

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

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) GN Docket 09-51  
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*In the Matter of*  
A National Broadband Plan for Our Future

**Ex Parte Comments of the Broadband for the Deaf  
and Hard of Hearing Corporation**

Broadband for the Deaf and Hard of Hearing Corporation (“BDHH”) is an organization dedicated to the goal of providing broadband Internet access to low-income deaf and hard of hearing Americans (hereinafter referred to as “deaf”) who would otherwise be unable to afford this important communications tool.<sup>1</sup> BDHH welcomes this opportunity to contribute to the Federal Communication Commission’s (“FCC’s” or “Commission’s”) formulation of the National Broadband Plan, providing additional information about the broadband needs of the deaf population, the vast benefits of providing broadband to the deaf, and the steps the Commission can take to provide broadband service to the deaf.

**I. THE BROADBAND NEEDS OF THE DEAF POPULATION**

As recognized by other commenting parties in this proceeding, a disproportionate number of the one million Americans who are unable to hear a conversation are unemployed, receive Social Security, live in poverty, or have household income below

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<sup>1</sup> Toward this end, BDHH has applied for Sustainable Broadband Adoption grant funding under the Broadband Technology Opportunities Program (“BTOP”). A summary of the proposal submitted to BTOP by Broadband for the Deaf and Hard of Hearing is attached for reference as Exhibit A.

\$20,000.<sup>2</sup> In addition, deaf Americans are more likely to live in rural areas than in urban or suburban areas, thus providing an even greater obstacle to broadband access.<sup>3</sup> These economic factors, combined with persistent cultural barriers such as discrimination and bias, have often isolated and marginalized deaf people.<sup>4</sup> Deaf Americans are much more likely than their hearing counterparts to have inadequate access to healthcare, education, government agencies or services, or support networks.<sup>5</sup> Deaf Americans' access to the nation's communications system has been particularly limited, and only began to improve with the mandate of the Americans with Disabilities Act of 1990 to provide deaf individuals with "functionally equivalent" communications services.<sup>6</sup>

Without broadband Internet access, many low-income deaf Americans are unable to communicate with public safety and emergency services, businesses, potential employers, teachers, doctors, friends, or family. Broadband Internet access provides deaf individuals an ability to communicate over distances that they would not otherwise enjoy. For those who communicate using American Sign Language ("ASL"), broadband Internet access provides life-altering communications options.

## **II. THE BENEFITS OF BROADBAND FOR THE DEAF**

Access to broadband Internet service addresses the unique challenges faced by the vulnerable population of deaf individuals. Empowered with broadband, deaf persons can

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<sup>2</sup> See Erika Steinmetz, Current Population Reports in Americans With Disabilities: 2002, Household Economic Studies, U.S. Census Bureau (issued May 2006), available at:

<http://www.census.gov/prod/2006pubs/p70-107.pdf>. See, e.g., Comments of Connected Nation, Inc. in response to NBP Public Notice #4, GN Docket No. 09-47, 09-51, and 09-137 (October 5, 2009).

<sup>3</sup> *Id.*, Table 9 (The prevalence of hearing impairment is greater at all ages among the population living in rural areas).

<sup>4</sup> See The Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. 12101(a) (discrimination against individuals with disabilities continues to be a serious and pervasive social problem).

<sup>5</sup> See Position Statement on Mental Health Services for People who are Deaf and Hard of Hearing, National Association of the Deaf, 2003, available at: <http://www.nad.org/issues/health-care/mental-health-services/position-statement>.

<sup>6</sup> 42 U.S.C. § 12101 *et seq.*; see 47 U.S.C. § 225.

search for jobs and submit resumes, and can communicate with businesses, friends, and colleagues. For example, users of IP Relay can place calls over the Internet by connecting instantly to a relay operator at the touch of a button. With broadband access, deaf Americans who use ASL can communicate across distance quickly and naturally in their primary language by using Video Relay Service (“VRS”). For many ASL users – such as senior citizens and children who are unable to type – video communication is the only means of communicating with another person over distance. Broadband access enables the deaf to have access to health care and education, particularly for children. The benefits that accrue to the deaf are long-term and sustainable, creating numerous opportunities and increasing the deaf population’s broadband adoption rate.

### **III. RECOMMENDED COMMISSION ACTIONS**

#### **a. Inclusion of Deaf in the National Broadband Plan**

As an initial matter, BDHH applauds the Commission for explicitly considering the needs of the disabled in developing a national broadband plan. To date, the Commission has held two broadband workshops to consider the needs of these vulnerable populations. BDHH urges the Commission to continue this forward momentum and explicitly provide for the needs of the disabled in drafting and finalizing the plan. Specifically, BDHH requests that the Commission include a principle of inclusion for the disabled in the national broadband plan that requires both accessibility and non-discrimination. Taking this action will further the Commission’s mandate to achieve universal service for all Americans.

## **b. Funding for Broadband Through Lifeline and Link-Up**

Further, the Commission should allow eligible low-income disabled individuals to apply Lifeline and Link-Up subsidies toward broadband service in lieu of basic voice telephone services. Many other groups have already urged the Commission to take this modest step. For example, the Coalition of Organizations for Accessible Technology (COAT) filed a petition for rulemaking that asked the FCC to allow deaf individuals to use these existing programs to pay for broadband Internet service.<sup>7</sup> Similarly, parties in this proceeding have advocated that the Commission take this step as part of the national broadband plan.<sup>8</sup> BDHH agrees with these parties that the Commission should now allow low-income deaf individuals to choose to apply Lifeline and Link Up subsidies to broadband service.

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<sup>7</sup> The Coalition of Organizations for Accessible Technology, Petition for Rulemaking, WC Docket No. 03-109; CC Docket No. 96-45 (October 30, 2008).

<sup>8</sup> *See, e.g.*, Comments of the Rehabilitation Engineering Research Center on Telecommunications Access in response to NBP Public Notice #4, GN Docket No. 09-47, 09-51, and 09-137 (October 6, 2009); Comments of the Rehabilitation Engineering Research Center on Universal Interface and Information Technology Access in response to NBP Public Notice #4, GN Docket No. 09-47, 09-51, and 09-137 (October 6, 2009). Additionally, at the October 20<sup>th</sup> Commission staff workshop focusing on broadband access for people with disabilities, the American Foundation for the Blind, the National Association of the Deaf, the National Emergency Numbering Association, and the Telecommunications Industry Association all advocated for USF support for broadband access provided to the disabled.

#### **IV. CONCLUSION**

BDHH enthusiastically agrees with the Commission that it is important to identify and address affordability barriers faced by people with disabilities in accessing broadband capabilities and urges the Commission to take action to provide broadband access to the vulnerable deaf population as outlined herein.

Respectfully submitted,

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## **Exhibit A**

### **Summary of Grant Proposal of the Broadband for the Deaf and Hard of Hearing Corporation Broadband Technologies Opportunity Program**

Individuals who are deaf or hard of hearing face significant barriers. Providing broadband to these Americans who do not have access will enrich their lives by affording tangible opportunities for jobs, education, and training. It will allow these individuals to be part of the economic and social fabric that broadband propels. Dr. Robert Davila, Dr. Vint Cerf, and Dr. John S. Schuchman have formed the Broadband for the Deaf and Hard of Hearing Corporation (“Applicant” or “BDHH”) to bring broadband Internet access to the vulnerable and underserved low-income deaf and hard-of-hearing population. They have launched this project because it has the power to transform the lives of deaf individuals (hereinafter including the deaf and hard of hearing) who are frequently excluded from the benefits of the high-tech broadband economy and community life.

The Applicant will provide broadband access for a period of two years to a target of 66,000 low-income households that include a deaf individual and provide outreach, access and support services to facilitate greater use of broadband Internet access by this vulnerable population. The project will provide a “jump start” that will stimulate demand for broadband, economic growth, and job creation.

Professionals with years of experience in the deaf and hard of hearing communities will lead the Broadband for the Deaf and Hard of Hearing Corporation. These renowned professionals are proven leaders with experience in technology and education, and with a deep understanding of the deaf community. The expected overall cost of the project is \$70 million.

#### **THE NEED**

A disproportionate number of the one million Americans who are unable to hear a conversation are unemployed, receive Social Security, live in poverty, or have household income below \$20,000. (See Erika Steinmetz, Current Population Reports in Americans With Disabilities: 2002, Household Economic Studies, U.S. Census Bureau (issued May 2006), available at: <http://www.census.gov/prod/2006pubs/p70-107.pdf>.) These economic factors, combined with persistent cultural barriers such as discrimination and bias, have often isolated and marginalized deaf people. (See The Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. 12101(a) (discrimination against individuals with disabilities continues to be a serious and pervasive social problem).) Deaf Americans are much more likely than their hearing counterparts to have inadequate access to healthcare, education, government agencies or services, or support networks. (See Position Statement on Mental Health Services for People who are Deaf and Hard of Hearing, National Association of the Deaf, 2003, available at: <http://www.nad.org/issues/health-care/mental-health-services/position-statement>.) Deaf Americans’ access to the nation’s communications system has been particularly limited, and only began to improve with the mandate of the ADA to provide deaf individuals with “

## UNIQUE, SIGNIFICANT, AND SUSTAINABLE BENEFITS FOR THE DEAF- AN UNDERSERVED AND VULNERABLE POPULATION

Broadband has enormous potential to lower or eliminate the barriers that historically have caused deaf Americans to be isolated or marginalized. Empowered with broadband, deaf persons can search for jobs and submit resumes; have access to training and educational materials; and communicate with businesses, friends, and colleagues. For example, Users of IP Relay can place calls over the Internet by connecting instantly to a relay operator at the touch of a button. With broadband access, deaf Americans who use American Sign Language (“ASL”) can communicate across distance quickly and naturally in their primary language by using Video Relay Service (“VRS”). For many ASL users – such as senior citizens and children who are unable to type – video communication is the only means of communicating with another person over distance.

Providing deaf Americans with broadband access is an innovative approach to improve their daily lives, education, and job prospects. Although the idea has been proposed in the past, there has been no financial support for such a program and no large-scale project has been attempted. (See Petition for Rulemaking, Coalition of Organizations for Accessible Technology, WC Docket No. 03-109 (Oct. 30, 2008) (recommending that the Commission allow deaf individuals who use existing telephone-related low income programs to use this funding for broadband Internet service).

A large-scale, national strategy will best serve the vulnerable, often rural, deaf population because deaf individuals who lack broadband Internet access are dispersed geographically. (See Letter from Doris O. Matsui, et al., U.S. Congress, to Michael Copps, FCC, Bernadette McGuire-Rivera, NTIA, and James R. Newby, RUS, at 1-2 (Apr. 29, 2009) (requesting that low-income urban populations be considered potential “underserved” populations as the agencies develop grant programs and finalize requirements).) The proposed project will bring sustainable benefits to this underserved and vulnerable population by introducing low-income deaf individuals to the opportunities broadband access provides. The knowledge that deaf Americans gain about the benefits of broadband will provide lasting improvements to their daily lives. The project will also create sustainable increases in broadband adoption rates beyond the grant period by providing deaf users the opportunity to continue receiving broadband service at substantially discounted rates after the funding period.