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

Additional Comment Sought on	)	GN Docket Nos. 09-47, 09-51, 09-137
Public Safety, Homeland Security,	)	PS Docket Nos. 06-229, 07-100, 07-114
And Cybersecurity Elements	)	WT Docket Nos. 06-150
Of National Broadband Plan	)	CC Docket No. 94-102
	)	WC Docket No. 05-196

COMMENTS IN RESPONSE TO
NBP PUBLIC NOTICE #8

Telecommunications for the Deaf and Hard of Hearing, Inc. ("TDI"), through its undersigned counsel, Association of Late-Deafened Adults, Inc. ("ALDA"), National Association of the Deaf ("NAD"), Deaf and Hard of Hearing Consumer Advocacy Network ("DHHCAN"), California Coalition of Agencies Serving the Deaf and Hard of Hearing ("CCASDHH"), American Association of the Deaf-Blind ("AADB"), American Association of People with Disabilities ("AAPD") and Hearing Loss Association of America ("HLAA") (collectively, the "Consumer Groups"), hereby respectfully submit these comments in response to the Federal Communications Commission's ("Commission") Public Notice ("Notice") in the above-referenced proceeding.[1]

In its Notice, the Commission seeks comment on: (1) how to best meet the needs of the public safety community for mobile wireless networks; (2) whether the American public could use broadband technologies to better communicate with emergency responders when they make 9-1-1 calls; (3) the survivability of broadband networks and cyber security; and (4) broadband

[1] *Additional Comment Sought on Public Safety, homeland Security, and Cybersecurity Elements of National Broadband Plan*, Public Notice, DA 09-2133 (September 28, 2009) ("*Notice*").

technologies and alerting. Consumer Groups address issues (2) and (4) above with these comments.

I. THE AMERICAN PUBLIC, PARTICULARLY PEOPLE WHO ARE DEAF, HARD OF HEARING, LATE-DEAFENED AND DEAF-BLIND, CAN USE BROADBAND TECHNOLOGIES TO BETTER COMMUNICATE WITH EMERGENCY RESPONDERS WHEN MAKING 9-1-1 CALLS

Today, Public Safety Answering Points ("PSAPs") are only required to receive and make voice telephone and TTY calls connected to the Public Switch Telephone Network ("PSTN"). However, many people with disabilities have discontinued use of the more traditional TTYs and have moved to newer, more effective and efficient Internet-based Telecommunications Relay Service ("iTRS"), and other broadband technologies for their communications needs. Broadband technologies are essential for deaf, hard of hearing, late-deafened and deaf-blind consumers as they enable such consumers to communicate with each other in point-to-point calls and with hearing consumers through iTRS using voice, text, and video communication. Internet-based services, like Video Relay Services ("VRS"), Internet Protocol Relay ("IP Relay"), and Internet-Protocol captioned telephone services ("IP CTS"), rely on broadband and are increasingly becoming the communication methods of choice for people who are deaf, hard of hearing, late-deafened, and deaf-blind. However, these technologies are not designed for transmitting 9-1-1 calls directly to PSAPs. It is imperative that PSAPs be enabled to receive and process such calls and received automatic number identification ("ANI") and automatic location identification ("ALI") information. Current 9-1-1 systems must be upgraded or redesigned to ensure that people who are deaf, hard of hearing, late-deafened and deaf-blind can effectively and efficiently reach emergency responders in times of crisis.

Consumer Groups advocate two basic approaches to 9-1-1 access that the Commission should support: *Direct access* to 9-1-1 and communication with the PSAP call-taker using voice,

text, video or a combination of voice, text and video; and *indirect access* via any approved form of TRS or iTRS, where a communications assistant is involved in the call and the PSAP call-taker experiences the call as a voice call. Both approaches must be supported to achieve functionally equivalent access to emergency responders.

The Americans with Disabilities Act ("ADA") requires functionally equivalent communication services for all Americans.[2] As noted in Consumer Group's Comments in Response to NBP Public Notice #1,[3] VRS is one of the most functionally equivalent services for people who communicate using American Sign Language ("ASL") because it enables deaf, hard of hearing, late-deafened and deaf-blind consumers who use ASL to communicate in their preferred language. Unlike certain other TRS services, VRS provides users the ability to communicate in near real-time with greater accuracy through the use of broadband. To further improve the ability of the PSAP operator to understand the nature of the emergency, the Consumer Groups strongly support the development of a split-screen technology that would permit the PSAP operator to see the image of the VRS caller at the same time as the PSAP operator hears the interpreter via the relay service.

However, VRS is not functionally equivalent in terms of emergency services in that it does not allow for seamless contact with a 9-1-1 operator in times of crisis. Connection wait times should be comparable to what is in effect today for voice callers to 9-1-1. Many states have established a standard of the PSAP answering the call within ten seconds ninety percent of the time. The same should be the case when a relay service answers an emergency call, and as such,

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[2] 47 U.S.C. §225.

[3] *In the Matter of International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act; A National Broadband Plan for our Future; 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, as Amended by the Broadband Data Improvement Act*, GN Docket Nos. 09-47, 09-51, 09-137, Comments in Response to NBP Public Notice #1, filed Aug. 31, 2009.

the Commission should adopt special speed of answer requirements for emergency calls. Because of the delay inherent in sending 9-1-1 requests through a relay service (as compared to voice communications), such requests must remain a top priority by the TRS facility. Additionally, requirements imposed on Internet-based relay users to register addresses cannot be more burdensome than that required today of non-relay or voice callers. Finally, with respect to mobile TRS, the Commission should adopt ALI and ANI rules similar to those currently in place for Commercial Mobile Relay Services.

Consumer Groups encourage the Commission to be mindful that *universal* 9-1-1 access standards for people with hearing and speech disabilities throughout the country are essential. This requires both mandatory requirements and adequate funding for PSAPs. As most 9-1-1 procedures and standards are localized and most localities do not have the means or the incentive to upgrade their systems so that all citizens can receive appropriate emergency services, many times voluntary guidelines are ignored. Thus, it is necessary for PSAPs to receive adequate funding so they can upgrade to an Internet Protocol ("IP") environment that is compatible with advanced technologies. Moreover, as it is not within the Commission's jurisdiction to develop mandatory PSAP procedures and standards, Consumer Groups urge the Commission to work with the Department of Justice to develop such requirements.

II. BROADBAND TECHNOLOGIES CAN BE USED AS PART OF AN EFFECTIVE EMERGENCY ALERT SYSTEM

Internet-based solutions, such as text and IP relay/VRS should be part of an effective Emergency Alert System ("EAS"). As noted above, many people with disabilities have moved to newer, more efficient iTRS and other broadband technologies for communication. Consumer Groups urge the Commission to extend the EAS to broadband technologies to ensure that the

dissemination of emergency information is not relegated to just radio and TV stations. An effective EAS system must ensure that all consumers, including deaf, hard of hearing, late-deafened, and deaf-blind consumers know about emergencies, how to respond appropriately to the emergency and when an emergency situation has ended.

Consumers (with and without disabilities) are not constantly tuned to broadcast stations or in an area in which they can easily hear an alarm system and thus may not immediately learn of an emergency situation that may affect their lives or their welfare. The more technologies that are included into the EAS, the better chances that all consumers will promptly learn of situations that may affect them. The key to an effective EAS is redundancy of the message though different formats. No one system will reach every citizen, thus multiple methods must be employed simultaneously. In addition to emergency messages being sent by sound (*e.g.*, horns, sirens, voice) and conveyed by radio and television broadcast, messages should be sent by email, captioned radios, EAS dedicated pagers, phone/TTY, text message, video message and other means. Consumers should be alerted through the use of lights, vibrations, captioned text, ASL or other methods of communication to reach as many people as possible in a timely manner. The scope of EAS should be expanded in such a way that the Commission can ensure that dissemination of information is done in such a way that emergency messages are accessible to all people equally.

III. CONCLUSION

The Consumer Groups respectfully encourage the Commission to consider the points discussed herein regarding public safety when developing the national broadband plan. More often than not, when making communications technologies accessible to people who are deaf, hard of hearing, late-deafened and deaf-blind, these means of accessibility permit people with other disabilities, such as with intellectual, mental, and developmental disabilities, to also have

greater usability of these technologies. The needs of people with disabilities, including people who are deaf, hard of hearing, late-deafened, and deaf-blind, must be a factor in developing the plan because all Americans deserve full and equal access to emergency communications services.

Respectfully submitted,

/s/_____

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