TRS Fund.”<sup>51</sup>

Although as noted, a requirement for ASL translation into Spanish is waived for VRS providers by the FCC, the FCC’s Order on Reconsideration underscores the expressed desirability for ASL translation into languages other than English. Petitioner’s CAs currently have the capability of translation from ASL into 150 spoken languages, including Spanish. Translation of ASL into languages other than English is increasingly becoming a key component to TRS/VRS. Anticipating increased demand for VRS language translation services, Petitioner has focused CA hiring efforts on expanding its current pool of multi-lingual CAs. Each CA’s specialized language capabilities appear on the page made available to subscribers, at the time the subscriber is given the option to select an interpreter. Language translation further contributes to the flexibility available to Petitioner’s subscribers.

**VI. PETITIONER’S ONGOING COMPLIANCE CAN BE EASILY VERIFIED, MITIGATING USE OF VALUABLE COMMISSION RESOURCES.**

Petitioner clearly recognizes that compliance is not a singular event, but rather an ongoing obligation. To ensure ongoing compliance, Petitioner proposes a compliance plan that incorporates three key objectives: 1) Establish an objective basis for enabling Petitioner to demonstrate that it meets or exceeds mandatory minimum service quality standards pursuant to federal regulations and Commission regulations and policies; 2) Place primary responsibility on Petitioner to demonstrate compliance and implement

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<sup>51</sup> *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, CG Docket No. 03-123, Order on Reconsideration, FCC 05-139 (July 19, 2005).

corrective action if needed; and 3) Minimize to the greatest extent possible, Commission resource demands to verify Petitioner's service quality and compliance.

Petitioner proposes a plan for ongoing verification that would entail the following key functions:

**1. Performance Reporting** – Petitioner will prepare performance reports demonstrating compliance with each mandatory minimum standard criterion set forth under section 64.604(a) of the FCC rules. In instances where service quality criteria are measurable, Petitioner will provide actual performance data. Petitioner can also prepare *ad hoc* reports highlighting compliance with specific metrics upon Commission request, and will submit a complaint log, consistent with the format used by the Commission to report to the FCC on such frequency as required by the Commission.

Performance reports would indicate whether the Company complies, nearly complies, or fails to comply with the metric, and the basis for its findings. In instances when Petitioner failed to meet, or nearly met the service performance standard, the Company would be required to highlight the area and indicate the affirmative steps being taken to correct substandard performance and anticipated compliance date. Conversely, if Petitioner demonstrates continued compliance with all service quality metrics for an established period time, the frequency of reporting could be conducted minimized, unless the company failed to meet any given standard.

**2. Source Document Review** – Petitioner will provide the Commission with source documentation either on a regular basis and/or on an *ad hoc* basis as requested by the Commission, in support of demonstrating compliance with certain service quality metrics that would lend themselves to this type of review. Interpreter resumes, training

and orientation course syllabi, interpreter test scores, customer surveys, quality assurance test calls, and Company policies, for example, could be provided to the Commission for review.

3. ***Ad Hoc (Spot) Checks*** – From time to time, the Commission may verify compliance with a given metric with little or no prior notice to Petitioner, as a way of ensuring that the Company actively complies with minimum service standards. Such *ad hoc* checks can take the form of requests for documents, personnel interviews, or interviews with Petitioner's subscribers.

4. **Customer Surveys** - Petitioner will perform standardized customer surveys used to demonstrate customer perceptions of service quality and ultimately to support Petitioner's service quality reports. Customers may also be contacted at random, with prior customer consent, by the Commission to verify responses.

5. **System Checks (Test Calls)** – Because Petitioner's VRS is software-based and requires no specialized equipment other than an inexpensive computer-connected camera, periodically scheduled or random system call checks may be conducted by the Commission or a trusted third party entity designated by the Commission, or other entity serving the speech and hearing impaired community in New York. These checks will provide the Commission with first hand information regarding interpreter capability and accuracy, answer times, and system capability.

6. **On Site Visits.** On site visits of Petitioner's relay center(s) can be conducted on a short notice or no notice basis. The Commission, or Commission-

designated representative, may evaluate actual performance and relay center environment.

7. **Assigned Liaison.** Petitioner has designated an individual to serve as Commission point of contact for Petitioner's operations. This individual will be responsible for assisting the Commission in the collection of information, conduct of ongoing compliance evaluations, and in providing the Commission with timely information regarding company activities. The designated Commission contact will also assume responsibility for ensuring ongoing compliance, for resolving compliance issues, should they arise, and for preparing data to be used by the Commission in its re-certification to the FCC.

Petitioner maintains that these functions will ensure that the Commission has ready access to information and first hand evaluations of Petitioner's ongoing compliance with mandatory minimum standards and service quality required to maintain its ongoing certification. A matrix proposing how these functions could be adapted to demonstrating compliance with section 64.604 of the FCC's rules is attached hereto at **Exhibit N**.

## **VII. THE GRANTING OF THE INSTANT PETITION IS IN THE PUBLIC INTEREST**

Although state certification of compliance with federal mandatory minimum standards pursuant to section 64.604 is fact-based and does not impose a public interest test, Petitioner maintains that the granting of the instant Petition is in the public interest and will benefit the public in New York and elsewhere.

### **A. Petitioner's Service Will Introduce A Technologically-Advanced VRS Option For the Speech and Hearing Disabled That Brings Subscribers a Step Closer to "Functionally Equivalent" Communications.**

Petitioner's deployment of a retail VRS, made possible through the grant of the instant Petition, will enable subscribers to gain new found freedom and flexibility in communications, formerly unimaginable for the speech and hearing impaired community. As Petitioner's software-based VRS is accessible from any computer having a wireline or wireless broadband connection, subscribers gain mobility and enhanced ease in connection. Subscribers no longer require specialized equipment, but can now expand the utility of their computers for sight-based, interactive communications from a home or office location. These capabilities bring the speech and hearing disabled a major step closer to the "functionally equivalent" communications they deserve, and that Congress and the FCC have established as a matter of public policy.

**B. The Granting of the Instant Petition Will Promote Innovation and Improved Service by All Providers**

The granting of the instant Petition and Petitioner's subsequent provision of VRS services will provide the speech and hearing impaired community an added option of service providers. This new alternative will create competitive pressure on existing providers to innovate, incorporate new advanced technology approaches, and improve service offerings and capabilities, to the ultimate benefit of consumers.

**C. The Granting of the Instant Petition Will Enhance Access to Information Through Petitioner's Outreach Efforts**

Petitioner will engage in an extensive outreach program, which will include information regarding VRS accessibility and moreover, a host of information that will benefit the speech and hearing impaired community, as discussed above. Petitioner commits to fund an outreach program that will increase the accessibility of information and program content geared to enhancing the lives of speech and hearing impaired.



**D. Petitioner Will Contribute to the Expansion of the Pool of Certified CAs.**

Petitioner is keenly aware of the limited pool of CAs in the U.S. Petitioner will contribute funds, scholarships, and resources to accredited educational institutions that maintain certified CA training programs. Petitioner will assist in developing course materials and in developing supervised internships for senior students. Further, Petitioner will create job opportunities for graduates, and will assist educational institutions with job placement, as desired by the institution.

**E. Petitioner Will Contribute to the Deployment of Broadband Access.**

As Petitioner's VRS is broadband-based, use of Petitioner's VRS will increase demands for broadband services in all parts of the state. This will accelerate broadband deployment, consistent with federal and state policies.

**F. Petitioner's Certification In No Way Impacts State TRS Funding Nor Interferes With New York's Designated TRS/VRS Provider.**

Petitioner has filed the instant Petition to request that the Commission certify compliance with federal Mandatory Minimum Standards for the provision of VRS funded through federal funds, pursuant to section 64.604 of the FCC's rules. Petitioner's Petition entails a request for certification of compliance and nothing more. Petitioner does not seek, and avers that it will not now, nor in the future, seek to draw from current State TRS funding.

Petitioner further acknowledges that Commission certification conveys no right, contractual obligation, or any other commitment to Petitioner -- explicit or implied -- by the State of New York or the Commission. Petitioner also acknowledges that Commission certification does not guarantee federal funding.

Petitioner recognizes that Commission certification in no way interferes with or affects the State of New York's contractual relationship with the State's contract TRS/VRS provider, and avers that it will not engage in any action that would interfere with, or otherwise seek to diminish the key role that the State's contract provider maintains in serving the speech and hearing impaired community.


Petitioner avers that it will at all times cooperate with the Commission, New York's contract provider, other providers, the speech and hearing impaired community, and members of the general public, to serve the public responsibly and reputably.

## **VIII. CONCLUSION**

Petitioner has demonstrated that it complies with federal Mandatory Minimum operational, technical, and functional standards for the provision of VRS set forth in section 64.604 of the FCC's rules, as amended, and should be certified as compliant for purposes of recouping costs from federal TRS program funding. Implementation of Petitioner's plan for demonstrating ongoing compliance will ensure that its provision of VRS will remain compliant. The granting of the instant Petition is in the public interest, will accrue benefits to the State of New York, will not interfere with existing State contractual relationships for the provision of TRS/VRS, and most importantly, will enable the speech and hearing impaired to benefit from technologically-advanced VRS that will bring users closer to experiencing "functional equivalency" in communications, consistent with federal and state public policy objectives.

WHEREFORE, Healinc Telecom, LLC hereby respectfully requests that the Commission certify Petitioner's compliance with Mandatory Minimum Standards for the provision of VRS.

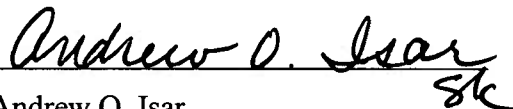
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Regulatory Consultant to Healinc  
Telecom, LLC

Dated: September 2, 2005





**Exhibit A**

**Northern Leasing Systems, Inc. Balance Sheet  
(Confidential - submitted under seal)**







## **Exhibit B**

### **Senior Management Experience**

**Stanley F. Schoen, M.D. ,M.B.A.**

Dr. Schoen is the founder and Chief Executive Officer of Healinc. He received his M.B.A. in Healthcare Administration from the City University of New York, Baruch College and his M.D. degree from New York University Medical School. He has over 30 years experience in the healthcare industry. He has published articles in various medical journals and has lectured on trauma, burns, and cancer surgery. As a result of a lifetime of relationships after practicing medicine for twenty years, Dr. Schoen brings unique access to hospitals as well as an in-depth understanding of the patients needs. His understanding of the healthcare marketplace as well his knowledge of healthcare corporate workings have facilitated the unique combination of strategic partnerships which characterize and are the strength of Healinc. As the chief of surgery at three hospitals, before he stopped practicing, he obtained managerial, hospital purchasing, as well as interpersonal experience, which has served to facilitate Healinc' sensitivity to patient's interactive needs.

**Leonard Mezei, CPA, EA**

Mr. Mezei serves as Healinc Chief Operating Officer. He is Chief Executive Officer of Economic Growth Group Inc, with responsibility for management of over \$1 billion in customer assets, and Northeast Healthcare, Inc., a firm providing financing and factoring to hundreds of hospitals.

**William L. Frenkel, M.B.A.,C.P.A.**

Mr. Frenkel is the Chief Technical Officer of Healinc. He is the founding principal of Pro-Found Software, Inc., a full service software application design and development firm. Mr. Frenkel concentrates on technology strategies and software architectures and has lectured and been published on these topics. Mr. Frenkel holds an MBA in Finance and a BS in Management from the Sloan School of Management at MIT and a degree in Electrical Engineering (Computer Science) also from MIT. Mr. Frenkel is a Certified Public Accountant in the State of New York. His experience prior to Pro-Found includes over a dozen years of diverse technical and financial management in industry and "Big Five" consulting.

**Ira J. Kalfus, M.D.**

Dr. Kalfus serves as Chief Compliance Officer for Healinc. He maintains a separate practice in internal medicine in New York City and is president of his own medical practice management firm with revenues of over \$2 million.

**Ralph Hensler, Ph.D.**

Dr. Hensler serves as Director of Strategic Planning. Dr. Hensler has a doctorate in Physics and has several years of experience in managing science and technology projects including developing products used in the healthcare industry. He heads Healinc strategic planning efforts and performs economic feasibility analyses for Healinc.

**Herbert L. Pickell, III**

Mr. Pickell is co-CEO of the ClubDeaf.com, LLC in La Jolla, California. Both of his parents are deaf. He is studying toward a PhD. in Language and Communicative Disorders, at the San Diego State University and University of California, San Diego, CA. He is a member of the Gallaudet University Alumni Association and is an Alice Cogswell Award Recipient, 2004. Mr. Pickell is also active with the Academy of Aphasia, and CODA (Children of Deaf Adults) International.

**Eliane R. Uscher, M.B.A., Dipl.Int.**

Eliane R. Uscher, is a consultant to, Healinc. She earned advanced business degree in Zurich, Switzerland and has studied at the University of Geneva and the Polytechnic of London. Eliane Uscher is a multilingual interpreter in four languages and has broad business experience. Through her interpreting skills, she has obtained extensive business contacts. Eliane Uscher has also managed a healthcare business for 20 years. At present, she owns Uscher Management, a medical practice management business.

**Andrew Weitzberg, B.A. Business Administration**

Mr. Weitzberg serves as Vice President of Marketing for Healinc. Mr. Weitzberg has over thirty years experience in the telecommunications, engineering and telephone industry. He has worked for various communication companies, has created an early CLEC, has sales of over \$4 million, and owns his own consulting firm, the Brae Group.

Alan R. Abarbanell, CT  
Sign Language Interpreter  
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Prospect Heights, Illinois 60070  
847-271-6304 (V/TTY)  
[codabababa@aol.com](mailto:codabababa@aol.com)  
[www.abababatour.com](http://www.abababatour.com)

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## RESUME

**Objective:** To utilize my extensive interpreting and coordination experience, as well as intimate knowledge of the Deaf Community in a variety of creative professional settings.

**Experience:** **2004-Present**  
**Deaf Communication by Innovation** Freelance sign language interpreter working in the Chicago metropolitan area exclusively for Chicago's first and only Deaf owned interpreting agency.

### **1989-2004**

#### **Access Living of Metropolitan Chicago, Illinois**

**(1989-1994) Staff Sign Language Interpreter** One of the oldest and largest centers for independent living in the country serving the disability community. Responsibilities included interpreting in office settings, extensive phone and voice interpreting, stage and large meeting interpreting as well as limited coordination of outside interpreting services.

#### **(1994-1998) Senior Staff Communications Coordinator/Facilities Manager**

Essentially the same responsibilities with the addition of coordinating and scheduling of all internal and outside interpreting services as well as supervising one half time staff interpreter. Tracked interpreting data for budget and funding needs. Designed, marketed and implemented a practicum/mentor program for local Interpreter Training Programs. Additional responsibilities included management of physical plant and negotiating with vendors.

#### **(1998-2004) Development Associate/Major Gifts Program Coordinator**

Worked closely with center president on variety of fundraising efforts. Wrote grant proposals, letter proposals and met with potential funders. Assisted extensively in initial stages of \$10 Million Capital Campaign project to build permanent state-of-the-art facilities for agency. Utilizing "Raiser's Edge" donor software, designed and maintained detailed funder information.

### **1985-1989**

#### **Silent Cooperative Apartments Chicago, Illinois**

##### **Site Manager**

Managed 99 unit, accessible HUD subsidized housing cooperative for persons with disabilities (building was designed with the Deaf community in mind but was open to all persons with disabilities) seniors and low income families. Responsibilities included coordinating the day to day operations of the building, managing building staff, negotiating with vendors, and designing and maintaining tenant/member community building programs. Conducted annual HUD mandated re-certifications for tenant/members. Acted as liaison between the tenant board, property management company and HUD.

### **1980-1989 Freelance Sign Language Interpreter**

Worked independently in the Chicago metropolitan area for variety of agencies, hospitals and businesses.

### **Additional Information:**

Professional Certification CT from RID

Registered Sign Language Interpreter with Illinois Deaf and Hard of Hearing Commission

Studied four years at Hebrew Seminary of the Deaf, Skokie, Illinois.

Currently touring nationally with one-man show; "The Abababa Road Tour" focusing on the experiences of a hearing child growing up in a Deaf household.

References available upon request.





**Exhibit C**

**Comcast Cable Press Release**

## LifeLinks Signs Multi-Million Dollar Agreement with Comcast for Comcast Teleworker



LifeLinks, a leading provider of video-interpreting systems, signed multi-year, multi-million dollar contract with Comcast for our Teleworker solution.

Over a nine month period, Comcast will be providing 10,000 hearing-impaired LifeLinks' and Deaf Club ([www.clubdeaf.com](http://www.clubdeaf.com)) customers with a lightning-fast, always-on connection, enabling these individuals to communicate with LifeLinks' American Sign Language (ASL) interpreters via video conferencing. At the customer's request, the LifeLinks interpreter will initiate a live telephone conversation with a hearing-capable person anywhere in the world. The customer signs to the interpreter his/her requests and the interpreter, acting as an intermediary, will call the designated person and handle the customer's business as requested. Multi-party calls are also available.

"As the nation's Number One broadband provider, Comcast has the expertise, scale and systems in place to meet a specialized solution for our members Comcast Teleworker enables us to easily communicate with our 10,000 users and offer them ground-breaking interpreting services in a matter of seconds," said **Dr. Schoen, CEO, LifeLinks LLC**.



"Comcast's Teleworker solution is so easy to use," added Schoen. "They will be providing a single, Web-based portal where we can quickly determine serviceability for new customers, place orders and, manage our existing locations."

LifeLinks provides its service to the deaf community and makes more than 250 sign language interpreters available to the hearing impaired in the United States.

"We should be proud that we are able to offer video enabled ASL translation services that make a truly life changing capability available for the hearing impaired," Kevin O'Toole, Senior Director, Commercial Product Marketing, West Division. "Meeting the needs of this unique customer base requires everyone's best efforts. Our national sales and commercial operations teams worked closely with division and local management to develop customized ordering, scheduling and installation processes to meet the unique needs of this community. Now that the service is available, it is up to each of us to ensure these customers get the most from their high-speed Internet service."

To meet the needs of the hearing impaired, Comcast will work with LifeLinks to schedule installations via Teletype service and text messaging. Prior to the installation, LifeLinks will send a welcome kit to the customer detailing how the customer should install the LifeLinks Webcam and software. The welcome kit will also include a co-branded letter that will be handed to the Comcast technician, informing the technician that this will be a LifeLinks install and detailing a few customized processes the installer will need to follow to complete the service installation. While Comcast will not be responsible for installing the LifeLinks software, we will be responsible for watching the customer initiate their first LifeLinks video call. If the call doesn't complete, the technician will be asked to call LifeLinks and report that the High-Speed Internet connectivity is working but that the LifeLinks application is not configured correctly.

With respect to the custom installation process, O'Toole continued, "As with everything we do, our success with LifeLinks hinges on the support of our technical operations team. I have every confidence that our operations team will deliver the extra attention that these customers require to have a great experience with Comcast and LifeLinks. This is a great example of how Thinking Customer First will define our success."



D





## **Exhibit D**

### **LifeLinks VRS Attributes at a Glance**

#### **LifeLinks VRS**

- Software based – easy downloads
- Reliable, scalable, “upgradable”
- 10 to 15 second interpreter connection
- Choice of interpreter by gender
- Direct communications capabilities
- “Family and Friends” ‘Buddy List’
- Firewall security , dynamic IP address
- Access any VRS/TRS provider
- Live customer service at a click
- 128 bit data encryption
- Complete system: camera, broadband access and computer package

#### **Other Providers**

- Hardware based – requires professional installation
- Reliability and upgrades equipment based
- Up to 20 minute interpreter queuing
- Next available interpreter
- Interpreter-dependent communications
- No specialized calling list
- Requires open firewall, static IP address
- Access frequently restricted to provider
- Requires specific customer service call
- Unencrypted communications
- Specialized equipment required





**Exhibit E**

**Instructions to Comcast Installer  
and  
Sample New Subscriber Electronic Message**

## Exhibit E

### Sample New Subscriber Electronic Message (from LifeLinks Beta test)

Dear,

We are delighted that you have chosen to consider trying LifeLinks' proposed new video relay service (VRS), which is accessible through Comcast's High-Speed Internet Service.

Prior to installing your high-speed service, to assure highest quality of video and audio, please check that your computer meets the following minimal requirements:

Operating Systems: Windows 2000, XP  
Processor Speed: 1.8GHz or higher  
Memory: 256MB  
Hard Drive Space: 150 MB of available space  
CD-ROM Drive: Required  
USB Port: Required  
Browser: Internet Explorer 6.0 SP1

LifeLinks will send you a free web camera, which should be installed, together with the SightSpeed VRS software, before the Comcast technician arrives. If you already have a web camera or need additional assistance regarding the web camera, please contact LifeLinks at (866) 4-LIFELINKS(1-866-454-335-4657). SightSpeed is available at the ClubDeaf website, [www.clubdeaf.com](http://www.clubdeaf.com). Use of this service is not required, but is provided to you through LifeLinks free of charge. It is important that the VRS software and the web camera be installed on your personal computer prior to the installation of the Comcast High-Speed Internet Service. Your computer should be set up in the room and location in which the Comcast High-Speed Internet Service is scheduled to be installed. Please consult LifeLinks at (866) 4-LIFELINKS or [margo@lifelinks.net](mailto:margo@lifelinks.net) for assistance.

Please provide us with 3 preferred dates and times so that we may schedule an installation appointment for you, with a timeframe of 7 – 10 days from the receipt of this email. Appointments with a Comcast installation technician, who will be wearing a company ID tag, are scheduled generally in the morning between 8:00 a.m. and 12:00 noon, or in the afternoon between 1:00 p.m. and 5:00 p.m., Monday through Friday. Please indicate your preference for a morning or afternoon appointment when you give us your 3 preferred installation dates. Kindly email your response to [margo@lifelinks.net](mailto:margo@lifelinks.net).

Also, Very Important(!!!): In order to avoid abuse of this generous offer, we request that you call us within one week of your high-speed internet conversion, so that we can confirm that you are a hearing impaired person. In order to reach a Lifelinks sign language interpreter, go to the "add contact" icon in your Contact List and type in the following two email addresses: [3fsignlanguage@lifelinks.net](mailto:3fsignlanguage@lifelinks.net) and [213msignlanguage@lifelinks.net](mailto:213msignlanguage@lifelinks.net). Press "add", and then go back to the Home Window. Once you've added these addresses, if you want to reach our interpreters, simply click on the email address of the interpreter you wish to speak with.

Thank you! We are looking forward to serving you.

LifeLinks, LLC

## PLEASE GIVE THIS LETTER TO THE COMCAST INSTALLER

Dear Comcast Installer,

The end user at this location is hearing impaired. The subscribed service is Teleworker Enhanced, (speed bootfile is 6 Mbps download and 768 Kbps upload) provided to the end user by LifeLinks. The customer will not be receiving a bill for this service; it is paid by Lifelinks. The installation is a three-step process, so please read this letter in its entirety for instructions. At any time, if you need additional assistance with communication, contact LifeLinks at (866) 4-LIFELINKS (1-866-454-3354657). Be sure to have the name, phone number and email address of the end user.

**Step 1 – COMCAST INSTALLER:** Install the Comcast High-Speed Internet Service and cable modem in the same location as the customer's personal computer that will be used for the service. Verify that the Comcast High-Speed Internet Service is working and the appropriate speeds are reached.

**Step 2 – END USER:** Once the Comcast High-Speed Internet Service and cable modem are installed and verified by Comcast, the end user will configure and connect a video relay service, SightSpeed. There has to be a camera installed by the end user for the service to function. **All necessary modifications to SightSpeed will be made by the end user, not Comcast.** The end user will double-click the SightSpeed icon found on the desktop:



SightSpeed

At this time, the end user will configure SightSpeed Comcast High-Speed Internet Service. The end user will:

1. Click **Menu** at the top right corner.
2. Select **Internet Connection Settings**.
3. Under **Select your Internet Connection**, select the radio button next to **Premium DSL or Cable Modem**.  
**NOTE:** If you do not see these options, look for a button labeled **Switch to Simple Mode**. Click that button to perform this step.
4. Click the button labeled **Switch to Advanced Mode**.
5. Under **Upload Speed**, select **Large**.
6. Under **Download Speed**, select **Extra Large**.
7. Click the **Finish** button.

**Step 3 – COMCAST INSTALLER:** As the end user attempts to verify the functionality of SightSpeed, there are three potential results:

**No SightSpeed icon on the desktop:**



- Assist the end user with any questions related to the Comcast High-Speed Internet Service.
- Call (866) 4-LIFELINKS (1-866-454-3354657) to report the problem.
- At this point, the installation is complete. Have the end user sign the work order.
- LifeLinks will assist the end user with the installation of SightSpeed.

**An error results when opening SightSpeed:**

- Assist the end user with any questions related to the Comcast High-Speed Internet Service.
- Call (866) 4-LIFELINKS (1-866-454-3354657) to report the problem.
- At this point, the installation is complete. Have the end user sign the work order.
- LifeLinks will assist the end user with the configuration and troubleshooting of SightSpeed.

**SightSpeed launches successfully:**

**Add to contact list 3fsignlanguage@lifelinkls.net and 121msignlanguage@lifelinks.net and click on one of them and connect.**

- Assist the end user with any questions related to the Comcast High-Speed Internet Service.
- No further action is needed.
- The installation is complete. Have the end user sign the work order.





## **Exhibit F**

### **LifeLinks Call Completion Process, Initial Screen**



# SightSpeed

Home | Video Mail | Multi-Party | My Account | Phone Book

## In Call Options

**Audio**

Volume:

Mute Microphone

**Video**

Local View Pause Video

Video Only Full Screen

Hang Up

## Video Call with 213m5ign language

Powered by DiginetSpeed

## 213m5ign language

Multi-Party	213m5ign language
213m5ign language	Deanna Scott
Fish Tank 2 min	Michael DuMond
Add Contact	

213m5ign language

213m5ign language: hello please call 1 800 855 1155  
213m5ign language: sure, please wait while i connect your call.

Send

G





## **Exhibit G**

### **Sample Call Detail Data**



## THURSDAY 8/04

Client	I.D #	diald #	User Name	Billing Address	Start Time	End Time	Duration(min)	Langauge
Tricia Barton	SS	516-235-XXXX		NY	11:02	11:21	19	ASL/English
Ellen-williams.no-ip.info	Tandberg	732 805 -XXXX		New Jersey	11:38 AM	11:48 AM	10	ASL/English
Cynthia Jones	Tandberg	973-438-XXXX		NJ	11:51 AM	12:09 PM	18	ASL/English
Baebara Narvaez	SS	512-799-XXXX		Texas	12:11 PM	12:34 PM	23	ASL/English
Jessica Moore	SS	732-558-XXXX		NJ	12:36 PM	12:56 PM	20	ASL/English
Joel Kleim	SS	609-586-XXXX		NJ	12:58 PM	1:09 AM	11	ASL/English
Theresa Rosaly	SS	732-693-XXXX		NJ	1:11 PM	1:32 PM	21	ASL/English
Barbara Narvaez	Tandberg	512-873-XXXX		Texas	1:38 PM	1:55 PM	17	ASL/English
Joel Kleim	SS	609-532-XXXX		NJ	1:58 PM	2:11 PM	13	ASL/English
John McGowan	Tandberg	239-790-XXXX		Fla.	2:15 PM	2:34 PM	19	ASL/English
Patricia Frawley	Tandberg	212-243-XXXX		NY	2:37 PM	2:56 PM	19	ASL/English
Ron O Bray	Tandberg	916-435-XXXX		Ca.	3:01 PM	3:36 PM	35	ASL/Eng
Lori Cielinski	Tandberg	801-452-XXXX		Wyo	3:39 PM	3:58 PM	19	ASL/Eng
Scott Lomond	SS	510-649-XXXX		Ca.	4:01 PM	4:43 PM	42	ASL/Eng
M Castro	SS	732-745-XXXX		NJ	4:47 PM	5:12 PM	25	ASL/Eng
Cathy Ferrigan	Tandberg	908-461-XXXX		NJ	5:16 PM	5:45 PM	29	ASL/Spanish
Nancy Bloch	Tandberg	301-320-XXXX		Texas	5:49 PM	6:20 PM	31	ASL/Spanish
Terri Rosaly	SS	732-693-XXXX		NJ	6:22 AM	6:36 PM	14	ASL/Eng
Lazaro Sanzarig	Tandberg	011392 33 568 44244 (italy) / 01153787: 6-25 159 st white			6:40 PM	7:31 PM	51	ASL/Spanish

Total Minutes

424





## **Exhibit H**

Trial Usage Data Week of August 22, 2005  
**(Confidential - submitted under seal)**





## **Exhibit I**

### **Trial Endorsements**

**Champion, Sandy**

---

**From:** Josie Ramirez [mypinkblush@yahoo.com]

**Sent:** Wednesday, August 31, 2005 1:23 PM

**To:** stan@lifelinks.net

**Subject:** Very pleased with Lifelinks

Hello!

My name is Josie Ramirez and I am deaf .Over the past several weeks I have had the occasion to utilize your VRS services on many occasions and I am EXTREMELY PLEASED. The quality of your interpreters, their politeness,sensitivity and promptness are outstanding. I have never seen a company where the interpreters are all so universally cheerful and accomodating as yours. I like your feature of allowing selection of the interpreter and the "click and connect" feature completely eliminated any wait time.The clarity of the interpretation was excellent. I had no difficulty understanding the interaction.You guys are wonderful! Thank you!

Sincerely,  
Josie Ramirez

---

[Start your day with Yahoo! - make it your home page](#)







**Exhibit J**

Usage Data August 4, 2005  
**(Confidential - submitted under seal)**





## **Exhibit K**

### **Interpreter Selection Screen**





L





**Exhibit L**

**"Friends and Family" Screens (2)**

SightSpeed

Menu

Home

Video Mail

Multi-Party

My Account

Phone Book

Add/Remove Contacts

— Add a Contact to your List —

Email Address:


(Separate multiple addresses with a comma)

Add

Import





Change your Display Picture

Invite friends to join SightSpeed



— Contacts —

Share your contacts with others on your list

Display Picture and Name	Full Name	Email	Remove
 <div>100fsign lang...</div>	language100f,...	signlanguage100f@lifelinks.net	<div>Remove</div>
 <div>121msign lang...</div>	language,121m...	121msignlanguage@lifelinks.net	<div>Remove</div>
 <div>213msign lang...</div>	language,213m...	213msignlanguage@lifelinks.net	<div>Remove</div>
			

start

SightSpeed

Document1 - Microsof...

Inbox - Mozilla Thund...

1:08 PM





## **Exhibit M**

### **Multi-Party Video Call Screen**



Home



Video Mail



Multi-Party



My Account



Phone Book

## Multi-Party

## Start a Multi-Party Video Call

1. Please name your Multi-Party Video Call:

2. Select Contacts to Invite:

Select people to invite from your contact list :

100fsign language  
121msign language  
213msign language  
2Fsign language  
2msign language  
85fsign language  
alix Roos  
Barbara Narvaez  
DeafBowlie  
Deanna Scott



3. Invite Participants:







## **Exhibit N**

### **Section 64.604 Ongoing Compliance Plan Matrix**



Communications for a Healthier World

## Accreditation and Service Quality Verification Proposal

### SERVICE QUALITY VERIFICATION MECHANISMS

Verification Mechanism:	Performance Reporting	Source Doc. Review	Ad hoc Checks	Customer Surveys	System Checks	On Site Visits
<b>Mandatory Minimum Standard</b>						
<b>Operational Standards</b>						
<u>Communications Assistant</u>						
CA Employment Standards	X	X			X	X
CA Skill Standards	X	X			X	X
VRS Call Processing	X		X		X	X
<u>Confidentiality and Conversation Content</u>						
Prohibition Against Disclosure		X	X			X
Prohibition Against Altering Com		X	X			X
<u>Types of Calls</u>						
Prohibition Against Refusal	X	X		X	X	
Carriage of All Call Types	X	X		X	X	
Denial of Calls	X	X		X	X	
Pay-per-Call	X	X		X	X	
Calling Capability	X	X		X	X	
Call Features			X		X	

Verification Mechanism:	Performance Reporting	Source Doc. Review	Ad hoc Checks	Customer Surveys	System Checks	On Site Visits
<b>Mandatory Minimum Standard</b>						
<b>Operational Standards, continued</b>						
<u>Emergency Call Handling</u>						
Handling of Emergency Calls		X			X	
<u>Speech to Speech Called Numbers</u>						
STS Called Numbers		X			X	
<b>Technical Standards</b>						
<u>ASCII and Baudot</u>			X		X	
<u>Speed of Answer</u>						
Answer Time	X		X		X	
<u>Equal access to IXC's</u>			X		X	
<u>TRS Facilities</u>						
Hours of Operation					X	X
Redundancy					X	X
<u>Technology</u>		X				
<u>Caller ID</u>			X		X	
<b>Functional Standards</b>						
<u>Customer Complaint Log</u>		X				
<u>Complaint Log Submission</u>		X				
<u>Contact Persons</u>		X				
<u>Public Access to Information</u>	X	X				
Rates		X				