

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Commission's Policies and Practices to Ensure)	CG Docket No. 10-162
Compliance with Section 504 of the)	
Rehabilitation Act of 1973)	
)	
Structure and Practices of the Video Relay)	CG Docket No. 10-51
Service Program)	
)	
Telecommunications Relay Services and)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals)	
with Hearing and Speech Disabilities)	
)	
Implementation of the Twenty-First Century)	CG Docket No. 10-210
Communications and Video Accessibility Act)	
of 2010, Section 105, Relay Services for Deaf-)	
Blind Individuals)	

COMMENTS ON PUBLIC NOTICE

**Telecommunications for the Deaf and Hard of Hearing, Inc.
National Association of the Deaf
Association of Late-Deafened Adults, Inc.
Cerebral Palsy and Deaf Organization
American Association of the Deaf-Blind
Hearing Loss Association of America
Deaf Seniors of America
Deaf/Hard of Hearing Technology Rehabilitation Engineering Research Center on
Universal Interface & Information Technology Access
National Technical Institute for the Deaf**

TABLE OF CONTENTS

TABLE OF CONTENTS	II
SUMMARY	III
I. INTRODUCTION AND BACKGROUND	2
II. THE COMMISSION HAS MADE SIGNIFICANT ACHIEVEMENTS IN ENSURING ACCESS TO RESOURCES AND SERVICES	4
III. COMMISSION ATTENTION IS NEEDED TO IMPROVE PROGRAMS AND SERVICES IN CERTAIN IMPORTANT PROGRAMS	7
A. THE NATIONAL TRS PROGRAM	8
B. THE NATIONAL DEAF BLIND EQUIPMENT DISTRIBUTION PROGRAM (NDBEDP)	11
IV. OUTREACH TO SUPPORT COMMISSION EDUCATION ABOUT AVAILABILITY OF MEANS TO INTERACT WITH THE COMMISSION COULD BE IMPROVED	13
V. THE COMMISSION SHOULD EMPLOY OUTREACH TO INFORM DEAF AND HARD OF HEARING CONSUMERS REGARDING PROCEEDINGS DIRECTLY AFFECTING THEM.....	15
VI. CONCLUSION.....	16

SUMMARY

The undersigned Consumer Groups recognize and applaud the Federal Communications Commission for its strength in operating the agency in an accessible way and setting policies that foster disability access. The Consumer Groups particularly highlight successes such as the participation of the deaf and hard of hearing community in the Disability Advisory Committee, the agency's engagement of the community on relevant agency proceedings, and the agency's maintenance of a fully staffed and active Disability Rights Office. While recognizing this important progress, the Consumer Groups advocate for further steps that can improve disability access.

First, the Consumer Groups advocate for improvements to two particular programs: The National TRS Program and the National Deaf Blind Equipment Distribution Program (NDBEDP). The Commission should consider the benefits of the National TRS program — and not just the cost — in making decisions. This will allow the program to achieve its stated goals, improve the lives of the disabled and potentially lead to cost-savings in the long term. The Commission should also form an advisory group for the National Deaf Blind Equipment Distribution Program (NDBEDP) that consists of consumer advocates and service professionals that review the equipment and resources that are offered through the NDBEDP. This will ensure that the community has access to state-of-the-art communication technologies.

Second, the Commission should conduct more outreach to persons with disabilities to educate them about the tools available to facilitate interaction with the Commission. Lastly, the Commission should improve the outreach to persons with disabilities about proceedings that directly affect them and their community. Together, these steps will ensure the Commission continues to improve disability access.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Commission's Policies and Practices to Ensure)	CG Docket No. 10-162
Compliance with Section 504 of the)	
Rehabilitation Act of 1973)	
)	
Structure and Practices of the Video Relay)	CG Docket No. 10-51
Service Program)	
)	
Telecommunications Relay Services and)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals)	
with Hearing and Speech Disabilities)	
)	
Implementation of the Twenty-First Century)	CG Docket No. 10-210
Communications and Video Accessibility Act)	
of 2010, Section 105, Relay Services for Deaf-)	
Blind Individuals)	

COMMENTS ON PUBLIC NOTICE

**Telecommunications for the Deaf and Hard of Hearing, Inc.
National Association of the Deaf
Association of Late-Deafened Adults, Inc.
Cerebral Palsy and Deaf Organization
American Association of the Deaf-Blind
Hearing Loss Association of America
Deaf Seniors of America
Deaf/Hard of Hearing Technology Rehabilitation Engineering Research Center on
Universal Interface & Information Technology Access
National Technical Institute for the Deaf**

Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association of the Deaf (NAD), Association of Late Deafened Adults, Inc. (ALDA), Cerebral Palsy and Deaf Organization (CPADO), American Association of the Deaf-Blind (AADB), Hearing Loss Association of America (HLAA), Deaf Seniors of America (DSA), Deaf/Hard of Hearing Technology Rehabilitation Engineering Research Center on Universal Interface & Information

Technology Access (IT-RERC), and National Technical Institute for the Deaf (NTID) (collectively, the “Consumer Groups”) respectfully submit these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) request for input on the Commission’s Policies and Practices to Ensure Compliance with Section 504 of the Rehabilitation Act of 1973 in the above referenced proceedings.

I. Introduction and Background

The Consumer Groups collectively advocate for equal access to communications for more than 48 million Americans who are hard of hearing or deaf,¹ as well as the significant population of Americans who are deaf/blind.² For many years, the Consumer Groups have participated in proceedings regarding Commission policies and practices designed to ensure that federal programs and activities, as well as communications services, are accessible to people with disabilities. In addition to advising the Commission on specific accommodations under Section 504, the Consumer Groups have actively participated in proceedings regarding Commission regulations and policies on TRS, VRS, IP-CTS, IP-Relay, wireless alerts, closed captioning and a broad range of other regulations and policies aimed at breaking down the

¹ See *Commission’s Policies and Practices to Ensure Compliance with Section 504 of the Rehabilitation Act of 1973*, Public Notice, 34 FCC Rcd. 7209 (2019) (“2019 Public Notice”); see also Amanda Chan, 1 In 5 Americans Has Hearing Loss: Study, THE HUFFINGTON POST (Nov. 15, 2011, 4:38 PM EST), http://www.huffingtonpost.com/2011/11/15/hearing-loss-americans-one-in-five_n_1095586.html (noting that a study by Johns Hopkins School of Medicine found that more than forty-eight million Americans over the age of twelve—almost one in every five people in this country—are deaf or hard of hearing).

² The Commission has recognized that there are no reliable figures for the number of deaf-blind Americans due to inconsistencies on the way deaf-blind is defined and the fact that many individuals do not identify themselves as deaf-blind. See *Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, Report and Order, 31 FCC Rcd. 9178 (2016) (“2016 Report and Order”), at n. 12 (“Current estimates range from 45,000 to over 700,000.”).

barriers that individuals with disabilities face when accessing communications services.³ Those proceedings arise under Section 504 of the Rehabilitation Act of 1973, as amended,⁴ Section 255 of the Communications Act of 1934, as amended,⁵ as well as the Twenty-First Century Communications and Video Accessibility Act (CVAA).⁶ The common core purpose of these statutes and their implementing regulations is ensuring nondiscriminatory access to communications services and technologies for individuals with disabilities.

The Commission specifically seeks input on compliance with Section 504 that prohibits federal agencies, and program and activities receiving federal financial assistance, from discriminating against individuals with disabilities.⁷ In particular, federal agencies must make their programs and activities accessible to people with disabilities. The Commission's rules mandate that it conduct a review of its current Section 504 policies and practices in light of advances in relevant technology and achievability every three years.⁸ For that purpose, the

³ See, e.g., *Structure and Practice of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with hearing and Speech Disabilities*, CG Docket Nos. 10-51, 03-123, Comments of Consumer Groups (July 26, 2018); *Structure and Practices of the Video Relay Service Program, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51, 03-123, Comments of Consumer Groups on Further Notice of Proposed Rulemaking (Apr. 24, 2017); *Implementation of Section 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, GC Docket No. 10-213, Comments of Consumer Groups and DHH-RERC (June 13, 2016); *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Comments of Consumer Groups (Dec. 9, 2015); *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Comments of Consumer Groups and Registry of Interpreters for the Deaf (June 4, 2015).

⁴ 29 U.S.C. § 794.

⁵ 47 U.S.C. § 255; 47 C.F.R. Parts 6, 7.

⁶ Pub. L. No. 111-260 (as codified in 47 U.S.C. § 303).

⁷ 2019 Public Notice at 1; see 47 C.F.R. § 1.1810.

⁸ See *Commission's Policies and Practices to Ensure Compliance with Section 504 of the Rehabilitation Act of 1973*, CG Docket No. 10-162, Comments of Consumer Groups (Oct. 4, 2016).

Commission seeks input on the Commission's practices and procedures to ensure accessibility of its programs and activities as set forth in its Section 504 handbook.⁹ In addition, commenters are asked to address: the overall accessibility of the Commission's activities and programs, including availability of sign language interpreters, physical accessibility of the buildings and meeting spaces, documents in alternative formats, assistive listening devices, Communication Access Real-time Translation (CART), captioning and other forms of reasonable accommodation needed for access. The Commission also notes that parties may submit comments regarding the Commission's regulations about accessibility on other matters such as televised video programming, TRS or emergency services.¹⁰

II. The Commission Has Made Significant Achievements in Ensuring Access to Resources and Services

The Consumer Groups applaud the Commission's important contributions to the disability community through its rules and procedures promoting access to Commission proceedings as well as through its policymaking authority developing regulatory policies designed to afford individuals with disabilities unfettered access to a range of telecommunications services and applications. The Consumer Groups, and the populations they represent, continue to benefit significantly from the Commission's regular programs and services in disability access. In fact, the disability community views the Commission as a model federal government agency in providing accommodations as well as establishing regulations, policies, and procedures ensuring nondiscriminatory disability access.

The Consumer Groups are pleased to highlight the Commission's impressive

⁹ 2019 Public Notice at 1; see 47 C.F.R. § 1.1805; Federal Communications Commission Section 504 Programs & Activities Accessibility Handbook ("*Section 504 Handbook*"), available at <https://www.fcc.gov/general/section-504-handbook>.

¹⁰ See 2019 Public Notice at 2.

achievements and encourages the Commission to maintain its focus on these priority areas:

- a. The Commission maintains a fully staffed and active Disability Rights Office (DRO) under the Consumer and Governmental Affairs Bureau (CGB) with approximately 15 full-time attorney advisors and managers highly experienced in disability access advocacy, legislation and/or regulatory affairs. The Consumer Groups commend the Commission for forming and supporting this group of effective and thoughtful advisors. The Chief of the DRO is a person with a disability. The Consumer Groups commend the Commission for this DRO leadership. Having a person with a disability serve in this role sends a positive signal to the disability community that their needs are being represented appropriately by someone with firsthand experience dealing with barriers to communications services.
- b. The DRO coordinates with related Bureaus and Offices within the Commission to host valuable roundtable discussions and forums on special topics, such as the Enhanced ENT event on May 10, 2019. That event focused on the use of enhanced Electronic News Techniques (ENT) to caption live programming. The DRO deserves praise for including in this event a very productive stakeholder collaboration (with several members of the Consumer Groups presenting) on best practices in the implementation of enhanced ENT.¹¹ This event was well-supported by sign language, open captioning, assisted listening devices and materials in other accessible format (e.g., Braille, Large Print, electronic files, audio format).
- c. The Consumer Groups very much appreciate being included by the DRO in the Disability Advisory Committee (DAC), the federal advisory committee tasked with reviewing disability access issues. The DAC received its charter in 2014 and is now in its third two-year term. The DAC has established two working groups, IP-CTS User Database and Access to Live Video Programming focused on developing recommendations for its next plenary meeting in February 2020. The DRO has provided valuable leadership, organization and direction to the DAC. In particular, the DRO has facilitated the DAC's important work by providing helpful guidance to clarify and refine the direction and parameters of the DAC's focus. Prior to commencing work on any set of recommendations, the working groups receive helpful details on the scope of the working group's "charge" from the Commission and clear guidance on what issues the Commission is expecting it to address. Each working group has been assigned at least one facilitator from the DRO staff who meets regularly with the working group via conference call as frequently as every two weeks. Again, the Consumer Groups commend the Commission for the consistently superb communications accommodations present at these meetings.

¹¹ See *FCC Announces a Public Forum about Use of Enhanced Electronic newsroom Technique (ENT) to Caption Live Programming*, DA 19-270, Public Notice (Apr. 9, 2019).

- d. The DAC working groups continue to provide a means for people with disabilities and advocacy organizations to offer input to the Commission on key issues. For example, DAC working groups have examined the future effectiveness and usability of amplified phones, the quality of standards for Internet Protocol captioned telephone relay services via a future rulemaking, training of VRS interpreters to handle 9-1-1 calls, and Real Time Text technology.
- e. The CGB/DRO has a highly skilled cadre of interpreters, either fulltime employees or outside contractors. Their services are handled by CGB's Section 504 Coordinator. These interpreters are some of the best in the Washington, DC area. The Section 504 Coordinator also retains valuable Computer Assisted Real Time Transcription (CART) services. These services involve having a writer for all meetings, either the DAC plenary meetings, or its working group meetings, , producing a text stream of the audible conversation for those who cannot depend entirely on sign language interpreters for full information on the deliberations of the meeting. CART is provided for remote meetings as well. The Consumer Groups also commend CGB/DRO for arranging for tactile interpreters for Deafblind consumers and professionals as well as for arranging for interpreters who work with those who are both deaf and have an additional disability such as cerebral palsy or another mobile disability. In addition, the Consumer Groups applaud the Commission for ensuring that meetings held at the Commission's building include assistive listening devices with the option of using neckloops for people who use hearing aids. Those assistive listening devices are provided as part of meetings that offer full accommodations, such as the DAC meetings or open Commission meetings. They are also provided on request for other meetings in the Commission's building.
- f. The Commission took the lead as the first federal agency to establish a dedicated phone number through which signing consumers may communicate directly with the FCC in American Sign Language (ASL). Commission personnel are also working with other federal agencies to facilitate the efforts of these other agencies' own ASL access lines or call centers. These dedicated ASL phone lines or call centers help to ensure effective communication with deaf and hard of hearing consumers who use ASL to communicate.
- g. The Consumer Groups commend the Commission for ramping up its commitment to distribute its advisories and FAQs in ASL videos, especially since such support is rare from other federal agencies.
- h. The Consumer Groups are grateful that the Commission continues to consider disability access needs when addressing the numerous issues under its jurisdiction. For example, Commission decisions that incorporated provisions to enhance disability access to communications included: Open Internet, broadband access, Universal Service Fund (Connect America Fund) programs, relay services, set top boxes, web interfaces (CVAA), emergency warnings and broadcasts (some under CVAA), and TV and Internet Captioning (CVAA). The Consumer Groups greatly appreciate that the Commission values their input.

- i. The Commission has continued to make efforts to consider the needs of and issues facing three subsectors of the disability community — those who are deafblind, those who are deaf and have a mobile disability such as cerebral palsy, and those who have cognitive disabilities. The Consumer Groups encourage the Commission to continue to sponsor workshops, panel discussions and demonstrations to better understand the three subsectors' needs and issues, and the current technologies available for persons with such disabilities.
- j. The Commission's monthly agenda meetings are transmitted via live video and are accompanied by embedded and untethered captions. When an ASL user who is deaf or hard of hearing attends the open meetings in person, interpreters are provided. When an individual who is deaf or hard of hearing who needs an assistive listening device attends, such devices are readily available.¹² However, the Consumer Groups note that the live-streamed Commission's meetings are described as offering open captions -- but in fact open captioning is not available - - thus rendering the Commission meetings effectively inaccessible to the deafblind via live streaming.
- k. The Commission, particularly the CGB and DRO, continues to accommodate persons with disabilities by allowing them to participate in ex parte meetings from remote places across the nation via videoconferencing supported by CART and ASL interpreters. The Commission makes great efforts to be as accessible for everyone to take part in its official activities, not just with the accessible tools but getting as much a diverse representation of Americans with or without disabilities to take part in the process.

III. Commission Attention Is Needed to Improve Programs and Services in Certain Important Programs

Notwithstanding the impressive achievements in disability access policies and procedures noted above, the Consumer Groups believe a few important programs are lagging behind and the Commission should devote the resources and attention needed to improve these programs. "Access" is meaningful not just as a means to secure adequate accommodations so that individuals with disabilities are able to participate fully in meetings and activities of the

¹² The Consumer Groups suggest that the definition of "Assistive Listening" in the Commission's 504 Handbook should be corrected. The Section 504 Handbook describes these systems as systems that "can be either built in to the room (often called a loop), portable systems ..." *See Section 504 Handbook* at 20. A hearing loop, an FM System or an IR system can all be installed in the room, but only a hearing loop would be referred to as a "loop" or more likely referred to as a "hearing loop system." The parenthetical in this definition ought to be deleted to avoid confusion.

Commission. “Access” must also mean that the Commission’s programs and services are effectively structured to break down barriers and facilitate access of individuals with disabilities to needed communications services and resources. Achieving this goal requires that access programs are regularly updated to meet the changing needs of the members of the disability community. In particular, the Commission must examine and take steps to improve the effectiveness of two programs: the National TRS program and the National Deaf Blind Equipment Distribution Program (NDBEDP).

A. The National TRS Program

In recent years, the Commission has made major decisions on various forms of TRS (VRS, IP-CTS, and IP-Relay, etc.) based primarily on the *cost* of carrying out these programs. In some cases, the Commission has examined a potential revision to the TRS program and, based on a robust public record, acknowledged the important benefit to the disability community of making specific improvements to the program. Despite the Commission’s fully supported conclusion, the Commission has not implemented the necessary improvements apparently based solely on anticipated costs of the improvement. Recommendations for important policy revisions and updated initiatives for these TRS services appear to have been put on the back burner. Further inquiries and steps toward implementation have been delayed and appear to be indefinitely suspended. Thus, important needs continue to go unaddressed. The Consumer Groups believe it imperative that the Commission consider the *benefits* of making the needed improvements to the TRS program and not simply the costs.

One important example of this problem is the failure to move forward with skills-based routing trials. In 2015, the Commission first proposed trials which were supported at that time by

most of the major VRS Providers.¹³ In 2017, the Commission implemented a voluntary trial for skills-based routing that was expected to start on August 1, 2017 and end March 31, 2018.¹⁴ The rules for the trial, however, undermined the program's success from the beginning by failing to establish sufficient provider compensation and as a result there has been little VRS provider participation. Today, five years after this beneficial program was first proposed, there are still no skills-based routing trials underway.¹⁵

This is an example of the Commission placing an undue emphasis on the TRS Fund reimbursement rate without concomitant emphasis on measuring and maintaining the *quality* of TRS itself. The Consumer Groups believe that emphasis is needed on addressing service improvements with all forms of TRS, and that prudent expenditure of funds now may in the long run make TRS cost-efficient. Skills-based routing trials may lead to callers being assigned to appropriately qualified interpreters for VRS. Although the cost to the TRS Fund per minute may be higher to ensure the hire and retention of such qualified VRS interpreters, the Consumer Groups expects there will be a reduction in overall cost to the Fund as more efficient calls, handled by appropriately qualified interpreters, will both be shorter in duration, and will reduce misunderstandings and therefore eliminate the need for follow-up calls.

¹³ *Structure and Practices of the Video Relay Service Program*, Further Notice of Proposed Rulemaking 30 FCC Rcd. 12973, 12986-97, ¶¶ 29-66 (2015) (“*2015 VRS FNPRM*”).

¹⁴ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order 32 FCC Rcd. 2436, ¶¶ 4-19 (“*2017 Report and Order*”).

¹⁵ *See In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 03-123, 10-51, Rolka Loube Associates, LLC Petition for Reconsideration (Sep. 21, 2017) (“*Advisory Council Petition for Reconsideration*”), at 2.

A similar situation has plagued the Commission's attempt to enable deaf interpreters for VRS calls from people with limited signing ability or cognitive and motor disabilities. In the 2015 *VRS FNPRM*, the Commission observed that some children, some individuals with limited English or ASL proficiency, and some persons with cognitive or motor disabilities might need the assistance of deaf interpreters to achieve functional equivalency.¹⁶ The availability of deaf interpreters could also make VRS more efficient and could lead to cost-savings in the long term. The Commission decided to run a trial with deaf interpreters for the same period as the skills-based routing trials. The Commission sought data on whether deaf interpreters helped achieve functional equivalency, whether the addition of deaf interpreters actually led to cost-savings in the long term, and other call-specific data including the duration and number of calls on which a deaf interpreter participated.¹⁷ Here too, the uncertainty about compensation rates and the fact that providers would not receive any additional compensation for these services may have stymied participation in the trials.¹⁸

Another serious area of concern is the provision of IP-CTS. Some officials within the Commission are anxious to see three companies deploying their brand name Automated Speech Recognition software to provide IP-CTS. At the time of this filing, the Consumer Groups assessed these three companies' applications for certification as IP-CTS vendors as wholly inadequate. The Consumer Groups have recommended a list of criteria questions for the Commission to use in evaluating these three applications carefully. To date, the three applicants have failed to provide ample justification and documentation to the Commission demonstrating

¹⁶ 2015 *VRS FNPRM* at ¶¶ 29-66.

¹⁷ 2017 *Report and Order* at ¶¶ 20-28.

¹⁸ 2017 *Report and Order* at ¶ 9; see *Advisory Council Petition for Reconsideration* at 5.

that they meet minimum operating standards that are in place for human-generated captions. The key thing is that the Commission must place “the horse before the cart,” rather than “the cart before the horse.”

The Consumer Groups strongly recommend that the national TRS program should be exclusively managed by the Disability Rights Office, with input from the Office of Managing Director, which operates the national TRS Fund. This modification of responsibilities will help ensure that the future success of the national TRS program will be shaped by both expected "costs and benefits," not just the costs of implementing any new TRS service initiative.

B. The National Deaf Blind Equipment Distribution Program (NDBEDP)

After the CVAA was signed into law in 2010, the Commission established the National Deaf Blind Equipment Distribution Program (NDBEDP) in coordination with state agencies and key service providers that work with the deafblind community.¹⁹ The NDBEDP is intended to enhance communications access for low-income individuals who are deafblind through the distribution of equipment, and provision of necessary support services, to enable access to telecommunications services, Internet access service, and advanced telecommunications and information services (i.e., “covered” services). Under the program rules, one entity per state or territory is certified to receive support from the TRS fund for the distribution of equipment. In developing the program rules, the Commission recognized that individuals eligible to participate

¹⁹ Pub. L. No. 111-260, § 105, 124 Stat. 2751, 2762 (2010); Pub. L. No. 111-265, 124 Stat. 2795 (2010) Section 105 of the CVAA adds Section 719 to the Communications Act of 1934, codified at 47 USC § 620 (“... the Commission shall establish rules that define as eligible for relay service support those program that are approved by the Commission for the distribution of specialized customer premises equipment designed to make telecommunications service, Internet access service, and advance communications, including interexchange service and advance telecommunications and information services, accessible by low-income individuals who are deaf-blind.”)

in the program have functional differences and therefore different equipment needs.²⁰ The Commission considered what types of equipment should be allowed under the program and determined that a broad range of equipment including “off-the-shelf” equipment along with specialized or assistive equipment should be available under the program.²¹ The Commission concluded, “[f]lexibility is key to ensuring that individuals are accommodated effectively.”²²

While the program has generated some meaningful benefits in areas of community integration, and for some in employment, there is still much room for improvement. In particular, while states vary in their offerings of services and equipment, some offerings are viewed as outmoded and simply do not meet the needs for certain members of this population. The Commission’s goals of the NDBEDP are not being met in those instances where the program makes available only out-of-date or otherwise limited equipment that does not incorporate technology advancements that can better meet the evolving needs of deafblind participants. It is important to make sure the offerings are updated to take advantage of current technologies. There is currently little direction or incentive to ensure that equipment provided through this program incorporates state of the art technologies. The program should be revised to include a process whereby consumer advocates and members of the business community regularly work together to improve the product and service offerings to the deafblind and others with low vision.

The Commission should form an NDBEDP advisory group consisting of deafblind consumer advocates, with some service professionals, tasked with regularly reviewing the

²⁰ *2016 Report and Order* at ¶¶ 87-88.

²¹ *Id.* at ¶ 88.

²² *Id.* at ¶ 91.

equipment and related resources that are offered to this population with the goal of ensuring that program equipment includes state-of-the-art technologies. The advisory group should recommend steps to establish a needs assessment process involving the deafblind community, consumer advocates, state agencies and the business community to pave way for development and supply of innovative new products and services that would more effectively meet the needs of this constituency. The advisory group should also form recommendations to prompt equipment manufacturer and technology designers to develop innovative solutions that address challenges faced by the deafblind community. Last, but not least, the proposed NDBEDP advisory board members should be given consideration for funding support from the NDBEDP to cover travel expenses to attend the meetings at the FCC in Washington, D.C. The Consumer Groups strongly believe that the offerings made under this program to the national deafblind community will not improve unless the Commission issues new directives and initiates needs assessment on a regular basis.

IV. Outreach to Support Commission Education about Availability of Means to Interact with the Commission Could Be Improved

As the Consumer Groups have previously recommended, the Commission should conduct more outreach to educate persons with disabilities about the tools available to facilitate interaction with the Commission. In addition, the Commission should perform outreach to persons without disabilities; such persons will often know someone with a disability who they can educate in turn about the availability of resources. Further, such a person without a disability may also become a person with a disability due to age or other circumstances, and would be better prepared to adjust to any changes. Lastly, the Commission should more actively educate non-TRS users about TRS. Therefore, the Consumer Groups maintain that information about the Commission's programs for the deaf, hard of hearing, deafblind, deaf and mobile disabled and

speech-disabled should be made available to consumers in as many venues and via as many methods as possible. Some states such as California use multiple venues and methods for their outreach program. For example, California established ten service centers where consumers can select, learn to use and take home equipment that best fits their needs (29,180 consumer visits in 2011-12), a Contact Center that can be reached over a toll free number, web chat or via email and field advisor visits to consumer's homes (9,760 such visits in 2011-12).²³ Starting in 2008, California "placed statewide newspaper advertisements in Parade Magazine—the Sunday newspaper insert that covers 18 major newspapers throughout the state," and launched a "broadcast media (TV and radio) campaign featuring celebrity spokesperson, Leeza Gibbons, [which] resulted in a major increase in Contact Center activity in 2009 and 2010."²⁴

The venues and methods that should be used for outreach programs should be diverse and include the following:

- Manufacturers' websites;
- TRS Providers' websites;
- Phone, Internet, and cable providers' websites;
- The Commission's website;
- Printed brochures, flyers;
- Registration materials;
- On the box of the phone;
- In manuals for the equipment, both on line and printed;
- On contracts with consumers;
- Advertisements for the service and equipment, both on line and in print;
- In updates and notices sent to current consumers by providers, no matter how delivered (*e.g.*, via print or emailed updates);
- In person by providers at national conference workshops that focus on deaf and hard of hearing people, including seniors, at booths and events;

²³ California Public Utilities Commission, Deaf and Disabled Telecommunications Program, Consolidated Annual Report 2011-2012 Supplement, available at <https://www.cpuc.ca.gov/WorkArea/DownloadAsset.aspx?id=6098>, at 2-3.

²⁴ California Public Utilities Commission, Deaf and Disabled Telecommunications Program 2008-2011 Consolidated Annual Report, available at <https://www.cpuc.ca.gov/WorkArea/DownloadAsset.aspx?id=5863>, at 8.

- Non-profit organization chapter and state meetings, and conventions/conferences;
- In doctors' offices;
- Community training at libraries and in senior centers, retirement communities;
- Advertisements in newspapers and magazines;
- Ads on social media and other Internet sites;
- Kiosks in malls, town centers;
- Public Service Announcements over broadcast and cable television;
- State Offices for people who are deaf or hard of hearing; and
- State Relay Offices.

The Consumer Groups believe that no single venue or method will reach all consumers, and urge the Commission to ensure that consumers has access to as many possible venues, formats, and methods of outreach as possible.

V. The Commission Should Employ Outreach to Inform Deaf and Hard of Hearing Consumers Regarding Proceedings Directly Affecting Them

The Consumer Groups believe that when there are rulemakings or other proceedings that affect deaf and hard of hearing consumers, the Commission should employ live webcasts, forums, or other types of outreach in accessible formats to inform deaf and hard of hearing consumers about the proposals and issues the Commission is considering. For example, the Consumer Groups were disappointed that the Commission conducted only minimal outreach for TRS in 2013 when it issued its *VRS Reform Report and Order*, leaving many VRS users unaware of the changes brought about by the *VRS Reform Report and Order*.

The Consumer Groups propose to work with the Commission to enhance participation from the deaf and hard of hearing community through Commission attendance at conferences or sponsoring events where members of the deaf and hard of hearing community can meet with the Commission. While the Consumer Groups appreciate the Commission's efforts to provide ASL videos for consumers who communicate using ASL as their first language, and also appreciate the blog posts from Commission officials, including the Chairman, Commissioners, the Disability Rights Office Chief and others, such videos are rarely available in ASL or alternate

formats on a timely basis. The Commission should ensure that all of its releases, including rulemakings, videos, and blogs, are accessible through ASL and CART at the time the releases are made available to the general public. Providing timely and complete information about Commission policy decisions in accessible formats would improve the notice and comment process by allowing all members of the public the opportunity to participate fully in the Commission's rulemaking process.

VI. Conclusion

The Consumer Groups appreciate the opportunity to submit comments in this important rulemaking. While recognizing and appreciating the Commission's hard work and dedication to the issues affecting the deaf and deafblind community, the Consumer Groups suggest the Commission make improvements in certain areas to continue this commitment to improving the communications experiences of our communities. Specifically, the Commission ought to consider the benefits of the National TRS program and not just the cost in making decisions. The Commission should also form an advisory group for the National Deaf Blind Equipment Distribution Program that consists of consumer advocates and service professionals that review the equipment and resources that are offered with the goal of ensuring that program equipment includes state-of-the-art technologies. Further, more outreach to persons with disabilities to educate them about the tools available to facilitate interaction with the Commission would improve the disability community's access to Commission proceedings that directly affect their lives.

Respectfully submitted,

/s/ Catherine Wang

Catherine Wang

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Ave., NW

Washington, DC 20004

catherine.wang@morganlewis.com

Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)

Jan Withers, Board President • Jan.Withers@TDIforAccess.org

Claude Stout, Executive Director • cstout@TDIforAccess.org

PO Box 8009, Silver Spring, MD 20907

www.tdiforaccess.org

National Association of the Deaf (NAD)

Howard Rosenblum, Chief Executive Officer • howard.rosenblum@nad.org

Zainab Alkebsi • zainab.alkebsi@nad.org

8630 Fenton Street, Suite 820, Silver Spring, MD 20910

301.587.1788

www.nad.org

Association of Late-Deafened Adults (ALDA)

Richard Brown, President • President@alda.org

8038 MacIntosh Lane, Suite 2, Rockford, IL 61107

815.332.1515

www.alda.org

Cerebral Palsy and Deaf Organization (CPADO)

Mark Hill, President • president@cpado.org

14510 Homecrest Road, Unit #3008, Silver Spring, Maryland 20906

503.512.5066

www.cpado.org

American Association of the Deaf-Blind (AADB)

René Pellerin, President • info@renetheunstoppable.com

248 Rainbow Drive #14864

Livingston, TX 77399-2048

www.aadb.org

Hearing Loss Association of America (HLAA)
Barbara Kelley, Executive Director • bkelley@hearingloss.org
Lise Hamlin, Director of Public Policy • LHamlin@Hearingloss.org
7910 Woodmont Avenue, Suite 1200, Bethesda, MD 20814
301.657.2248
www.hearingloss.org

Deaf Seniors of America (DSA)
Alfred Sonnenstrahl, President • alfredsonny@gmail.com
10910 Brewer House Rd., Rockville, MD 20852
www.deafseniors.us

Rehabilitation Engineering Research Center on Universal Interface & Information
Technology Access (IT-RERC)
Gregg Vanderheiden, PhD, Director • greggvander@umd.edu
Trace Research & Development Center • University of Maryland
4130 Campus Drive, College Park, MD 20742
www.trace.umd.edu/itrerc

National Technical Institute for the Deaf (NTID)
Center in Access Technology
Gary Behm, Director • Gary.behm@rit.edu
Brian Trager, Associate Director • brian.trager@rit.edu
52 Lomb Memorial Drive, Rochester, NY 14623
www.centeronaccesstechnology.com

Dated: October 21, 2019