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NOTICE OF GRANT OF CERTIFICATION FOR CONVO COMMUNICATIONS, LLC FOR THE PROVISION OF VIDEO RELAY SERVICE

CG DOCKET NOS. 03-123 & 10-51

The Consumer and Governmental Affairs Bureau (Bureau) grants Convo Communications, LLC (Convo) a five-year certification of eligibility to receive compensation from the Interstate Telecommunications Relay Services (TRS) Fund (TRS Fund)¹ for the provision of video relay service (VRS),² effective immediately. Convo currently holds a conditional certification as a VRS provider.³ The Commission's certification process is designed to ensure that TRS Fund compensation is paid only to eligible TRS providers who provide service in compliance with the TRS rules.⁴

Background. In 2011, the Commission modified its rules to require that Internet-based TRS providers obtain certification from the Commission in order to be eligible to receive compensation from the TRS Fund.⁵ Certification may be granted upon a determination that a provider's certification application contains documentary evidence demonstrating that it will meet all applicable TRS mandatory

¹ The Communications Act of 1934, as amended, defines telecommunications relay services (TRS) as:

[T]elephone 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)). The TRS Fund compensates eligible providers of Internet-based and interstate TRS for their reasonable costs of providing these services. See 47 CFR § 64.604(c)(5)(iii).

² VRS is a form of Internet-based telecommunications relay service (TRS) that "allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the [communications assistant] to view and interpret the party's signed conversations and relay the conversation back and forth with a voice caller." 47 CFR § 64.601(a)(40).

³ See *Notice of Conditional Grant of Application of Convo Communications, LLC for Certification as a Provider of Video Relay Service Eligible for Compensation from Interstate Telecommunications Relay Services Fund*, Public Notice, 26 FCC Rcd 15956 (2011) (*Conditional Grant*).

⁴ See *Structure and Practices of the Video Relay Services Program et al.*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 8618, 8689, para. 175 (2013).

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

minimum standards and that it has adequate procedures for ensuring compliance with Commission rules.⁶ In addition, under section 64.606(a)(2) of the rules,⁷ in order to obtain certification, a VRS provider must demonstrate that it provides, on its own, the core components necessary to provide VRS.⁸ This requires that the provider lease, license or acquire and operate its own call centers and employ its own communications assistants (CAs).⁹ Section 64.606(a)(2) further requires that VRS providers include the following information in their applications for certification:

- A description of the forms of TRS to be provided;¹⁰
- A detailed description of how the provider will meet all non-waived mandatory minimum standards applicable to VRS;¹¹
- For providers that maintain five or fewer domestic call centers, copies of the deeds or leases for all of those call centers, and for providers with more than five domestic call centers, a representative sampling of the deeds or leases for five of their centers, together with a list of all other call centers that they operate;¹²
- Copies of deeds or leases for all call centers operated outside of the United States (regardless of the number of such centers);¹³
- A description of the technology and equipment used to support their call center functions (other than CAs) – including, but not limited to, automatic call distribution (ACD), routing, call setup, mapping, call features, billing for compensation from the TRS Fund, and registration – and for each core call center function, a statement as to whether it is owned or leased (and from whom if leased or licensed), and proofs of purchase, license agreements, or leases;¹⁴
- A copy of each lease or license agreement for ACD functions;¹⁵
- A list of individuals or entities that hold at least a 10 percent equity interest in the provider, have the power to vote 10 percent or more of the securities of the provider, or exercise *de jure* or *de facto* control over the provider;¹⁶
- A description of the provider’s organizational structure, and the names of its executives, officers, general partners (if structured as a partnership), and members of the board of directors;¹⁷

⁶ *Internet-based TRS Certification Order*, 26 FCC Rcd at 10909-13, paras. 23-34; 47 CFR § 64.606(a)(2), (4), (b)(2); *see also Structure and Practices of the Video Relay Service Program et al.*, Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14895 (2011) (clarifying and modifying the certification requirements adopted in the *Internet-based TRS Certification Order*).

⁷ 47 CFR § 64.606(a)(2).

⁸ *Internet-based TRS Certification Order*, 26 FCC Rcd at 10905, para. 15.

⁹ *Id.* at 10905, para. 13.

¹⁰ 47 CFR § 64.606(a)(2)(i).

¹¹ *Id.* § 64.606(a)(2)(ii).

¹² *Id.* § 64.606(a)(2)(ii)(A)(1)-(2); *see also id.* § 64.606(a)(2)(ii)(A)(5)-(6) (requiring copies of proofs of purchase, leases, or licenses for all technology and equipment used to support the functions of the associated call centers).

¹³ *Id.* § 64.606(a)(2)(ii)(A)(3); *see also id.* § 64.606(a)(2)(ii)(A)(7).

¹⁴ *Id.* § 64.606(a)(2)(ii)(A)(4).

¹⁵ *Id.* § 64.606(a)(2)(ii)(A)(8).

¹⁶ *Id.* § 64.606(a)(2)(ii)(B).

¹⁷ *Id.*

- A list of the number of full-time and part-time employees involved in TRS operations, divided by the following positions: executives and officers, video phone installers, CAs, and persons involved in marketing and sponsorship activities;¹⁸
- A list of all sponsorship arrangements relating to Internet-based TRS, including a description of any associated written agreements;¹⁹
- A description of complaint procedures;²⁰
- A statement that the provider will file annual compliance reports demonstrating continued compliance with the rules;²¹ and
- A certification, under penalty of perjury, by the provider's chief executive officer (CEO) chief financial officer, or other senior executive confirming the accuracy and completeness of the information contained in the application.²²

The Commission also may grant conditional certification, in order to avoid interruption of service, where the Commission requires additional time to complete its evaluation of an applicant's qualifications or needs such time to verify information contained in the application, for example, through an on-site visit.²³ After certification, Internet-based TRS providers must file annual reports updating the information in their application to demonstrate continuing compliance with the Commission's mandatory minimum TRS standards.²⁴ Each provider also must include within its annual report a compliance plan describing the provider's policies and procedures for complying with Commission rules prohibiting VRS providers from engaging in the unauthorized and unnecessary use of VRS.²⁵

Convo's Eligibility for VRS Certification. On November 4, 2011, Convo filed an application for certification as a VRS provider.²⁶ On November 15, 2011, the Commission granted a conditional certification to Convo to receive compensation from the TRS Fund for the provision of VRS.²⁷ Pursuant to the *Conditional Grant*, Convo's application for full certification has remained pending until acted upon by the Commission.²⁸ Since 2012, and each year thereafter, Convo has filed annual reports updating the information contained in its pending application for full certification.²⁹ Each such annual report has contained the required documentation noted above.

¹⁸ *Id.* § 64.606(a)(2)(ii)(C).

¹⁹ *Id.* § 64.606(a)(2)(ii)(E).

²⁰ *Id.* § 64.606(a)(2)(iii).

²¹ *Id.* § 64.606(a)(2)(iv).

²² *Id.* § 64.606(a)(2)(v).

²³ *Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37. Such conditional certifications are granted without prejudice to the Commission's final determination of the applicant's qualifications and thus preserve the Commission's ability to fully review an application for certification on the merits. *Id.* at 10914, para. 37; *see also Conditional Grant*, 29 FCC Rcd at 15958.

²⁴ 47 CFR § 64.606(g).

²⁵ *See id.* § 64.604(c)(13).

²⁶ *See Amended and Restated Video Relay Service Certification Application of Convo Communications, LLC*, CG Docket No. 10-51 (filed Nov. 4, 2011) (Certification Application).

²⁷ *Conditional Grant*, 29 FCC Rcd at 15958.

²⁸ *Id.* at 15956.

²⁹ Convo Communications, LLC, Annual Report of Compliance with the Non-Waived Mandatory Minimum Standards Applicable to VRS as Set Forth in Section 64.604, CG Docket Nos. 03-123, 10-51 (filed Nov. 15, 2012) (2012 Annual Report); Convo Communications, LLC, Annual Report of Compliance with the Regulations

(continued....)

The Bureau confirms that Convo has included all information required by the above rules in its Certification Application and annual reports. Specifically, Convo has provided the following: (1) a statement that VRS is to be provided;³⁰ (2) a detailed description of how Convo currently meets and will continue to meet all non-waived mandatory minimum standards applicable to VRS;³¹ (3) copies of all required documentary and other evidence, including copies of leases for a representative sampling of call centers in the United States and all call centers outside the United States, together with a list of all call centers and a description of the technology and equipment used to support call center functions, including proof of purchases, leases, or license agreements;³² (4) a description of the technology and equipment used to support call center functions, including proofs of purchase, license agreements, or leases;³³ (5) a complete copy of the license agreement for its ACD platform;³⁴ (6) a description of Convo's organizational structure, including the names of its 10 percent or more equity interest holders, the names of persons with the power to vote 10 percent or more the securities of Convo, and the names of its executives, officers and members of its board;³⁵ (7) a confidential list of the number of its full-time and part-time employees involved in Convo's VRS operations by position;³⁶ (8) a confidential list of all sponsorship arrangements relating to the provision of Internet-based TRS;³⁷ (9) a confidential description of Convo's complaint procedures;³⁸ (10) a statement that Convo will file annual compliance reports demonstrating continued compliance with the rules;³⁹ and (11) a certification by Convo's CEO confirming the accuracy and completeness of the information contained in the application.⁴⁰

Based on our review and investigation of the updated Certification Application, annual reports, and a site visit conducted during the period of Convo's conditional certification, we find that Convo will provide VRS in compliance with the applicable mandatory minimum TRS standards and that it makes available adequate procedures and remedies for compliance with such minimum standards and the requirements of section 64.606. In addition, we find that Convo has provided all documentation specified

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Applicable to VRS as Set Forth in Section 64.604, CG Docket Nos. 03-123, 10-51 (filed Nov. 15, 2013) (2013 Annual Report); Annual Report of Convo Communications, CG Docket Nos. 03-123, 10-51 (filed Nov. 13, 2014) (2014 Annual Report); Annual Report of Convo Communications, LLC, CG Docket Nos. 03-123, 10-51 (filed Nov. 11, 2015) (2015 Annual Report); Annual Report of Convo Communications, LLC, CG Docket Nos. 03-123, 10-51 (filed Nov. 15, 2016) (2016 Annual Report).

³⁰ Certification Application at 11.

³¹ See *id.* at 11-26; 2016 Annual Report at 2-7; see also 47 CFR § 64.606(a)(2)(ii).

³² Certification Application at 29-32, Exhs. 2-5, 6(A)-(K); 2012 Annual Report at 12, Exhs. A-C; 2013 Annual Report at 9, Exh. A; 2014 Annual Report at 8, Exh. A; 2015 Annual Report at 9, Exh. A; see also 47 CFR §§ 64.606(a)(2)(ii)(A)(2)-(4), (6)-(7).

³³ Certification Application at 16-18, Exhs. 6(A)-(K).

³⁴ In its 2012 Annual Report, Convo stated that it began using an in-house ACD platform on June 21, 2012. 2012 Annual Report at 6; see also Certification Application at Exhs. 6(E)-(F) (attaching ACD license agreements in effect at the time of the application).

³⁵ Certification Application at Exhs. 7-7(E); 2016 Annual Report at 16, Exhs. A, D; see 47 CFR § 64.606(a)(2)(ii)(B).

³⁶ Certification Application at Exh. 8; 2016 Annual Report at Exh. E; see also 47 CFR § 64.606(a)(2)(ii)(C).

³⁷ Certification Application at Exh. 9; 2016 Annual Report at Exh. F; see also 47 CFR § 64.606(a)(2)(ii)(E).

³⁸ Certification Application at 32; 2016 Annual Report at 9; see also 47 CFR § 64.606(a)(2)(iii).

³⁹ Certification Application at 32; see also 47 CFR § 64.606(a)(2)(iv).

⁴⁰ Certification Application at Exh. 1 (CEO Certification).

in the *Internet-based TRS Certification Order* and outlined in the Commission's rules for VRS applicants. Therefore, we certify Convo as eligible to receive compensation from the Fund for the provision of VRS. This certification shall remain in effect for a period of five years.⁴¹

We emphasize that Convo must continue to operate in compliance with all relevant Commission rules and orders. As with other grants of TRS certification, the Commission reserves the right to conduct ongoing monitoring of the operations of Convo to ensure continuing compliance and to review any additional documentation necessary to ascertain the veracity of the assertions made in the Certification Application and subsequently filed updates.⁴² The Commission also reserves the right to investigate compliance by Convo with the Commission's rules and orders, and to take any enforcement action, including suspension or revocation of this certification.⁴³ This includes the Commission's right to include, as part of the iTRS certification process or thereafter, unannounced on-site visits to Convo's headquarters, offices or call centers for the purpose of ensuring continued compliance with the certification requirements and the Commission's rules.⁴⁴

People with Disabilities: To request materials in accessible formats (such as Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 844-432-2275 (videophone), or 202-418-0432 (TTY). This *Public Notice* can also be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro>.

Additional Information. For additional information, please contact Eliot Greenwald, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 418-2235, or email at Eliot.Greenwald@fcc.gov.

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⁴¹ See 47 CFR § 64.606(c)(2).

⁴² See *Internet-based TRS Certification Order*, 26 FCC Rcd at 10900, para. 2.

⁴³ See 47 CFR § 64.606(e)(2).

⁴⁴ *Internet-based TRS Certification Order*, 26 FCC Rcd at 10914, para. 36.