

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

In the Matter of)	
)	
International Comparison and Consumer)	GN Docket No. 09-47
Survey Requirements in the Broadband)	
Data Improvement Act)	
)	
A National Broadband Plan for our Future)	GN Docket No. 09-51
)	
Inquiry Concerning the Deployment of Advanced)	GN Docket No. 09-137
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)	
_____)	

**CSD AND CSDVRS REPLY COMMENTS
IN RESPONSE TO NBP PUBLIC NOTICE #1**

Communication Service for the Deaf (CSD) and CSDVRS, LLC submit these replies in response to the Federal Communications Commission’s (“FCC” or “Commission”) Public Notice seeking comments on defining “broadband.” This Notice was released to assist the Commission in the development of a National Broadband Plan in accordance with the American Recovery and Reinvestment Act of 2009.¹

I. Background

CSD is a private, non-profit organization that provides programs and services intended to increase communication, independence, productivity, and self-sufficiency for all individuals who are deaf and hard of hearing through education, counseling, training, and

¹ *Comment Sought on Defining “Broadband” NBP Public Notice #1*, Public Notice, DA 09-1842 (August 20, 2009) (“*First Notice*”), citing American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009).

communication assistance. CSD provides text-based telecommunications relay services, including Internet-enabled relay services, in over thirty states as a subcontractor or directly through its own TRS operations-calls centers. CSD was also the first relay provider to make video relay services (VRS) available to deaf individuals who use American Sign Language (ASL) as their primary means of communication. In addition, CSD provides video remote interpreting (VRI), a form of interpreting that uses remote interpreters, accessed via high-speed broadband connections, to facilitate a conversation between two or more individuals in the same location. CSDVRS, LLC has been certified to provide video relay services (VRS) throughout the United States since September 2007. Before that time, and beginning around January 2007, CSDVRS began providing VRS through CSD and other providers that were either certified or otherwise authorized to provide this service.

II. Video Relay Services

As noted above, VRI is generally used for conversations taking place in the same location. This broadband application is often used in remote areas or under conditions where it is impractical or unnecessary to obtain an on-site interpreter. By contrast, VRS takes the place of telephone conversations over the public switched telephone network (PSTN) by enabling two or more individuals, one of whom uses ASL and the other who does not, to communicate with each other over distances. Like VRI, VRS uses sign language interpreters who are accessed remotely over high-speed broadband services. When a VRS call is placed, the interpreter facilitates the parties' conversation by speaking (interpreting) what the person using ASL signs and signing back responses to that individual. VRS can also potentially be used to assist people with hearing loss who do not sign by enabling them to lipread what others are saying through an oral interpreter. In

addition, for people with speech disabilities, VRS could be used to enable a relay operator to see the faces and gestures of people with speech disabilities, so that the statements made by these individuals can be better understood and relayed to the party they are calling. Because to date, VRS – as well as peer-to-peer video communications – primarily have been used by ASL users, much of these comments focus on the communications benefits that these individuals have enjoyed from these services. However, as the FCC moves forward with a definition of broadband, it must keep in mind the need for broadband speeds and capabilities that can support other VRS and video applications needed to benefit all segments of the disability community.

III. Video Communications: A Booming Communications Technology for People with Disabilities

Since the turn of the century, our nation has witnessed a spectacular growth in the use of video communications taking place over high-speed broadband connections by people who rely on sign language as their primary means of conducting conversation over distances. Both direct peer-to-peer video communications between individuals who are deaf or severely hard of hearing and VRS have had a profound impact on the lives of these individuals.

The extraordinary popularity of video communications results from the ability of this technology to allow users to enjoy real-time conversations with a speed and flow that mirrors voice-to-voice telephone communications. Through this form of distance communication, people who are deaf have been able to communicate emotional context, voice inflection and other non-verbal information that cannot be conveyed through text. In contrast, PSTN-based communications via TTY – the only means by which deaf and hard of hearing people were forced to communicate prior to the introduction of broadband – can be

slow and stilted, and unnaturally inhibit the smooth flow of a conversation. In fact, the delays inherent in traditional text-based relay services often discouraged employers and mainstream businesses from using relay services, impeding the full acceptance of these services in our society.

Most importantly, video communication allows ASL users to converse in their native or preferred language, a language with a complex grammatical structure that is very different from English or other spoken languages. In particular, this broadband application has enabled deaf and hard of hearing people with physical or mental limitations, such as deaf children, senior citizens and immigrants who can sign but who cannot type, read or write English, with access to distance communication for the first time in their lives. It is not easy to communicate in one's second language, let alone to have to type out a conversation in that language.² With the ability to now sign their conversations over distances, these people no longer are isolated, and can communicate freely and regularly with friends and relatives.

Peer-to-peer and video relay communications over broadband have other benefits as well. These applications enable ASL users to fully participate in conference calls, where simultaneous "give and take" during a conversation is essential. It had been virtually impossible to participate in a conference call through traditional text relay because of the delays inherent in those transmissions. VRS also facilitates access to menu-based interactive voice response (IVR) systems, which have become ubiquitous in our nation's governmental offices, transportation authorities, educational institutions, and businesses.

² It is for this very reason that the Americans with Disabilities Act requires sign language interpreters in medical, legal, and other settings. When enacting this landmark legislation, Congress recognized that communication in one's native language through interpreters is vital to enabling ASL users to obtain effective communication.

By providing the ability to converse by phone in a manner that parallels that of hearing individuals, VRS has made ASL users more independent and, in allowing these individuals to better fulfill their essential job functions, has opened new opportunities for employment and job advancement that were previously unattainable. Specifically, the ease of using VRS – both for the deaf person who signs and the hearing person who receives those signed messages and responds in voice – enables individuals to effectively use the telephone to conduct job searches, make appointments for interviews, arrange for references, and, once on the job, to perform a plethora of job duties involving phone communications. Whereas traditional text-to-voice relay calls can be long and drawn out, requiring each side of the conversation to read the other party’s message before responding, VRS calls are swift, allowing parties to exchange information in a fraction of the time. In the employment context, this saves the employer both time and money and ensures communication that is effective between the parties to a call. In this manner, VRS already fulfills one of the Commission’s goals, *i.e.*, the use of broadband technologies to provide greater flexibility and opportunity for Americans in the workplace.

IV. The Definition of Broadband

As noted by various disability organizations that have already submitted comments to the FCC’s *First Notice*, in order to ensure high quality two-way video communication that is effective for the population of individuals with hearing loss that have come to rely on this form of communication or who may come to rely on it in the future, it is critical that the Commission define broadband “in a manner, and with appropriate speed, latency and performance parameters, so as to enable access to all types of point-to-point communication

and TRS.”³ These disability organizations correctly note that performance indicators and thresholds for broadband need to be defined to achieve certain quality of service (“QoS”) levels that are sufficient for effective communication using video technologies. To this end, CSD and CSDVRS believe that the definition of broadband in the FCC’s National Broadband Plan should require 10 megabits per second downstream and 1 megabit per second upstream by 2010, with increasing benchmarks for succeeding years. These speeds are relatively close to existing technologies that are being deployed in urban communities when either cable and telephone companies replace their physical infrastructures, and are needed to support high quality video communications in consumer households. Such speeds are also in accordance with proposals made through Speed Matters, a project of the Communication Workers of America that has the support of over thirty national partners.⁴

According to the Coalition of Organizations for Accessible Technology (COAT), the nation’s leading coalition of over 240 organizations advocating for disability access to emerging communications technologies, broadband usage rates remain far lower among people with disabilities than among the general population.⁵ COAT reports that people with disabilities in both metropolitan and non-metropolitan areas historically have had lower rates of Internet use than individuals without disabilities living in each of these areas. The

³ See Comments of the “Consumer Groups” at 2. The disability organizations participating in these joint comments were Telecommunications for the Deaf and Hard of Hearing, Inc., Association of Late-Deafened Adults, Inc., National Association of the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, California Coalition of Agencies Serving the Deaf and Hard of Hearing, American Association of the Deaf-Blind, and Hearing Loss Association of America.

⁴ See <http://www.speedmatters.org/pages/principles/>, retrieved September 4, 2009.

⁵ See Statement of COAT, “Roundtable on Underserved Areas and Reaching Vulnerable Populations,” National Telecommunications and Information Administration, U.S. Department of Commerce, March 19, 2009; Comments of COAT in response to FCC Notice of Inquiry on a National Broadband Plan in GN Docket No. 09-51 at 6 (filed June 8, 2009).

Commission needs to ensure that its definition of broadband fosters access for the millions of these Americans who are deaf, blind, hard of hearing, low vision, deaf-blind, or have a speech disability, to eliminate the broadband divide between this population and the general population. With significantly greater percentages of people with disabilities unemployed or underemployed, high speed Internet access takes on even greater importance. As noted by the Speed Matters project, “[h]igh speed Internet empowers people with disabilities to become more independent. An Internet connection with enough speed to allow two-way voice, data, and video transfer can remove barriers that keep people with disabilities from participating in everyday activities such as employment, education, civic responsibilities and social connection.” The project goes on to accurately note that when the 50+ million Americans with disabilities have effective broadband access, all Americans will benefit from the increased participation of these individuals.⁶

V. Conclusion

Defining a high enough speed to benefit people with disabilities who rely on video communication will be consistent with the FCC’s goals of expanding the deployment of broadband technologies to all Americans. The FCC already has acknowledged that VRS “can be a demand driver for broadband connections,”⁷ and for years, has steadfastly expressed its desire to ensure that the migration to Internet-enabled communication methods

⁶ http://www.speedmatters.org/benefits/archive/enabling_people_with_disabilities/, retrieved September 4, 2009.

⁷ See e.g., *In the Matter of 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*, Notice of Inquiry, GN Dkt 04-54, FCC 04-55 at ¶ 2 (rel. March 17, 2004).

address the needs of people with disabilities.⁸ Building a high-capacity nationwide network with fast, open access, will empower people with disabilities to become independent, secure and retain employment, access educational programs via long distance learning, and have the communication tools they need to participate in all facets of society. A broadband speed that meets these consumers' demands for clear, crisp, and comprehensive video communications will contribute to these goals by encouraging the use of this service and allowing this technology to reach its full potential for the user community.

Respectfully submitted,

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⁸ See e.g., *In the Matter of IP-Enabled Services*, Notice of Proposed Rulemaking, WC Dkt No. 04-36, FCC 04-28 (rel. March 10, 2004) at ¶¶5, 58-60.

