September 20, 2011

By Hand Delivery
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: WC Docket No. 11-42, CC Docket No. 96-45, WC Docket No. 03-109

Dear Sir or Madam:

The purpose of this letter is to expand further on the reply comments of Cintex Wireless, LLC ("Cintex"), filed on September 2, 2011, in the above referenced dockets. In those reply comments, Cintex urged the Commission to include a broadband pilot for the blind and visually impaired.

As discussed below, the Commission has expressed its unequivocal support for the goal of increasing broadband adoption among the disabled, including the blind and visually impaired. A pilot tailored to this low-income segment of the population would constitute a major step towards achieving that objective.

A. Bringing Broadband to the Blind and Visually Impaired is an Important Commission Objective

The Commission and its leadership has stated time and again that creating a legal framework that allows the disabled to access and adopt communications technologies, including broadband, are important Commission objectives. For example, in remarks by Chairman Julius Genachowski titled "Empowering Americans with Disabilities Through Technology," the Chairman explained that "[t]he ADA has revolutionized the lives of people with disabilities, and dramatically changed our country for the better."[1] Moreover, he stated that "[a]ll of us at the FCC are proud of the role the Commission has played in fostering an important part of this

[1] Empowering Americans with Disabilities Through Technology, Prepared Remarks of Chairman Julius Genachowski, 2010 FCC LEXIS 4301 (rel. July 19, 2010).

revolution. As Chairman of the FCC, I'm more than proud to push forward the agency's commitment to progress in this area."[2]

The Chairman explained on another occasion that the purpose of the 21st Century Communications and Video Accessibility Act is to ensure that "people with disabilities are not left behind and can share fully in the economic and social benefits of broadband."[3] The Chairman's acknowledgement that people with disabilities should not be left behind is powerful and has significant implications; it conveys the idea that the disabled should have access to advanced technologies at the same time and pace as the general population.

Particularly relevant in this instance is the commitment to the disabled exhibited by the Commission in the National Broadband Plan. The National Broadband Plan provides that one of its goals is "[t]o allow Americans with Disabilities to experience the benefits of broadband, hardware, software, services and digital content."[4] To accomplish this goal, the National Broadband Plan made a number of recommendations including that "Congress, the FCC, and the U.S. Department of Justice (DOJ) [] modernize accessibility laws, rules and related subsidy programs."[5]

As discussed below, consistent with this recommendation, Cintex urges the Commission to modernize the Lifeline and Linkup programs to allow the blind and visually impaired who have low incomes to take full and equal advantage of any support provided for broadband adoption. Such modernization would have a significant impact on broadband adoption by this low income segment of the population.

B. The Commission Should Include a Pilot Tailored to the Blind and Visually Impaired

The blind and visually impaired are chronically under-employed, and those that do work earn significantly less than the average person.[6] It should not be surprising then that the Commission found that 37 percent of people with disabilities who lack broadband or Internet access cite cost as the primary reason for not adopting.[7]

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2 Id.

3 FCC Chairman Julius Genachowski Statement on the Signing of the 21st Century Communications and Video Accessibility Act, 2010 FCC LEXIS 6114 (rel. October 8, 2010).

4 The National Broadband Plan, Addressing Issues of Accessibility for Broadband Adoption and Utilization at 181.

5 The National Broadband Plan, Recommendation 9.10 at 182.

6 September 2010 Current Population Survey, U.S. Department of Labor, Bureau of Labor Statistics; Americans with Disabilities: 2002, U.S. Department of Commerce, U.S. Census Bureau, Table 5 (issued May 2006).

7 Broadband Adoption and Use in America, OBI Working Paper Series No. 1 at 38.

The New York Law School's Advanced Communications Law & Policy Institute ("NYU Policy Institute") similarly recognized that low income was a significant barrier to broadband adoption by the disabled. To remedy this barrier, the NYU Policy Institute recommended that "[p]olicymakers and other stakeholders should pursue a multifaceted strategy for ensuring that the total cost of broadband access and use is affordable for people with disabilities."[8] Further, the NYU Policy Institute recommended that Congress and the Commission pursue this strategy by "look[ing] to enhance *existing* mechanisms for the continued adoption and use of broadband . . ."[9] The existing mechanisms contemplated by the NYU Policy Institute were Lifeline and Linkup.[10]

Since low income is a primary barrier to broadband adoption by the blind and visually impaired, Lifeline and Linkup are the appropriate programs to overcome that barrier. The Commission should adopt rules for these programs and associated broadband pilot that *allow the blind and visually impaired, who are also low income, to benefit equally from the programs.* Cintex is not suggesting that the Commission do more for the blind and visually impaired within the Lifeline and Linkup programs than it is doing for the general low income population. Rather, the Commission should ensure that, consistent with its objectives, this vulnerable segment of the population can take equal advantage of existing support programs *and to the same effect.*[11]

Consistent with the notion that the objective should be to design a broadband pilot that will have the same effect on low income persons who are also blind and visually impaired, the goal of any pilot should be to provide the Commission with data that would allow it to determine the support amounts necessary to spur broadband adoption by low income persons who are blind and visually impaired, to the same degree as it would spur broadband adoption for the general low-income population.

Accordingly, Lifeline and Linkup support amounts *may* need to be different for the blind and visually impaired.[12] Greater support may be needed because the blind and visually impaired have greater cost of living expenses as a result of their disability. Greater support may also be

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8 Broadband and People with Disabilities, Advanced Communications Law & Policy Institute at 5.

9 Id. at 6.

10 Id.

11 The idea that support programs should be designed such that they have the same effect on the blind and visually impaired as everyone else comes from the principle articulated by Chairman Genachowski that the disabled should not be left behind.

12 While a number of factors suggest that support amounts may need to be greater for the blind and visually impaired, this is by no means a foregone conclusion. The fact that the visually impaired stand to gain from mobile broadband in ways that the rest of the population does not, may make demand for mobile broadband by the blind and visually impaired *more* responsive to a given amount of support.

needed to overcome the significant amount of time and effort that the blind and visually impaired must invest into learning how to use new technology. Whatever the reason, the Commission's pilots should take into account the fact that the support amounts needed to overcome affordability issues and spur broadband adoption by the blind and visually impaired may be different than the support amounts needed by the general population.

In addition, as part of the pilot, the Commission should modernize the applicable eligibility, certification and verification requirements to take into account the unique needs of the blind and visually impaired. For example, certification requirements should take into account the fact that it is difficult for the blind and visually impaired to sign a document certifying that they receive benefits from one of the qualifying programs. A model for modernizing these requirements already exists in the Commission's order addressing the distribution of specialized customer premises equipment to low-income individuals who are deaf-blind.[13]

Cintex is not advocating that Lifeline or Linkup money be used to subsidize assistive technology; that can be addressed in a separate proceeding. It is simply urging the Commission to modernize the Lifeline and Link Up programs -- *starting with a pilot* -- so that the programs are effective at encouraging broadband adoption by low income individuals who are also blind and visually impaired. In short, Cintex is asking the Commission to do what it recommended in The National Broadband Plan: modernize a subsidy program to accommodate the disabled.

Regards,

Robert Felgar
General Counsel

cc: Kimberly Scardino
Karen Pelty Strauss
Gregory Hlibok

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[13] See Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals, Report and Order, 26 FCC Rcd 5640 (2011).