



February 4, 2011

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

CG Docket No. 10-210

NPRM Comments – National Deaf-Blind Equipment Distribution Program

Dear Ms. Dortch:

The Telecommunications Equipment Distribution Program Association (TEDPA) submits these comments in response to the Notice of Proposed Rulemaking (NPRM) released on January 14, 2011. In this NPRM, the Federal Communications Commission (FCC) seeks comment on issues related to the FCC's implementation of the requirement for a National Deaf-Blind Equipment Distribution Program (NDBEDP) as set forth in Section 105 of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CCVA). Specifically, the FCC is looking for comments on state equipment distribution programs (EDPs), eligibility, covered equipment and services, outreach and education, logistics and criteria for funding support, and oversight and reporting.

State Equipment Distribution Programs

TEDPA agrees with the FCC that established state EDPs are best situated to distribute specialized CPE to the deaf-blind. The proposed certification criteria as stated should be sufficient to qualify an entity requesting certification with NDBEDP. It is significantly important that qualifying entities be proficient in communicating with deaf-blind as well as have a proven infrastructure that enables deaf-blind to be served throughout the state, especially rural regions. Some state EDPs presently possess these capabilities and have been providing services to the deaf-blind for a number of years. Some state EDPs partner with other entities or programs and should be allowed the option to maintain this efficiently proven service delivery system under the NDBEDP.

Certification should be granted for the entire duration of the pilot program with the stipulation that entities not meeting the requirements of NDBEDP be allowed to correct discrepancies so that proper assessment can be made with regard to modifying the rules and procedures for the permanent program. After the completion of the pilot program certification should be granted for five year intervals.

In states without EDPs it seems reasonable to certify one entity that meets the criteria to oversee the program and contract with several providers/vendors to deliver and provide individualized training on the CPE.

Request for clarification regarding a timeline for state EDPs or programs seeking certification, is the process open-ended and ongoing throughout the life of the pilot program?

TEDPA seeks confirmation that the pilot program includes the District of Columbia.

Eligibility

HKNC's definition of "individuals who are deaf-blind" that is documented in the HKNC Act Amendments of 1992 is a good fit as this definition is sufficiently flexible.

In order to receive specialized CPE, the deaf-blind must meet the eligibility requirements as stipulated; TEDPA recommends that NDBEDP develop a standard application to include definitions or descriptions so that state EDP and the deaf-blind applicant are clear about the qualification process.

Verification of disability should be a part of NDBEDP's application and certifiers should provide certification under the penalty of perjury. Some state EDPs currently require this and will verify the certifier's legitimacy by checking the state directory (i.e. Department of Health, License Verification).

With regard to income eligibility, state EDPs should be permitted to use their respective state's income eligibility criterion and those state EDPs that do not require income eligibility should not be required to implement income eligibility as part of the qualification process. State EDPs presently retain stringent qualifying criterion and are experienced with performing comprehensive assessment to ensure that applicants meet the eligibility requirements, receive the appropriate CPE, and comprehensive training. Should it be difficult to have a standardized application, allow each state to use own eligibility criteria for qualification.

Clients participating in other low income programs should automatically be considered eligible. If a person does not participate in other low income programs, a copy of the most recent income tax return should suffice. Alternatively, applicants should be able to apply based on a non-traditional basis by submitting proof of exorbitant disability-related expenses.

State EDPs requirement for applicant to have access to telephone or Internet services vary. CCVA's initiative is to allow deaf-blind to obtain equipment so they can access information so that they may continue to remain an integral part of society. Some CPE allow face-to-face communication without telephone or Internet services and consider this to be essential. Some CPE allow access to Internet services in public place which has and will continue to become mainstream. Theoretically, before equipment is distributed and installed the applicants should be able to prove that they have either telephone or internet services. Otherwise use of a CPE would not accomplish telecommunications access.

As mentioned above, state EDPs presently maintain stringent criterion and procedures and are experienced with performing comprehensive assessment to ensure that applicants meet the eligibility requirements to qualify for the program, receive the appropriate CPE and comprehensive training. Pre-printed standard applications supplied to each certified entity by NDBEDP should assist with ensuring that state EDPs qualifies eligible applicants properly.

Covered Equipment and Related Services

TEDPA agrees that specialized CPEs that allow deaf-blind to access information using telephone or Internet services should be distributed. TEDPA also agrees with the FCC's intent to examine the different kinds of equipment that are requested in order to assess the needs of the deaf-blind population during the pilot program. After the completion of the pilot program TEDPA recommends that NDBEDP specifies allowable CPEs to be distributed and provide a list to include in an application packet. TEDPA recommends that TEDPA's Equipment Committee be included in discussion of the selection of appropriate CPEs.

TEDPA suggest there be a monetary cap on the amount disbursed on CPE each individual may be eligible for. For instance, for a period of five (5) years, expenses for an individual client should not exceed \$40,000 which includes all equipment, extended warranty, training, applicable software upgrade, etc. Request for clarification with regard to monetary cap per individual, if the cost limitation cap is met, may state EDPs partner with another agency to assist with recovering cost without "double dipping?"

Request for clarification regarding deaf-blind individuals that currently have telecommunications equipment from state EDPs, will deaf-blind be allowed to apply for a second like device? Theoretically, deaf-blind individuals with current equipment should not be allowed to apply for like equipment with NDBEDP for a period of five (5) years, otherwise state EDPs could accumulate a stockpile of unused equipment.

Request for clarification regarding the type of non-telecommunications equipment as some state EDPs, per statute, only allow telecommunications devices to be distributed. For state EDPs where statutes dictates that equipment is property of state, who will own CPE equipment distributed under the NDBEDP?

TEDPA agrees that qualified assistive technology specialists should be employed whenever applicable. Some state EDPs presently employ, whether through contract or personnel, such specialists and TEDPA appreciates the opportunity to increase this pool of specialists to effectively meet the demand for services and CPEs that the CCVA will create.

With regard to installation and training, some state EDPs presently perform this function and TEDPA supports the concept of expanding the number of qualified specialists to assist with installing the CPE as well as provide comprehensive training to qualified applicants. Training should be provided as often as the deaf-blind user requires it however, when appropriate, the specialist should further conduct an evaluation to reassess whether the initial CPE selected for the deaf-blind is a suitable fit. Should the reassessment reveal the initial CPE is not a suitable fit, a modification should be allowed so the deaf-blind is fitted with a suitable CPE.

Request for clarification regarding a "troubleshooting hotline" for CPEs, who will operate this hotline and how will it be accessed if the deaf-blind user is already having technical problems?

TEDPA proposes that an inventory of loaner devices be available for consumers to use while their equipment is sent for repair. Request for clarification, could the manufacturer or vendor be responsible for maintaining such an inventory of loaner devices under the terms of their extended warranties?

TEDPA also supports the idea of a “training the trainer” module to be made available online such as an interactive webinar, as well as provide regional “hands-on” training sessions. CPE manufacturers should be the primary trainer and should be required to provide regional training sessions upon request. Funding for this type of training should come from NDBEDP and cover all related expenses for the trainer, trainee, SSP, and ASL or CART services along with any equipment needed to conduct a totally accessible training environment. TEDPA recommends that regional training sessions be coordinated by state EDPs with NDBEDP. Because some state EDPs may be unable to fund travel, hotel, and meals due to restrictions, NDBEDP should fund all expenses related to the training as often as training is needed.

Because of the high cost of specialized CPE for deaf-blind some state EDPs purchase extended manufacturer warranty. Extended manufacturer warranty may be pricey but they are worth the cost to ensure that equipment is covered. TEDPA recommends that an additional 5-year extended manufacturer warranty be purchased for higher priced CPEs, (\$5,000 and over). In addition, TEDPA recommends that regular maintenance, not covered by manufacturer warranty, be covered by NDBEDP. With regard to repairs not covered by the manufacturer, any CPEs requiring repair for a third time and found not to be cost effective to repair again should be removed from the program.

State EDPs vary with regard to CPEs being loaned or consumer owned mainly because their statute stipulates it. TEDPA recommends that state EDPs be permitted to comply with their respective state statute as stipulated since a change may require legislative action. TEDPA agrees that consumers who no longer need their CPE, for whatever reason, should return the CPE to state EDPs so that it may be re-furbished and re-distributed. This procedure is standard with state EDP loaner programs. Consumers owning or borrowing their CPE should not be allowed to sell or give away the CPE but should return the CPE to NDBEDP. Consumers that sell or give away their CPE should be reprimanded and possibly penalized and/or disbarred from participating in the program. Certified deaf-blind clients that move to another state should be allowed to keep their existing CPE and transfer their account to the new certified state EDP or entity without having to reapply.

TEDPA agrees that outreach is essential to achieving success of CCVA’s intent. State EDPs have their own outreach program and it’s logical that they perform outreach relative to this program.

Anyone interested in applying for NDBEDP’s services should be directed to the state EDP responsible for the program. TEDPA recommends that the TEDPA Outreach Committee work closely with NDBEDP to design and develop an outreach campaign/program for state EDPs to implement.

Funding

TEDPA recommends that funding to operate the NDBEDP cover all cost associated with the distribution of CPE and related services be allocated per state population as not all state EDPs have sufficient funds readily available in order to incur the cost upfront. TEDPA recommends that a reasonable capped administrative fee of 15-20% of the total cost associated with distribution of CPE and related services during the pilot program to be reviewed in three (3) month intervals.

TEDPA also recommends that the allocation of funds be in proportion to each state's total population. Any remaining funds should be returned to NDBEDP and divided among the states that have justified the need for additional funding during the incumbent funding period. This would allow state EDPs with a higher than expected distribution rate to continue providing CPEs and services without having to place qualified applicants on a waiting list. After all certified state EDPs and entities have used NDBEDP-allotted funds for justifiable expenses, any remaining funds should be returned to the NDBEDP for re-distribution during the subsequent year. TEDPA understands that funding may be limited or capped, however TEDPA believes that all qualified applicants should receive the necessary CPE to the greatest extent possible.

Request clarification of fees for services provided, will there be a limit on how much state EDPs are able to charge NDBEDP?

Request for clarification regarding shipping cost, will all shipping cost to include shipper's insurance, be covered when equipment needs to be repaired or serviced while under warranty?

Oversight and Reporting

TEDPA agrees that reporting and support documentations are necessary to account for NDBEDP resources. TEDPA recommends that the reporting mechanism be simple so state EDPs is not overwhelmed by paperwork to the point they become discouraged from participating. NDBEDP should develop an easy-to-use database so that EDPs can input the required data. This database would also be used by EDPs to avoid "double dipping." This system should be web based and allow NDBEDP to access the data and reports any time.

There are several state EDPs that currently use such software and applications that enable them to capture pertinent data and create reports in a timely manner. During TEDPA's annual conference workshops on this specific topic have been provided and state EDPs readily share best practices. TEDPA welcomes NDBEDP to attend its conference in order to learn more about these different methods as well as visit with the different equipment manufacturers (25-30) that regularly attend to exhibit. With the addition of the NDBEDP to the state EDPs, TEDPA will extend an invitation to all CPE manufacturers of deaf-blind products. TEDPA's 2011 conference will be held during the month of October in Salt Lake City, Utah.

Annual audits should be sufficient as they are already required for state EDPs.

Other Considerations

TEDPA believes that state EDPs possess a wealth of information and experience and welcomes the opportunity to participate and work with NDBEDP.

TEDPA recommends NDBEDP develop and maintain a separate website. This will allow the public to easily locate the information. TEDPA also recommends that NDBEDP's website have a password-protected resource area for certified state EDPs and entities to enter where applications and other pertinent information may be keyed-in along with the capability to retrieve reports. Some TEDPA members, state EDPs, that have such capabilities may be willing to demonstrate their software and reporting mechanism for NDBEDP should they be interested in learning more. TEDPA would be willing to provide a link to NDBEDP's website.

State EDPs presently have mechanism in place to ensure that consumers do not “double-dip”. By utilizing both the state EDPs and the NDBEDP databases, double dipping can be caught before it happens. Consumers found to have “doubled-dipped” are required to return the second CPE and are informed that they can only have one CPE. Information is notated in the consumer file for future reference. TEDPA recommends that NDBEDP’s database be used to search for existing consumers to prevent “double dipping” from within any state. A habitual “double-dipper” would be considered someone who has already been found to have “double-dipped,” informed of the discrepancy, educated about the procedure, and has attempted to apply for another CPE.

Procedural Matters

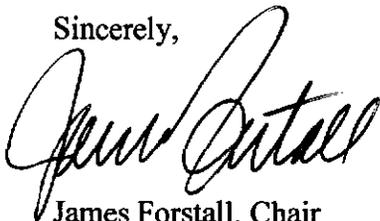
A NDBEDP customized database should assist with reducing excessive paperwork from being filed and stored. Some states EDPs have a 3-year retention policy – current year and last 2 years. All older files are shredded by a certified shredding company. TEDPA recommends that all information be submitted electronically with hard copies to be held no more than two years. Pertinent financial records should be held as long as necessary per individual state requirements.

Conclusion

TEDPA appreciates the opportunity to provide comments for this NPRM and welcomes the opportunity to assist where appropriate.

Questions related to these comments may be directed to James Forstall at jforstall@ftri.org.

Sincerely,



James Forstall, Chair

Telecommunications Equipment Distribution Program Association