



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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**NOTICE OF CONDITIONAL GRANT OF APPLICATION OF CSDVRS, LLC. FOR
RECERTIFICATION AS A PROVIDER OF VIDEO RELAY SERVICE ELIGIBLE FOR
COMPENSATION FROM THE INTERSTATE TELECOMMUNICATIONS RELAY SERVICES
(TRS) FUND**

CG DOCKET NO. 10-51

By the Chief, Consumer and Governmental Affairs Bureau:

On June 15, 2012, CSDVRS, LLC (CSDVRS) filed an application¹ for Commission recertification² as a provider of video relay service (VRS) that is eligible for compensation from the Interstate TRS Fund (Fund).³ The Consumer and Governmental Affairs Bureau (Bureau) hereby grants the CSDVRS Recertification Application on a conditional basis for a period of sixty (60) days, pending confirmation of CSDVRS's compliance with all applicable rules and orders. We note that we did not specify time limits for prior conditional certifications granted as part of the initial implementation of the certification rules. Based on our experience, however, we believe that a more incremental approach may

¹ CSDVRS, LLC., *Internet-based TRS Certification Application for Renewal by CSDVRS, LLC.*, CG Docket Nos. 03-123 & 10-51 (filed June 15, 2012, supplemented Aug. 27, 2012) (CSDVRS Recertification Application). See 47 C.F.R. § 64.606; *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Second Report and Order and Order, 26 FCC Rcd 10898 (2011) (*iTRS Certification Order*). In its application CSDVRS refers to itself as ZVRS, its marketing brand name.

² The Commission granted CSDVRS certification for the provision of VRS on September 21, 2007 which is in effect for five years until September 21, 2012. See *Notice of Certification of CSDVRS Telecommunications, Inc. as a Provider of Video Relay Service (VRS) Eligible for Compensation from the Interstate Telecommunications Relay Service (TRS) Fund*, CG Docket No. 03-123, Public Notice, 22 FCC Rcd 17014 (2007).

³ The Communications Act of 1934, as amended, defines telecommunications relay services (TRS) as:

... telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.

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

be warranted in situations where we find additional time is necessary to assess an applicant's compliance with our rules. Granting conditional certification for 60 days here will avoid service disruptions as we continue the evaluation necessary to determine whether it is appropriate to grant five year certification, or even indefinite conditional certification to CSDVRS. Before granting further certification, we must determine that CSDVRS is qualified to receive compensation from the Fund and that grant of such additional certification would be consistent with the objective of preventing waste, fraud, and abuse to the Fund, as embodied in our VRS rules and orders.

In the *iTRS Certification Order* released on July 28, 2011, the Commission amended its requirements and processes for certifying iTRS providers as eligible for compensation from the Fund, to ensure that iTRS providers receiving certification are qualified to provide iTRS in compliance with the Commission's rules, and to eliminate waste, fraud, and abuse through improved oversight of such providers.⁴ These rules require that all iTRS providers obtain certification from the Commission to be eligible to receive compensation from the Fund.⁵ They further require that all VRS applicants for certification lease, license or own, as well as operate, essential facilities associated with iTRS call centers and employ their own CAs to staff those centers on the date of their application for certification.⁶ Each iTRS applicant for certification is also required to submit specific types of documentary evidence that demonstrate its compliance with Commission rules, including those adopted in the *VRS Practices R&O*.⁷ On October 17, 2011, the Commission released the *iTRS Certification Clarification Order*,⁸ clarifying certain aspects of the certification requirements adopted in the *iTRS Certification Order*, and modifying section 64.606 of the Commission's rules to lessen the burdens on applicants for certification associated with the submission of certain documentation to the Commission.⁹

Based on our review of the CSDVRS Recertification Application, we grant conditional certification to CSDVRS to provide VRS services for a period of sixty (60) days, to terminate on November 20, 2012, unless such certification is extended for an additional period of time. To assist our determination as to whether to extend certification, we reserve the right to conduct one or more on-site inspections of CSDVRS's facilities by designated personnel, and to request additional documentation relating to CSDVRS's provision of VRS.¹⁰ In the *iTRS Certification Order*, the Commission reserved the right, after initial review of an application, to conditionally grant certification, subject to one or more

⁴ *iTRS Certification Order*, 26 FCC Rcd at 10899, ¶ 1. The measures adopted in the *iTRS Certification Order* were part of the Commission's ongoing and transitional efforts to reform the structure and practices of the VRS program, and the certification processes by which this grant of conditional certification is awarded may be superseded or modified by future Commission actions on VRS reform.

⁵ *Id.*, ¶ 2.

⁶ *Id.*

⁷ See, e.g., 47 C.F.R. § 64.606(a); see also *Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 5545 (2011) (*VRS Practices R&O*).

⁸ *Structure and Practices of the Video Relay Service Program, Sprint Nextel Corporation Expedited Petition for Clarification, Sorenson Communications, Inc. Petition for Reconsideration of Two Aspects of the Certification Order, AT&T Services, Inc. Petition for Reconsideration of AT&T*, CG Docket No. 10-51, Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14895 (2011) (*iTRS Certification Clarification Order*).

⁹ See *id.* at 14902-14904, ¶¶ 16-20.

¹⁰ See 47 C.F.R. § 64.606(a)(3).

subsequent on-site visits to the applicant.¹¹ The Commission noted that such visits would “better enable the Commission to verify the information provided in a certification application, and help us to better assess an applicant’s ability to provide service in compliance with our rules.”¹² This grant of conditional certification is without prejudice to the Commission’s final determination of CSDVRS’s qualifications, and is dependent on the Commission verifying the information provided in the CSDVRS Recertification Application, including its supplement, and on the veracity of the applicant’s representations that it will provide service in compliance with all pertinent Commission requirements.¹³

Ultimate conversion to full certification will be granted if, based on on-site visits and our review of such additional documentation, the Commission finds that CSDVRS is in compliance with the Commission’s rules and orders, including those rules designed to ensure the accuracy and integrity of Fund payments,¹⁴ and is qualified to receive compensation from the Fund for the provision of VRS.¹⁵ If at any time during the period in which CSDVRS is operating pursuant to this conditional certification, the Commission determines that CSDVRS has failed to provide sufficient supporting documentation for any of the assertions in CSDVRS’s application or that any of those assertions cannot be supported, or finds evidence of any apparent rule violation, fraud, waste, or abuse, the Commission will take appropriate action, including the possible denial of the CSDVRS Recertification Application. In the event of such denial, CSDVRS’s conditional certification will automatically terminate 35 days after such denial.¹⁶ If, however, the Commission grants full certification, CSDVRS, like all VRS providers, must continue to operate in compliance with all relevant Commission rules and orders.

Redacted copies of the CSDVRS Recertification Application and its supplement are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Suite CY-A257, Washington, DC 20554, (202) 418-0270. The full text of this *Public Notice* is similarly available for public inspection or copying. These documents may also be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554. Customers may contact BCPI at its web site: www.bcpiweb.com, or by calling 1-800-378-3160. Redacted copies of the CSDVRS Recertification Application and its supplement may also be found by searching on the Commission’s Electronic Comment Filing System (ECFS) at <http://www.fcc.gov/cgb/ecfs> (insert CG Docket No. 10-51 into the Proceeding block).

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

¹² *Id.*, ¶ 36.

¹³ *Id.*, ¶ 37.

¹⁴ *Id.*, § 64.604(c)(5)(iii).

¹⁵ *See iTRS Certification Order*, 26 FCC Rcd at 10914, ¶ 37; 47 C.F.R. § 64.606(b)(2),(c)(2).

¹⁶ *See iTRS Certification Order*, 26 FCC Rcd at 10914-15, ¶ 37. If the Commission terminates a conditional certification, the provider must give at least 30 days’ notice to its customers that it will no longer offer service.

For further information, please contact Gregory Hlibok, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 559-5158 (voice/videophone), (202) 418-0431 (TTY), or e-mail at Gregory.Hlibok@fcc.gov.

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