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June 10, 2015

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, S.W.  
Room TW-A325  
Washington, DC 20554

RE: Ex Parte Letter; WC Docket No. 11-42 - In the Matter of Lifeline and Link Up Reform and Modernization

Dear Secretary Dortch:

Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”) National Association of the Deaf (“NAD”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), Hearing Loss Association of America (“HLAA”), Association of Late Deafened Adults, Inc. (“ALDA”), American Association of the Deaf-Blind (“AADB”), Cerebral Palsy and Deaf Organization (“CPADO”), Deaf Seniors of America (“DSA”), California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”), and Gallaudet Technology Access Program (“Gallaudet TAP”) (collectively “Consumer Groups and Gallaudet TAP”) support expanding the availability of broadband services under the Lifeline program.

Broadband services are increasingly necessary for daily living. Numerous comments focused on the socio-economic effect of the lack of access to broadband. In addition to the “Digital Divide” or “Homework Gap”, deaf and hard of hearing consumers without access to broadband are essentially excluded from access to IP-based Telecommunications Relay Services. Because Video Relay Service (“VRS”) and IP Captioned Telephone Service (“IP CTS”) have improved the communications options available to deaf and hard of hearing consumers, lack of broadband access threatens to deny these consumers a basic right to communications services. Deaf and

hard of hearing consumers generally experience higher poverty<sup>1</sup> and unemployment rates<sup>2</sup> than the general population. Without broadband subsidies for low income consumers, access to VRS or IP-CTS by low income deaf and hard of hearing consumers can be cost prohibitive. These individuals are thus denied access to VRS or IP-CTS services even though VRS and IP-CTS are subsidized, forcing the individuals to rely on other TRS services such as TTY, hearing carry over (HCO) or analog captioning that may not offer a functionally equivalent service for these particular individuals.

Lack of broadband access also impedes deaf and hard-of-hearing consumers' access to vital commercial and governmental services that are increasingly pushed to the web. With video or text-based Internet services, such as "chat" customer service, a consumer's hearing becomes less relevant. Without broadband access to reach these web-based alternatives, a deaf and hard of hearing consumer has no options for ASL communications or high speed communications but must use traditional TTY, HCO or analog captioning relay services to speak with Social Security Administration or learn about Commission proceedings that might expand their access to communications services. Federal agencies are fast moving toward setting up their own American Sign Language call centers, such as the one with the FCC. Americans who are deaf or hard of hearing and have low income deserve an equal opportunity to benefit like low income consumers without disabilities through participation in the Lifeline program. When they are granted such privileges to take part, they would have the opportunity to experience functional equivalence to use broadband to access the applications and services on the Internet just like any other consumer.

Expansion of a Lifeline subsidy to include a broadband service could curtail the disparity in broadband access across income levels of deaf and hard of hearing consumers. As the Consumer Groups noted in the 2012 VRS Reform proceeding, a broadband pilot program would be useful to determine the efficacy of providing subsidized broadband to low income deaf or hard of hearing consumers.<sup>3</sup> This Commission recently completed the Lifeline broadband pilot program, with results that show a definitive consumer interest in subsidized broadband.<sup>4</sup> Such interest

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<sup>1</sup> See Annual Disability Statistics Compendium (in 2013, individuals with disabilities ages 18 to 64 years had a poverty rate of 28.7 percent as compared to a poverty rate of 13.6 percent for the same age group without disabilities), available at <http://disabilitycompendium.org/compendium-statistics/poverty>.

<sup>2</sup> See id., Table 2.3 (in 2013, 50.1 percent of civilians with hearing disabilities ages 18 to 64 were employed), available at <http://www.disabilitycompendium.org/compendium-statistics/employment/2-3-civilians-with-hearing-disabilities-ages-18-64-living-in-the-community-for-the-u-s->. See also PERSONS WITH A DISABILITY: LABOR FORCE CHARACTERISTICS —2013, Bureau of Labor Statistics, Department of Labor News Release, June 11, 2014 (64.0 percent employment-population ratio for those without a disability), available at <http://www.bls.gov/news.release/pdf/disabl.pdf>.

<sup>3</sup> *Structure and Practices of the Video Relay Service*, CG Docket No. 10-51, Comments to Further Notice of Proposed Rulemaking of Deaf and Hard of Hearing Consumer Advocacy Network, Telecommunications for the Deaf and Hard of Hearing, et, al, March 9, 2012 at Page 37.

<sup>4</sup> Wireline Competition Bureau Low-income Broadband Pilot Program, Staff Report, WC Docket No 11-42, May 22, 2015, at 24.

likely would be as strong if not stronger in the deaf and hard of hearing community, as broadband service would allow low income consumers who communicate using American Sign Language (“ASL”) to utilize VRS, or those in the majority of this special population and not using sign language to access IP-CTS.

The Commission should be mindful of establishing functional broadband speeds in its Lifeline rules. For instance, any subsidized broadband must be of sufficient bandwidth to enable the full use of VRS services, preferably in excess of 1Mbps in both directions.<sup>5</sup> Moreover, roundtrip latency from endpoint to endpoint cannot exceed 400 milliseconds, which is the maximum latency that supports a fluent conversation without excessive talking over one another. The service also may not interfere with the ports and type of packets sent and received by relay calls (e.g., SIP TCP and UDP ports 5060, RTP and SRTP traffic). Without speeds and service characteristics sufficient to support VRS and IP-CTS, low income deaf and hard of hearing consumers would be deprived the full value of any subsidized broadband offering.

Lastly, Consumer Groups and Gallaudet TAP continue to support a program to assist consumers purchase required broadband equipment. As the Consumer Groups previously noted in the aforementioned VRS proceeding, the costs of acquiring the equipment for broadband service (be it a router or a “MiFi” device) can be prohibitively expensive for low income deaf and hard of hearing consumers. Consumer Groups and Gallaudet TAP believe that a limited expansion of the program, to include some support for the purchase of the required equipment, would greatly benefit consumers who heretofore may have had no access to the required equipment for broadband access. Reasonable limitations, such as requiring that the consumer pay a portion of the cost (*i.e.*, no “free” equipment), or a limit on how often a consumer could receive this assistance, would be reasonable to prevent waste, fraud or abuse.

For the foregoing reasons, Consumer Groups and Gallaudet TAP encourage the Commission to adopt changes to the Lifeline program to support broadband for low income consumers. Doing so offers unique opportunities to deaf and hard of hearing low income consumers who will be afforded increased access to ADA-mandated services such as VRS and IP-CTS, which require broadband to function. Consumer Groups and Gallaudet TAP encourage the Commission to

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<sup>5</sup> While the Commission recently raised the minimum speeds for meeting the definition of broadband service to 25Mbps/3Mbps, for the purposes of a Lifeline broadband service, a lower, more affordable minimum threshold would be appropriate. A 25Mbps/3Mbps service would likely be unaffordable for low income consumers, even after a Lifeline subsidy. As such, establishing a lower minimum speed would be appropriate for a supported broadband service unless the subsidy is dramatically increased. *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act*, Report and Notice of Inquiry, FCC 15-10, (Jan. 29, 2015).

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move forward on the Lifeline reforms to overcome the lack of broadband access among low income consumers.

Respectfully submitted,

/s/ Douglas D. Orvis II

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