

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

In the Matter of:	)	
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
Telecommunications Carriers Eligible for Universal Service Support	)	WC Docket No. 09-197
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	

**COMMENTS OF:**  
**National Association of the Deaf (NAD)**  
**Telecommunications for the Deaf and Hard of Hearing (TDI)**  
**Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN)**  
**Association of Late-Deafened Adults (ALDA)**  
**Hearing Loss Association of America (HLAA)**  
**RERC on Technology for the Deaf and Hard of Hearing at Gallaudet University (DHH-  
RERC)**

in response to the Commission's  
**SECOND FURTHER NOTICE OF PROPOSED RULEMAKING**

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**SUMMARY:**

The National Association of the Deaf (NAD), Telecommunications for the Deaf and Hard of Hearing (TDI), the Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), the Association of Late-Deafened Adults (ALDA), the Hearing Loss Association of America (HLAA), and the American Association of the Deaf-Blind (AADB), collectively, “Consumer Groups,” joined by the Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing at Gallaudet University (DHH-RERC), submit these comments pursuant to the Federal Communication Commission (FCC)’s Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order (FNPRM) in the matter of Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, and Connect America Fund, Wireline Competition docket nos. 11-42 09-197, and 10-90.

The Consumer Groups applaud the Commission on its decision to modernize the Lifeline program. As Chairman Wheeler wrote, “Over a span of three decades, the Lifeline program has helped tens of millions of Americans afford basic phone service.”<sup>1</sup> However, it has historically focused solely on voice services for hearing consumers. The expansion to broadband is a necessary step towards providing services to deaf and hard of hearing recipients. With evolving technology in the digital age, the program needs to make the following necessary changes to ensure deaf and hard of hearing individuals that are eligible for the program access the same benefits as hearing consumers: establishing minimum service standards sufficient for deaf and hard of hearing consumers to be able to access quality Video Relay Services and Internet Protocol Captioned Telephone Services (IP CTS); increasing the monthly subsidy and applying

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<sup>1</sup> See Tom Wheeler, FCC Chairman, Official FCC Blog, A Lifeline for Low-Income Americans (May 28, 2015, <https://www.fcc.gov/blog/lifeline-low-income-americans> (last visited July 31, 2015)).(Official FCC Blog).

automatic reimbursement; including unlimited texting; allowing for texting in usage standards; adding an accessible hotline; making hotline advertisements accessible; and adding an eligibility criteria to allow for both services and equipment. These changes will help ensure that financially struggling deaf and hard of hearing citizens are able to access telecommunications that empower them to pursue new opportunities and build better lives on par with their hearing counterparts.

### COMMENTS:

#### **A. The Commission should expand the Lifeline program to include discounted access to broadband.**

Broadband should be a required offering of Lifeline providers because it is essential to participation in modern society. It allows for access to jobs, education, health care, government services and more. Yet, low income remains a significant barrier to broadband access. 55 million Americans remain without at-home Internet access.<sup>2</sup> As Commissioner Clyburn noted, “The sad reality is that millions of our citizens are foreclosed from opportunities, trapped in digital darkness, and stranded on the wrong side of the affordability divide.”<sup>3</sup> That includes a significant number of deaf and hard of hearing Americans.

There is also the “homework gap” as Commissioner Rosenworcel pointed out.<sup>4</sup> In order to study for school, complete at-home assignments, and apply for higher education, students need to access the Internet. It is critical that deaf and hard of hearing students are not left behind in

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<sup>2</sup> See Kerry Flynn, FCC Votes To Add Broadband Internet Access To Lifeline Program, June 18, 2015, *International Business Times*, <http://www.ibtimes.com/fcc-votes-add-broadband-internet-access-lifeline-program-1973109> (last visited July 31, 2015)(*IBT Article*).

<sup>3</sup> See Statement of Commissioner Mignon L. Clyburn, *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 et al., Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, 80 Fed. Reg. 42669 (2015)(*Lifeline FNPRM*).

<sup>4</sup> See Jessica Rosenworcel, How to Close the “Homework Gap” (Dec. 5, 2014, <http://miamiherald.com/opinion/oped/article4300806.html> (last visited July 31, 2015)(*How to Close the Homework Gap*).

school simply because they are without Internet access at home. Unemployment is already a serious issue within the deaf and hard of hearing community, and barriers for deaf and hard of hearing students need to be removed. Being deaf or hard of hearing usually coincides with a lower socioeconomic status because of the pervasiveness of under- and un-employment of deaf and hard of hearing individuals. Broadband access would allow for calls through Video Relay Services (VRS) and IP CTS, and also would enable deaf and hard of hearing consumers to telecommute, build a business from the home, and even apply for jobs online. As noted in the FNPRM, “the purpose of the Lifeline program is to provide a hand up, not a hand out, to those low-income consumers who truly need assistance connecting to and remaining connected to telecommunications” as a stepping stone to improve their economic stability.<sup>5</sup>

**B. The Commission should establish minimum service standards sufficient for deaf and hard of hearing consumers to be able to access quality Video Relay Services and review periodically.**

The FCC defines broadband as Internet service with speeds of at least 25 Megabits per second.<sup>6</sup> It is extremely critical to consider what Internet speed would be sufficient for deaf and hard of hearing consumers to be able to access telecommunications through videophones such as VRS and point-to-point videophone calls, since they rely on videophones to make calls just like other consumers rely on voice service to make calls. Not only should broadband be sufficiently

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<sup>5</sup> See *Lifeline FNRPM* at para. 1.

<sup>6</sup> See *Protecting and Promoting the Open Internet*, GN Docket No. 14-28, Report and Order on Remand, Declaratory Ruling and Order, FCC 1524, 80 Fed. Reg. 19738, 19791-92, para. 356 (2015)(*Open Internet Order*)(finding that broadband Internet access service, as offered by both fixed and mobile providers, is an offering of both high-speed access to the Internet and other applications and functions). The FCC set a goal for the country that everyone should have a fixed broadband connection of 25 Mbps/3 Mbps or greater. See *Inquiry Concerning the Deployment of Advanced Communications 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*, GN Docket No. 14-126, 2015 Broadband Progress Report and Notice of Inquiry on Immediate Action to Accelerate Deployment, 30 FCC Rcd 1375, 1393-94, para. 26 (2015)(*Broadband Progress Report*).

robust to meet the need to use videophones and access VRS, the broadband level must be sufficient to ensure adequate video quality to make videophone calls.

It is also important to consider that those who qualify for the Lifeline program are likely families living under one roof or roommates living together to split costs. For this reason, it is vital that minimum service standards for broadband incorporate the likelihood of simultaneous usage in multi-unit households. In a hypothetical scenario, let us suppose that a deaf family of three live in one household and are on the Lifeline plan. The mother is struggling to find work and is on the videophone in a relay call for a job interview. At the same time, the father engages in a three-party video conference call for his current job and the child uses the Internet for homework. Using experimental data from DHH-RERC, the mother's videophone call would require 1 Megabit per second, the father's video conference call would require 3 Megabits per second, and the child watching a YouTube educational video or news clip for homework at an upper bound of 1080p would require 2.4 Megabits per second. Thus, such a scenario would require a total of 6.4 Megabits per second to further this small family's educational and employment opportunities. That number is likely to increase for bigger families or more roommates.

For these reasons, Consumer Groups, with input from DHH-RERC, recommend 5 to 10 Megabits per second, both for uploads and downloads. Such numbers are consistent with Comcast offering 5 to 10 Megabits per second for its low-income broadband program.<sup>7</sup> Comcast established such numbers as being "fast enough" for supporting "multiple video streams simultaneously."<sup>8</sup> Thus, Comcast recognizes the importance of and necessity of simultaneous

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<sup>7</sup> See Brian Fung, Comcast is doubling the speed of its low-cost Internet plans, August 4, 2015, *The Washington Post*, [https://www.washingtonpost.com/news/the-switch/wp/2015/08/04/comcast-is-doubling-the-speed-of-its-low-cost-internet-plans/?tid=HP\\_technology?tid=HP\\_technology](https://www.washingtonpost.com/news/the-switch/wp/2015/08/04/comcast-is-doubling-the-speed-of-its-low-cost-internet-plans/?tid=HP_technology?tid=HP_technology) (last visited August 5, 2015) (*Comcast Article*).

<sup>8</sup> *Id.*

usage in low-income multi-unit households. Accordingly, because deaf and hard of hearing households use more video calling, a high minimum is necessary. These speeds need to be sufficient to meet functional equivalence with respect to both one-on-one and multiparty calls. Such numbers are well below the broadband definition of 25 Megabits per second, so we do not anticipate an issue with the capability of Lifeline providers to meet this need. We also encourage the FCC to periodically review the minimum service standards to re-evaluate whether the bandwidth set is adequate in light of technology evolving over time and increase as needed.

**C. The Commission should consider increasing the current monthly subsidy as to ensure that broadband access is not out of reach.**

The FCC proposes and seeks comment on maintaining the current subsidy. Currently, qualified households, meaning those who have an income at or below 135 percent of the federal poverty line or participate in a qualifying assistance program, can be eligible for a \$9.25 per month subsidy to be applied to voice phone access (wireless or landline). Under the FCC's proposal, eligible recipients will receive the same benefit card, which will come loaded with the same subsidy they get for discount phone service. The difference is now subscribers will get to choose how to spend that money, either on voice phone service or on broadband, wireline or wireless.

While \$9.25 might be sufficient for voice access, it is crucial to consider whether that amount is sufficient for decent broadband service that would allow for quality videophone services. Most cheap Internet services currently available to low-income citizens are \$10 and only offer 1.5 Megabits per second<sup>9</sup>, which is below our recommendation of 3 to 5 Megabits per

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<sup>9</sup> See Neal Ungerledier, Is Subsidized Internet for the Poor Finally Here? July 15, 2015, *Fast Company*, <http://www.fastcompany.com/3048574/is-subsidized-internet-for-the-poor-finally-here> (last visited August 3, 2015)(*Fast Company Article*).

second for sufficient videophone quality. However, Comcast recently announced that its \$10-a-month program, Internet Essentials, will be getting a free speed bump to a maximum of 10 Megabits per seconds.<sup>10</sup> If the FCC sets this as the minimum broadband level at the same low price and Lifeline providers follow suit, then we do not anticipate a problem for sufficient videophone quality. Conversely, if the minimum broadband level is set at a low number due to cost efficiency and Lifeline providers do not allow for access to sufficient speeds, then Internet service cost would ultimately remain a barrier for videophone access.

If the current subsidy is an obstacle to setting the aforementioned minimum level, we urge the FCC to consider raising the subsidy amount to a level similar to what Tribal recipients currently receive (\$34.25 per month) since accessibility should be the primary goal. While we understand that the FCC may wish to avoid additional financial costs to the program, it is imperative that the FCC ensures both a sufficient level of broadband service while also making sure the service is affordable to the deaf and hard of hearing consumer. Alternatively, since cost is a concern, the FCC could set an interim higher rate for now to study its effectiveness and re-address it at a later time.

Moreover, the FCC should not switch to a voucher system to administer the subsidies. Under a voucher-based system, the onus will be put on the recipients who, once they are deemed eligible to participate in the program, will need to separately go to providers' stores to obtain the service on a monthly basis. Many impoverished deaf and hard of hearing consumers struggle with public transportation costs so it would be an added cost burden in addition to communication access barriers at stores. Instead, deaf and hard of hearing consumers should

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<sup>10</sup> See *Comcast Article*.

have the ease of receiving their benefits automatically via direct reimbursement from the fund to providers.

In addition, Lifeline should also provide a one-time reimbursement to Lifeline recipients to cover any upfront broadband connection charges for fixed service. It would be a deterrent if consumers had to bear such charges just to access broadband service. It goes against the affordability ideals of the program.

**D. The Commission must consider accessibility in many aspects of the Lifeline expansion to broadband.**

The FCC asks if they should require mobile Lifeline providers to offer unlimited text to Lifeline consumers to maximize the benefit of the Lifeline subsidy. Consumer Groups respond affirmatively on behalf of the deaf and hard of hearing community.

Deaf and hard of hearing consumers rely on texting to communicate for everyday functions. Deaf and hard of hearing consumers do not have the luxury of switching to voice calls if they have reached their limit on texting. Unlimited texting would allow deaf and hard of hearing consumers to communicate with society on a comparable level to everyone else without the constant worry of counting texts every month.

The FCC also seeks comment on amending their rules to treat the sending of text messages as usage for the purpose of demonstrating usage sufficient to avoid de-enrollment from Lifeline service. For deaf and hard of hearing consumers that rely solely on text, they would face the obstacle of being de-enrolled from the program just because text messaging is not treated as valid usage. That would result in a disproportionate impact on low-income deaf and hard of

hearing users. As Tracfone pointed out in their petition for rulemaking<sup>11</sup>, “the rapid increase in use of text messaging by individuals who are deaf and hard of hearing....weigh in favor of amending the Commission’s rules to allow text messaging as an activity that constitutes usage of service.” Consumer Groups concur in this assessment and urge for texting to be considered as valid usage under the Lifeline program.

The FCC also proposes to require Lifeline providers to make readily available a 24-hour customer service number, allowing subscribers to de-enroll from Lifeline services, and to publicize this number. Consumer Groups encourages the Commission to ensure that Lifeline providers make the hotline as well as publications and other disseminated information accessible to deaf and hard of hearing consumers. Print information should be translated into ASL via video formats, and videos should be both captioned and also provided in ASL formats. Customer service representatives should be trained in the use of Telecommunications Relay Services. Customer Services must understand the different forms of TRS and that all Relay calls must be answered.

**E. The Commission should implement Odin Mobile’s proposal to add an eligibility criteria to the Lifeline program in order to maximize benefits to deaf and hard of hearing consumers.**

In a recent ex parte letter filing, Odin Mobile urged the Commission to consider optimizing the impact of the program on people with disabilities.<sup>12</sup> While their letter mainly focused on the potential impact on blind recipients, Consumer Groups would like to take this opportunity to provide insight into the potential impact on deaf and hard of hearing recipients.

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<sup>11</sup> See TracFone Wireless, Inc. Petition for Rulemaking and Interim Relief, WC Docket No. 11-42 (filed Oct. 1, 2014)(*TracFone Texting Petition*).

<sup>12</sup> See Ex parte Letter-Prepaid Wireless Retail, LLC (dba, Odin Mobile), WC Docket No.09-197 and 11042) (filed June 5, 2015)(*Odin Letter*).

Lifeline not only includes providing discounts to services but also distributing phones to recipients. However, some wireless Lifeline providers currently distribute free phones that are not accessible to deaf and hard of hearing people; some do provide hearing aid compatible wireless phones. They are very basic devices, such as flip or slide phones, and would not allow low-income deaf beneficiaries to access mobile relay services to make calls and may not be accessible to hard of hearing people who need hearing aid compatible phones. Additionally, not only does the FCC distribute free basic phones through its Lifeline program, but the large majority of states have equipment distribution programs in which they provide free or subsidized equipment to individuals who are deaf or hard of hearing.

However, the majority of these state programs only distribute equipment that are landline-based and have yet to catch up to the wireless and data-driven world. Approximately ten programs throughout the country include accessible wireless devices, such as smartphones, but the main obstacle for beneficiaries is that they must pay for the service. The problem with such a program is that a substantial amount of money is invested in wireless equipment only to see many of the low-income recipients stop using them because of an inability to afford the monthly cost of the service. Under such a system, a beneficiary may receive the equipment for free, but the beneficiary is unable to access wireless mobile technology due to the cost of the monthly service fees.

To address this issue, Odin Mobile proposes adding one more eligibility criteria to the Lifeline program, which is that individuals with disabilities who receive communications equipment from a state equipment distribution program are automatically eligible for Lifeline. If consumers who receive equipment from the state programs automatically qualify for Lifeline, they are less likely to stop using the equipment because of their inability to afford the service.

That would allow for both service and accessible equipment. If the FCC were to adopt this proposal, not only will more low-income individuals who are deaf or hard of hearing receive mobile equipment that will allow them to use VRS and mobile captioned telephone applications, but these recipients' automatic eligibility for Lifeline will make the broadband service needed to take advantage of these mobile technologies more affordable. It would also decrease the burden of the cost on the Lifeline program's distribution of phones.

Respectfully submitted,

/s/

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