

March 23, 2016

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW,  
Washington, DC 20554

Re: *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)

Dear Ms. Dortch:

The undersigned organizations (collectively “Consumer Groups”) submit this letter to express serious concerns with certain elements of the “Fact Sheet” released by the Federal Communications Commission (“Commission”) summarizing a Lifeline Reform Order scheduled for a vote at the Commission’s March 31, 2016 Open Meeting.

The Consumer Groups are a coalition of the undersigned organizations that work together to advocate for equal access in a variety of areas. The Consumer Groups collectively represent the interests of 48 million deaf and hard of hearing people in the United States. Our work encompasses advocacy on issues such as Video Relay Services (VRS), hearing aid compatible phones, Internet and television captioning, accessible travel, and more.

As noted in our previous filings on this matter, we applaud the Commission’s leadership in expanding the scope of Lifeline to include broadband; we view this as a necessary step towards providing services to deaf and hard of hearing consumers. This undertaking should “efficiently and *effectively* meet a critical 21st Century need.”<sup>1</sup> However, as stated in the recently-released Fact Sheet, the proposed Order requires unlimited minutes for mobile voice service, starting December 1, 2016, while it phases in minimum standards for mobile broadband service, starting at 500 MB per month of 3G data, increasing to 2GB per month by the end of 2018.

Requiring unlimited mobile voice service while failing to incentivize or require commensurate data-only mobile broadband service specific to deaf and hard of hearing consumers is a disservice to our community. That particular aspect of the proposed Order is not functional equivalency for deaf and hard of hearing consumers participating in Lifeline. Given that deaf and hard of hearing individuals rely on mobile broadband service to make telephone calls, this disparity in requirements is burdensome to deaf and hard of hearing consumers. Moreover, the disparity is exacerbated by the extremely low floor of 500 MB per month, which according to measurements from the Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing (DHH-RERC)’s research, would only get a deaf or hard of hearing consumer **about an hour’s worth of videophone and VRS usage**.

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<sup>1</sup> Fact Sheet on Lifeline Modernization Proposal (emphasis added).

It runs counter to the Commission's explicitly-stated goal as it would not effectively meet a 21st Century need for low-income deaf and hard of hearing consumers who rely on videophones and VRS to make everyday calls and fully participate in society. Not only is the Commission telling deaf and hard of hearing people that they cannot have unlimited telecommunications like their hearing peers, but the Commission is telling them that they can only have one hour to make their calls.

As part of the \$9.25 subsidy, many low-income deaf and hard of hearing consumers will be receiving unlimited voice minutes that they cannot use while having to endure a limited amount of data. It also will likely cause them to have to pay overages in going over data caps on a monthly basis as an hour's worth of video calling will not be sufficient for most people. The Commission should not limit deaf and hard of hearing people to only one hour's worth of video calling a month while other consumers have access to unlimited voice minutes. They might have to contribute a co-pay in order to receive effective access to services and this may lead to deaf and hard of hearing consumers having to drop out of the Lifeline program altogether due to their inability to make any level of contribution. The unfortunate result would be that deaf and hard of hearing consumers who qualify for Lifeline will not be able to access telecommunications at all.

Consequently, we strenuously urge the Commission to require Lifeline providers to offer an equivalent plan for deaf and hard of hearing consumers that would enable them to use videophone calls to the same extent as hearing Lifeline consumers use voice minutes. The Commission should require functionally equivalent plans for similarly situated consumers who are deaf and hard of hearing. These plans should substitute for unlimited voice minutes sufficient data to cover unlimited, or at least very significant, amounts of VRS calling in a way that will not significantly affect the carriers' calculus for participating in the program. As the Fact Sheet itself acknowledges, broadband is today's most pressing communications need. If the Commission does not take the necessary steps to ensure functional equivalency, barriers to broadband will still exist for deaf and hard of hearing consumers.

The Consumer Groups look to the Commission for its leadership in ensuring that, through the provision of Lifeline support in an functionally equivalent manner, deaf and hard of hearing consumers will be able to stay connected to and be productive members of society.

Sincerely,

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