

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Implementation of the Twenty-First Century)
Communications and Video Accessibility Act) CG Docket No. 10-210
of 2010, Section 105, Relay Services for)
Deaf-Blind Individuals)
)
)

REPLY COMMENTS OF HANCOCK, JAHN, LEE & PUCKET, LLC

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I. INTRODUCTION

1. The Federal Communications Commission’s (FCC/Commission) May 21, 2015 *Notice of Proposed Rulemaking (Notice)*¹ sought comment on rules to govern the National Deaf-Blind Equipment Distribution Program (NDBEDP/iCanConnect/iCC) on a permanent basis. As a Video Relay Service (VRS) provider that serves consumers that are Deaf-Blind, Hancock, Jahn, Lee & Puckett, LLC, d/b/a Communication Access Ability Group (CAAG), and branded as Star VRS (Star) and Star VRS for the Deaf-Blind (Star VRSdb) filed comments². Commenters largely supported the proposals of the FCC for a permanent NDBEDP. CAAG/Star herein provides reply comments to underscore some of the comments and concerns from the Deaf-Blind Community, providers, state programs, and stakeholders. CAAG/Star emphasizes that as a VRS provider our comments are largely taken from that vantage point.

¹ *In the Matter of Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, CG Docket No. 10-210, *Notice of Proposed Rulemaking*, FCC 15-58 (May 21, 2015) [2015 NDBEDP NPRM].

² *In the Matter of Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, CG Docket No. 10-210, *Comments of Hancock, Jahn, Lee & Puckett, LLC*, (July 27, 2015) [CAAG/Star Comments].

II. TIMELY AND EFFECTIVE EQUIPMENT AND SOFTWARE INSTALLATION AND TRAINING ARE CRITICAL TO THE BASIC GOALS OF THE PROGRAM

A. There remains a serious concern over the timeliness that a qualified Deaf-Blind consumer receives and is trained on the use of software and equipment for telecommunications access.

CAAG/Star has received numerous complaints that Deaf-Blind consumers who have been assessed and approved for eligibility have not received equipment/software and the necessary associated training in a timely manner, in some cases several months to over a year. Lighthouse for the Blind, Inc. commented that “one consumer reported waiting over a year for their computer and then it had the wrong program, Windows 7 not Windows 8. It was too slow to run with the adaptive equipment needed.³” These concerns emphasize that, if program goals are to be achieved, that equipment/software and associated training in a timely manner be a requirement of the permanent program. The Commission should set a reasonable threshold for how much time is allotted for appropriate installation and training and that reasonable cost for installation and training be determined by this time frame as commented by CAAG/Star⁴.

B. The permanent program should include a Train the Trainer Program as unanimously supported by commenters

Perkins School for the Blind accurately comments, “We believe that the greatest barrier to provision of these services in the most cost effective manner is the lack of qualified trainers.⁵” They go on to say, “It seems reasonable use of the Commission’s authority under section 719 of the Act to “financially support programs that distribute specialized customer

³ *The Lighthouse for the Blind, Inc.* at 7

⁴ *CAAG/Star* at 5-7

⁵ *Perkins School for the Blind* at 39

premises equipment to low-income individuals who are deaf-blind” to mitigate the current shortage of qualified training personnel through the allocation of funding to train trainers.⁶”

While commenters vary on how a train the trainer program should be structured and implemented, no commenter argued that a train the trainer program is not viable or necessary. CAAG/Star maintains that a train the trainer program on the state level will effectively expand the pool of qualified trainers and encourages the Commission to adopt such a program as part of the permanent NDBEDP.⁷

III. ESTABLISHING THE FUND ADMINISTRATOR AS THE NDBEDP CENTRAL DATABASE ADMINISTRATOR ADDRESSES COMMENTER’S CONCERNS OVER EFFICIENCY, TIMELY REIMBURSEMENT, AND SECURITY

Several commenters echo the filing of the Washington Assistive Technology Act that a central database “should only be required and implemented if it actually streamlines the reporting and reimbursement process. It should have the capability to allow states to input data and information that can, for the most part, be entered a single time for both reporting and reimbursement functions. It should streamline the process, and greatly reduce the current duplicate input as is currently required for the FCC and RLSA.⁸” The Interagency Program for Assistive Technology comments, “It should streamline the process, and reduce the duplication of data input that is currently required for submissions to the FCC and RLS⁹” and the International DeafBlind Institution notes that “the reimbursement claim data should be transmitted

⁶ *Perkins School for the Blind* at 42

⁷ *CAAG/Star* at 6-7

⁸ *Washington Assistive Technology Act* at 3

⁹ *Interagency Program for Assistive Technology* at 3

electronically from the centralized database to the TRS Fund Administrator, along with the necessary supporting documentation.¹⁰”

Some felt strongly that Perkins should not administer the central database or they had specific concerns regarding it.¹¹ Perkins School for the Blind themselves acknowledged “that database development is not our core competency.¹²” These comments among others make it clear that the current Fund Administrator should be assigned the role and responsibilities of the NDBEDP Central Database Administrator. In fact, Lighthouse for the Blind and Visually Impaired notes, “What we were never clear about was why reporting was not streamlined with the current TRS Fund Administrator, as the majority of needed information by TRS is requested by and for program reporting purposes.¹³”

Many commenters also share CAAG/Star’s concern over Personally Identifiable Information (PII) in a central database. While no database can boast 100% security protection, as Federal Information Security Management Act (FISMA) compliant entity the current Fund Administrator provides an increased level of security assurance.

Again CAAG/Star emphasizes that this structure allows “the funds set aside for the NDBEDP to reside solely with the Office of the Managing Director (OMD) and responsibility for allocation and financial administration residing with the Fund Administrator. This would allow for the NDBEDP Administrator within the Consumer and Government Affairs Bureau (CGB/Bureau) to focus its efforts on consumer and stakeholder issues, needs and concerns and analyzing information supplied to the centralized database while still maintaining

¹⁰ *International DeafBlind Institution* at 11

¹¹ “The centralized database should not be the current database offered by Perkins, nor should the Perkins database be used as a basis for building a new database.” (*Washington Assistive Technology Act* at 3) “...it should be less cumbersome and more intuitive than the current database offered by Perkins.” (*Access Technologies, Inc.* at 3)

¹² *Perkins School for the Blind* at 17

¹³ *Lighthouse for the Blind and Visually Impaired* at 3

the administrative duties of reviewing applications for state certification, maintaining the NDBEDP website, and serving as the Commission’s point of contact for the NDBEDP.¹⁴”

IV. COMMENTERS GENERALLY AGREE THAT TAXABLE INCOME BE USED AS THE BENCHMARK FOR INCOME ELIGIBILITY

As noted by Perkins School for the Blind, “Using the taxable income on the cover sheet of the individual or joint tax return seems like the most direct, error proof direction for the FCC to give to certified programs to determine income eligibility.¹⁵” Other methodology to determine income eligibility becomes cumbersome and not cost effective. CAAG/Star maintains that taxable income be used as the benchmark to determine income eligibility.

V. NATIONAL OUTREACH EFFORTS AND APPROPRIATE FUNDING TO SUPPORT IT MUST CONTINUE

CAAG/Star remains confident that a national Outreach Program is effective and should continue. CAAG/Star is, however, concerned about the drastic cut to this program as is Perkins School for the Blind who notes that they “are concerned about whether \$250,000 will be sufficient to continue to build general awareness of the program¹⁶” CAAG/Star maintains that the Commission uses a glide path to reduce national outreach costs instead of a drastic cut¹⁷. The Commission should encourage state programs to use the resources developed by the National Outreach Program in their individual state programs to reduce state costs.

VI. CONCLUSION

CAAG/Star applauds the Commission’s attention to our Deaf-Blind Community with this program. With over 25 commenters it is clear that the permanent NDBEDP is highly

¹⁴ CAAG/Star at 9

¹⁵ Perkins School for the Blind at 21

¹⁶ Perkins School for the Blind at 27

¹⁷ CAAG/Star at 10-11

valued and under the watchful eye of the Deaf-Blind Community, providers, state programs, and stakeholders. CAAG/Star underscores that the efficiency and effectiveness of the program will hinge on timely installation and training of equipment/software, a centralized database in the hands of the Fund Administrator, appropriate income eligibility, and continued national outreach.

Respectfully submitted this 27th day of July, 2015,

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/s/ _____

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