

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

In the Matter of)
)
PN Comments - Specialized CPE Distribution Program) **CG Docket No. 10-210**
)

COMMENTS IN RESPONSE TO PUBLIC NOTICE

**American Association of the Deaf-Blind
Telecommunications for the Deaf and Hard of Hearing
National Association of the Deaf
Deaf and Hard of Hearing Consumer Advocacy Network
Association of Late-Deafened Adults
Hearing Loss Association of America
California Coalition of Agencies Serving Deaf and Hard of Hearing
Deaf Seniors of America
Georgia Association of the Deaf-Blind
Ohio Association of the Deaf-Blind
Deaf-Blind Explorers**

November 17, 2010

SUMMARY

American Association of the Deaf-Blind (“AADB”), Telecommunications for the Deaf and Hard of Hearing (“TDI”), National Association of the Deaf (“NAD”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), Association of Late-Deafened Adults (“ALDA”), Hearing Loss Association of America (“HLAA”), California Coalition of Agencies Serving Deaf and Hard of Hearing (“CCASDHH”), Deaf Seniors of America (“DSA”), Georgia Association of the Deaf-Blind, Ohio Association of the Deaf-Blind (“OADB”), and Deaf-Blind Explorers (collectively, the “Consumer Groups”), hereby respectfully submit these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Public Notice in the above-referenced proceeding.

First and foremost, the Consumer Groups thank the Coalition of Organizations for Accessible Technology, the 111th United States Congress and U.S. President Barack Obama for their role in the drafting, passage, and signing of Twenty-First Century Communications and Video Accessibility Act of 2010 (“Accessibility Act”). Without their support, the 1.25 million Americans who have both hearing and vision losses would continue to be left behind in the explosive growth of Internet-enabled communications.

The Consumer Groups also applaud the Commission for rapidly acting on behalf of this under-served population and its efforts to improve telecommunications services for deaf, hard of hearing, deaf-blind and speech disabled communities. This proceeding is an invaluable opportunity to review issues that, to date, have not received the attention they rightfully deserve.

For many deaf-blind Americans, the simple act of connecting to their families, friends, and loved ones is an exceedingly difficult and expensive proposition. In many cases, the

technology or specialized customer premises equipment (“specialized CPE”) that exists is not available to them because it is too expensive. In other cases, needs have been clearly identified but because the market is very small, businesses are not engaging in active research and development on specialized CPE that keeps pace with the technology available to the larger community.

In all other areas relating to disability access to telecommunications, the Commission has heard a great deal about the concept of “Functional Equivalency”. Persons who are deaf-blind occupy a unique position because the combination of hearing and vision loss means they lag further behind the great strides made in recent years for deaf and hard-of-hearing as well as blind individuals.

For the most part, Functional Equivalency has left the deaf-blind community behind. Most telecommunications equipment and services are audibly oriented, which may work fine for blind people who are not deaf. There is also visually oriented equipment, which is used by deaf people, and can sometimes be used by some deaf-blind individuals. However, there is no tactile-oriented equipment that will benefit the deaf-blind who can no longer use audible or visual equipment because their condition prevents them from obtaining information this way. Past efforts to meet these needs were too expensive to implement and/or too cumbersome to maintain and quickly became obsolete.

With this in mind, the Consumer Groups encourage the Commission to consider the principles of functional equivalency as it assesses the impact of the Accessibility Act and develops programs to meet the requirements of the Act as it relates to the deaf-blind. The Consumer Groups are currently developing a comprehensive “roadmap” to functional

equivalency. This “roadmap” is intended to act as a guide for the Commission’s policy making efforts.

The Consumer Groups strongly urge the Commission to interpret the definition of individuals who are deaf-blind in the Helen Keller National Center Act (“HKNC Act”) as broadly as possible. Interpreted narrowly, the definition has the potential to disqualify two-thirds to three-fourths of the people who have both hearing and vision loss. The Consumer Groups recommend that the FCC also adopts a function-based definition in addition to decibels of hearing loss or specifying a visual field. By “function-based”, we are referring to the impact that a person may experience as a result of their hearing and vision loss. Such a definition would relate to maintaining independence, obtaining and keeping gainful employment, participating in the community, and being able to communicate with family, friends and neighbors.

The Commission rightfully recognizes that deaf-blind individuals are often severely hampered by low employment rates and income levels. The Consumer Groups recommend the FCC recognizes that the cost of this equipment is often prohibitive, even for individuals who do not meet the poverty-level benchmarks. The FCC must also recognize that the essential cost of medical care and social services incurred by many deaf-blind individuals leaves them little left for specialized customer premises equipment (CPE). Given this experience, AADB would ask the FCC to consider removing income requirements for eligibility. Recognizing that may not be possible, the Consumer Groups recommend interpreting the term, “low income” as broadly as possible for eligibility for specialized CPE distribution.

With respect to the availability of specialized CPE, practically none of it is available in general retail stores and, when available, is often significantly more expensive than devices that perform the same or similar functions for people who are not deaf-blind.

The Consumer Groups also urge the Commission to ensure a constant cycle of assessment and re-assessment of the needs of deaf-blind citizens and to provide funding and resources toward research and development efforts. The Consumer Groups also recommend that if the FCC does decide to fund research and development activities, no more than 10% of available funding should be allocated for that purpose from the National Deaf-Blind Equipment Distribution Program (“NDBEDP”).

One vitally important point must be made: there is no comprehensive collection of evidence-based research on many of the various aspects of how deaf-blind people use technology, how that technology becomes obsolete, and how it needs to be replaced. Toward that end, the Consumer Groups recommend the Commission make grants available for community-based organizations (“CBO”) to conduct the necessary research and needs assessment.

The Consumer Groups are also strongly opposed to using existing state distribution programs as extensions of the NDBEDP. Due to significant cuts in state services as well as confusing and contradictory requirements, deaf-blind citizens rarely receive the services they require from their state agencies. Additionally, many states require that individuals receiving such service must be actively seeking employment which leaves out senior citizens who are deaf-blind or have become deaf-blind. We recommend that if existing state distribution programs are used, they must comply with standards for distribution and training set forth by the NDBEDP.

The Consumer Groups also note that the Commission has not addressed a very important issue in its Public Notice. We strongly encourage the Commission to establish rules to ensure that applicable specialized CPE be required to be capable of providing emergency alerts and information instantly to deaf-blind consumers. This community was disproportionately

affected by Hurricane Katrina, with many deaf-blind residents from the Gulf Coast still living far from home.

ELIGIBILITY

The Commission should interpret the definition contained in the HKNC Act as broadly as possible. AADB and other consumer groups believe that if the FCC narrowly interprets this definition, it will disqualify approximately two thirds to three fourths of the population who would be considered deaf-blind in practical and everyday settings. The current definition as defined in the HKNC act only covers the most severe forms of deaf-blindness.

AADB and other Consumer Groups recommend that the FCC establish a definition that moves away from defining specific visual acuity parameters and decibel losses because it is the combination of vision loss and hearing loss that creates the unique challenges this population faces. Rather, the Commission should adopt a definition similar to the one that AADB has created:

Deaf-blindness is a combination of hearing and vision loss of any varying degree that affects a person's ability to communicate, to receive environmental information, to participate in the community, to obtain and keep a job, and/or to maintain independence.

With respect to the issue of confirming eligibility to participate in the NDBEDP, the Consumer Groups suggest that the FCC accept individuals who are already enrolled in Social Security Disability Insurance (“SSDI”) or Supplemental Security Income (“SSI”) programs offered by the Social Security Administration. If individuals are not currently enrolled in either

program, AADB and the consumer groups believe verification can be accepted from a physician, an audiologist, a Vocational Rehabilitation counselor, or a teaching professional.

The Commission asks extremely relevant questions with respect to low-income limitations. As noted above, there are very few statistics that accurately track the deaf-blind population, but if the 75% unemployment rate for blind Americans is any example, the figures will be certainly higher for the deaf-blind. Currently, most deaf-blind Americans receive SSDI or SSI and very few live independently.

It's also extremely important to recognize that the cost of the equipment that is available on the market today is extremely expensive and often limited to single-source providers. A braille display can easily run anywhere from \$4,000 to \$7,000. It's also important to note that for that cost, a sighted or hearing person can purchase at least 8 laptop computers or iPad devices.

AADB also reminds the Commission that many individuals who are deaf-blind have regular medical and support service expenses related to their condition that drastically reduces the amount of money available for purchase of specialized CPE.

Generally, deaf-blind individuals experience a gradual or rapid vision loss, hearing loss or both during their life. This requires constantly re-evaluating their needs and purchasing new equipment and re-training to meet their telecommunications needs.

Furthermore, deaf-blind Americans would need to incur significant expense to hire individuals to gather the necessary information to prove eligibility. They may need to hire accountants or tax professionals to gather the necessary information from their records or financial institutions.

While the Lifeline, LinkUp programs or the other federal programs such as Medicaid, Food Stamps, Public Housing Assistance and National School Lunch's free lunch programs are all excellent programs to provide assistance to Americans who need it, the Consumer Groups recommend the Commission to reject any requirement that potential applicants be part of these programs to receive specialized CPE through the NDBEDP because many deaf-blind individuals may not live independently and/or receive services through these programs.

AADB strongly urges the Commission to reject any eligibility criteria based on income or participation in other federal programs as the cost of verification combined with the specialized CPE may be prohibitive for many of AADB's members or the rest of the deaf-blind population. However, the Consumer Groups recognize that this may not be feasible given the wording of the Accessibility Act. It is recommended that the Commission interpret "low income" as broadly as possible.

As noted above, most individuals who are deaf-blind, are unemployed and live on fixed income. As a result, they are unable to afford costs of installation and monthly service for telecommunications access (landline, broadband internet, etc.). Additionally, many of these individuals are on Medicare or Medicaid which does not fully cover the cost of their medical needs.

Furthermore, for many social services programs that serve the deaf-blind population, the high costs associated with specialized CPE have a significant impact on the budgets of those programs.

AADB and the Consumer Groups strongly discourage tapping onto the NDBEDP to pay the costs of installation and monthly service for telecommunications access. As part of the NDBEDP, eligible deaf-blind individuals should be encouraged to apply for the Link-up and

Lifeline services. Furthermore, they should receive assistance if they cannot access the application process on the website or in person.

COVERED EQUIPMENT

As the Commission is well-aware, no two individuals experience disability in the same way. In the same fashion, no two individuals will utilize specialized CPE in the same way.

Many people who are deaf, hard of hearing, blind, and especially deaf-blind are quite adept at taking off-the-shelf technology and essentially adapting them to fit their needs. Ironically, there is no better example of this than Apple's iPhone. Despite not having a physical keyboard, the iPhone has many accessibility settings that were designed to help deaf, blind, and deaf-blind people.

However, many deaf-blind people rely heavily on specialized CPE. This is not intended to be an exhaustive list.

- Computer with screen-reading software
- Refreshable braille display for computers
- Screen magnification program
- Braille notetaker (personal digital assistant with various applications including word processor, e-mail, web browser, calculator, address book, appointment manager, instant messenger, dictionary, GPS, etc.).
- TDD/TTY with magnified display
- TDD/TTY software on computers
- Videophone
- Captioned telephone pager/cell phone
- Brailled and raised buttons cell phones and pagers

- Braille TTY
- Deaf-Blind Communicator (DBC)
- FSTTY/PACMATE (20 or 40 cells)
- Braille device to connect with TV, radio, videotapes, etc
- Optical character recognition (OCR) software
- Braille embossers (braille printing equipment) with braille translation software.
- Perkins brailers
- FM system
- Tactile Signal-Alerting Systems (Doorbell, phone, fire/smoke alarm, etc..)

For the most part, these devices are not readily available in retail outlets in the community and must be purchased from specialized outlets. As noted earlier, the cost of these systems can range greatly in price but usually, they are very expensive.

AADB also urges the Commission to consider the ongoing cost of maintenance for these devices. Unfortunately, most of the specialized CPE needs to be repaired more often than similar equipment that sighted/hearing people use. The average cost of repairs can range from \$400 to \$4,000 each time equipment is sent for repair. Further complicating matters, the average turnaround time for repairing the devices is often 6 to 8 weeks without loaners or suitable replacement technology to ensure functional access during that time period. The Consumer Groups urge the Commission to ensure that the NDBEDP arranges transitional support via the availability of loaner or functionally equivalent equipment while the affected equipment is being repaired.

Furthermore, AADB has noticed in its experience that specialized CPE often has a much shorter lifespan than equipment used by sighted/hearing people. Many of these systems have intricate moving parts and are used heavily by individuals who must constantly touch and handle the devices. A LCD monitor, by comparison, is touched very infrequently. The Consumer Groups strongly urge the FCC to consider this important lack of durability with these DB products.

Given to the diversity of the deaf-blind community, there is no single or simple CPE solution that will meet the needs of all individuals who are deaf-blind. Sometimes one CPE solution requires several different components that will meet the needs of one deaf-blind individual. A common example is a refreshable Braille display, a computer with Nextalk software coupled with an embosser or Braille printer. Another common example for the deaf-blind may require a screen enlargement program such as Zoomtext and Nextalk program in conjunction with a computer to make phone calls.

AADB has also noticed the CPE industry has shifted from providing technology and services in braille toward providing accessibility through automated audio systems. While this is an excellent service for blind individuals, deaf-blind people will face increasing barriers in the availability of accessible technology as a result.

The Consumer Groups also recommend the Commission consider incorporating into its general rule-making, the general principles of Universal Design. Universal Design is defined by the Center for Universal Design at North Carolina State University as: “...*products are designed to be used by all people, to the greatest extent possible, without the need for adaptation or specialized design.*” These principles would ensure greater functional equivalency for deaf-blind consumers.

AADB and the Consumer Groups strongly urge the Commission to consider all possible combinations for a specialized CPE solution to meet the needs of any one DB individual. In addition, AADB reminds the Commission to take into consideration the need for some warranty protection to address the sometimes-frequent requirement of updating firmware or software.

AADB also recommends that the Commission consider creating a technical support hotline to support both deaf-blind users and trainers. The hotline can be run by a non-profit organization or by knowledgeable Commission staffers and help users try to resolve problems.

Finally, as noted above, as this equipment is heavily used, the Commission should consider a replacement turnaround time to ensure the functional needs of deaf-blind individuals are met in a timely fashion.

AADB agrees with the Commission that many devices are designed to be paired up with equipment that is readily available. However, as noted above the costs of many of these systems is often prohibitive for people who are deaf-blind. AADB recommends that in cases where a specialized CPE is paired up with such a device, the FCC should determine a device that is adequately suited for everyday usage of the specialized CPE. However, if the user desires to purchase a more expensive non-specialized device, the FCC should contribute the cost of the original device toward the user's purchase.

AADB and the Consumer Groups agree wholeheartedly that the intent of the Accessibility Act is to ensure that the NDBEDP doesn't "discourage or impair the development of improved technology." However, AADB strongly believes that the research and development component should not come at significant expense of the distribution portion of the NDBEDP.

Accordingly, it is recommended that the Commission cap research and development funding at 10% (or \$1 million) per year.

Furthermore, AADB and the Consumer Groups urge the FCC to ensure that research and development funds are not directed solely toward existing and established commercial vendors as the vendors are already benefiting from the NDBEDP. Rather, preference should be directed toward non-profit organizations serving the deaf-blind community that can get into contracts with vendors or colleges/universities to conduct research and development efforts.

STATE PROGRAM OPTIONS

As noted in the Public Notice, the complexity of the state equipment distribution programs (“EDP”) is mind-boggling in terms of the eligibility criteria, the types of equipment provided, and the training provided, etc. AADB has received far too many complaints on the services being given by the state equipment distribution programs as well as the bewildering eligibility requirements from state-to-state.

In one state, deaf-blind individuals were directed to the EDP to receive equipment they needed for daily living activities. Upon meeting the EDP counselor, they were instructed that they could not receive the equipment unless they were actively looking for employment. This poses significant challenges for senior citizens who have retired or people who have other conditions that prevent them from working.

Elsewhere, a member of AADB found that individuals over the age of 55 received a great deal more equipment and training. When he tried to receive equipment through his EDP, he was told since he was employed, they could not assist and his employer should provide the

equipment. However, the organization he worked for was an extremely small non-profit organization that was unable to purchase the specialized CPE.

In other states, the EDP will often cripple the full functionality of the specialized CPE they provide and only turn features on if the individual receives specialized training. Most states focus on providing generic equipment that has been slightly modified to try and meet the needs of deaf-blind consumers and exclude specialized CPE to save money.

Given the wide range of negative experiences with state EDPs, AADB and the Consumer Groups recommend the Commission to reject using state EDPs as the main distribution and service method of the NDBEDP. However, we recognize that there are programs that provide excellent services to their constituents. If the NDBEDP intends to utilize existing EDPs, the Consumer Groups strongly urge the Commission to create and impose standards in regards to distribution and training to ensure consistent experiences across the country.

As part of the distribution and service method of the NDBEDP, specialized training on the products being provided through the NDBEDP should be included. Unfortunately, there aren't enough specialized trainers who can work with deaf-blind individuals in developing the skills necessary to use the equipment. To compound the problem, deaf-blind individuals often have to wait months to receive the training they need and in some extreme cases, the wait can be 18 months. In addition, there is no system available that measures the credentials or competency of the trainers.

Another major barrier for individuals who are deaf-blind, is a general lack of skill in using different communication methods, such as American Sign Language ("ASL") where the trainers cannot communicate effectively. In the past, AADB has received reports from deaf-

blind individuals noting that some trainers have refused to work with deaf-blind individuals due to these communication barriers.

OVERSIGHT AND REPORTING

In fulfilling the mandate of the NDBEDP, the FCC needs to establish training guidelines, to set qualifications for persons providing training to deaf-blind on these technologies, and to work closely with organizations providing equipment and training. The purpose of this is to assure that distribution, training and follow-up is done in a uniform way throughout the country.

To accomplish this, AADB and the Consumer Groups recommend that the FCC tasks its Disability Rights Office as a part of its national TRS program with the responsibility of monitoring the implementation of the NDBEDP.

This office should provide reports on at least an annual basis to the Commission and all stakeholders on its progress in distributing equipment to deaf-blind citizens, make recommendations to the FCC to improve service levels, and ensure that deaf-blind individuals are receiving the best quality of service in order to improve their quality of life whether for personal, community participation and/or employment needs.

AADB and the Consumer Groups also suggest that the FCC create guidelines on how to handle abuses of NDBEDP's equipment and/or services and enforce those guidelines appropriately.

Furthermore, The Consumer Groups also recognize that the Commission needs ongoing support and direction from the community it serves. The Commission should create an advisory board consisting of stakeholders in the NDBEDP. The Advisory Board will, on an ongoing basis; 1) evaluate the program's benchmarks, 2) discuss consumer experiences with Commission

staff, and 3) seek input regarding new technologies and services. This is critical because deaf-blind consumers are rarely consulted on the development and implementation of programs to assist them.

The Consumer Groups urge the FCC to consider providing funding to non-profit organizations that can act as the primary service providers in training, distributing and implementing the various components of the NDBEDP. The Consumer Groups strongly recommend that the FCC select a national consumer organization that directly serve the deaf-blind community and is run by deaf-blind individuals themselves. This will enable NDBEDP to best serve this community at a grass-roots level.

CONCLUSION

AADB and the Consumer Groups respectfully request that the Commission proceed with rule-making proceedings consistent with the recommendations discussed herein.

Respectfully submitted,

/s/Randall Pope
Randall Pope
Interim Executive Director
American Association of the Deaf-Blind
8630 Fenton Street, Suite 121
Silver Spring, MD 20910
randy.pope@aadb.org

Claude Stout
Executive Director
Telecommunications for the
Deaf and Hard of Hearing, Inc.
8630 Fenton Street, Suite 604
Silver Spring, MD 20910

Nancy Bloch
Chief Executive Officer
National Association of the Deaf
8630 Fenton Street, Suite 820
Silver Spring, MD 20910

Linda Drattell
President
Association of Late-Deafened Adults, Inc.
8038 MacIntosh Lane
Rockford, IL 61107

Cheryl Heppner
Vice Chair
Deaf and Hard of Hearing Consumer
Advocacy Network
3951 Pender Drive, Suite 130
Fairfax, VA 22030

Sheri Ann Farinha
Vice Chairperson

California Coalition of Agencies Serving Deaf and Hard of Hearing
4708 Roseville Rd # 112
North Highlands, CA 95660-5172

Brenda Battat
Executive Director
Hearing Loss Association of America
7910 Woodmont Ave., Suite 1200
Bethesda, MD 20814

Ron Nomeland
Board Member
Deaf Seniors of America
7370 Michael Avenue
Easton, MD 21601

Mark Gasaway
Vice President
Georgia Association of the Deaf-Blind (GADB)
3825 LaVista Road, W-2
Tucker, GA 30084

Lynn Jansen
Ohio Association of the Deaf-Blind
PO Box 354
Marysville, OH 43040

Lynn Jansen
Deaf-Blind Explorers
PO Box 32015
Cincinnati, OH 45232