

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

In the Matter of:

The National Deaf-Blind Equipment Distribution Program

Comments of Perkins

CG Docket No. 10-210

**INTRODUCTION**

Perkins respectfully submits the following comments to the Federal Communications Commission (FCC) in response to the FCC's August 1, 2014 Public Notice DA 14-1128, CG Docket No. 10-210, which seeks comments on the National Deaf-Blind Equipment Distribution Program (NDBEDP).

Currently, Perkins is the certified entity in 17 states, and provides services to an additional 16 states. Our involvement with this landmark program is in keeping with our mission to provide education and services to people who are blind, deaf-blind, or visually impaired, including those with multiple disabilities.

Perkins thanks the FCC for its leadership of the NDBEDP and consideration of the following comments.

## II. PROGRAM STRUCTURE

### 3. RETENTION/MODIFICATION OF EXISTING STRUCTURE IN GENERAL

#### **3A. What are the advantages or disadvantages of having separately certified programs across the United States and its territories?**

We believe that the NDBEDP is remarkably successful given that it has only been in existence for two full years. While there have undoubtedly been lots of bumps in the road, many states are now operating efficiently and effectively to serve the deaf-blind consumers in their respective states. These are the advantages and disadvantages as we see them:

#### Advantages:

- Local face to the program
- Ability to integrate with other in-state services
- Easy access for consumers to “person in charge”
- Knowledge of circumstances on the ground, e.g. familiarity with effective local outreach strategies, knowledge of target populations, qualified service providers (assessors, trainers, interpreters), etc.

#### Disadvantages:

- 53 separate entities, 53 different approaches to administering the program
- Risk of inequity in services to consumers based upon where they live
- Risk of inefficiencies

However, we believe that the advantages outweigh the disadvantages.

#### **3B. Would it be more efficient or effective to have a single entity operate the NDBEDP nationwide, or fewer entities operate multistate regional programs across the country?**

We believe that Perkins’ experience serving as a certified entity in a number of states representing urban and rural geographies demonstrates a good solution for any state that does not have an in-state resource with the capacity to operate the program on their own. We have been most effective in states in which we have strong local partners who want to deliver services for some aspect of the program; e.g., intakes, outreach, assessment, training. We believe this collaborative relationship is a viable solution for some states. We also believe

that other states are operating the NDBEDP successfully in their states autonomously. We recommend that the FCC maintain this flexible approach to awarding certification to entities to operate in one state or in multiple states.

**3C. Which would be preferable for consumers who are deaf-blind: localizing oversight of individual NDBEDP programs or centralizing the responsibilities currently handled by these programs?**

For consumers, the main benefit of centralized services would be to ensure parity across state lines, e.g. consistent consumer eligibility vetting, equipment decisions, extent of training allowed, etc. We are aware that parity does not exist at this point. We think this could be achieved by tightening the requirements for certified entities and by requiring entities to utilize standard, accepted modern business practices rather than centralizing all services. Our recommendation is to build upon the successes of the NDBEDP rather than designing an entirely new structure.

**4. RESPONSIBILITIES OF CERTIFIED PROGRAMS—DISTRIBUTION AND ADMINISTRATIVE FUNCTIONS.**

**4A. What would be the advantages or disadvantages of transferring some of the responsibilities in either or both of these categories (distribution of equipment and/or administrative functions) to a single administrator?**

On the whole, the possible gains in efficiency and effectiveness of transferring functions to a single administrator would be outweighed by the loss of investment made by the current certified entities. Certified entities have worked very hard to develop systems to manage all aspects of the program.

Regarding equipment distribution, the disadvantages of a single entity for equipment distribution outweigh the advantages. In most states the current equipment distribution model works well with strong systems for vetting vendors, procuring of equipment, order and inventory management, customer service, and equipment repair.

#### **4B. Which tasks would be appropriate for assignment to a central administrator?**

##### National Database

We recommend a centralized web-based database with the following primary goals:

- Support the state entities with a simplified mechanism for requesting reimbursement.
- Support the FCC's needs for consistent nationwide metrics regarding the program's effectiveness.
- Support state partners and trainer/assessors with an accessible system that allows for gathering data as tasks are completed, or uploading tasks collected via an alternate method.

##### Train the Trainer

As referenced in 5B and 19D, we believe funding a national entity or collaborative to coordinate training is an excellent idea.

#### **4C. Would it be preferable to maintain individual certified programs for certain tasks – for example, those related to the distribution of equipment – while centralizing some or all of the administrative functions in a single entity?**

We recommend maintaining the current structure with the exception of the national database and the train-the-trainer initiative.

#### **4D. To what extent would there be advantages to adopting centralized web-based systems for processing reimbursement claims or reporting?**

A national database would provide significant benefits and economies of scale, which we believe are of such value that it should be a programmatic cost separate from each state program's administrative expense (as is the current case with national outreach). Potential benefits of a national database include:

- More efficient, standardized reporting from state programs
- More standardized entry from assessors and trainers
- Increased data analysis capacity, including increased opportunity to disseminate national program data

Perkins provides database services to 32 state entities. We had discussions with a few states that were very interested in using our database but were prohibited from doing so because of state regulations about storing data out of state. We also worked with a few states that felt their relatively small numbers of consumers being served made paying for database services not cost effective.

**4E. We ask interested stakeholders to comment on whether centralizing certain distribution and/or administrative functions would increase the likelihood that programs will fulfill the terms of their certification by creating greater efficiencies.**

Yes, as stated in 4D above, we believe centralizing database services would result in greater efficiencies. As stated in 4B and 19D, we recommend that the FCC fund a national entity or collaborative to coordinate a train-the-trainer initiative. We do not recommend centralizing equipment procurement and distribution.

**4F. What other measures can the Commission take to improve the structure of the NDBEDP and support certified programs in their efforts to distribute equipment to people who are deaf-blind?**

Regarding the program's reimbursement structure, we think it's critical to analyze the true cost of administrative activities and expenses - we've heard from many state programs, partner organizations, and assessors/trainers that their costs are not sufficiently being reimbursed. Currently, it is challenging to manage all of the administrative functions within the 15% cap.

One solution we would like the FCC to consider is to clarify which costs can be included in assessment and training categories. Most certified entities utilize many independent contractors and must sufficiently vet them and negotiate terms of services. When the independent contractor is managing setting up support services (interpreters, drivers, etc.), confirming details with the consumer, and writing reports, the time spent doing these tasks can be added to their invoice for assessment or training. If a support person is making these arrangements there is no way to add the costs for time invested without having it appear to be a double assessment. In our experience, a support person is often used when the trainer is deaf, blind or deaf-blind. Allowing these costs to be associated with service provision rather than in the administrative category would be very helpful. We recommend this approach rather than increasing the administrative cap.

To alleviate cash flow burdens, it would be helpful to not require administrative activities to be “banked” against other impending reimbursable activities and expenses.

## **5. CRITERIA TO EVALUATE QUALIFICATIONS TO OBTAIN CERTIFICATION.**

### **5A. Should the Commission change any of these criteria and, if so, how?**

The Commission should expand its qualifications for entities to obtain certification, with particular focus on three areas: expertise with the consumer population, and the organization’s capacity to manage the financial and administrative requirements of the NDBEDP.

#### Expertise with consumer population

The population of consumers eligible for this program is very diverse, as are the service providers with whom they work. A certified entity of the NDBEDP should have a proven track record of working effectively with all aspects of the consumer population, as well as with a variety of service providers. The customer service functions include: a familiarity and comfort with a variety of communications systems and styles; an understanding of the impact that acquired sensory loss has on an individual; sensitivity to the needs of an elderly population; understanding of the impact of additional disabilities combined with deaf-blindness; and experience and skill working with culturally diverse groups.

#### Capacity to manage the financial requirements

A certified entity of the NDBEDP must have the organizational infrastructure, business systems, and financial stability to manage its cash flow between when program expenses are incurred and when reimbursements can be made. We recommend against the FCC providing advance program funds to certified entities to compensate for the reimbursement structure of the program. Rather, we recommend that there be additionally defined turnaround times for every aspect of the reimbursement process, from approval to disbursement.

A certified entity must have solid business management experience and standing in its community and industry, and excellent financial controls and oversight that pass the scrutiny of required yearly audits to ensure the most efficient use of program funds within the FCC’s allowable expenses.

A certified entity must be able to meet the financial reporting requirements of the program.

#### Capacity to manage the administrative requirements

A certified entity of the NDBEDP must have the organizational infrastructure to address all reporting and staffing requirements of the program, including the ability to manage and pay subcontractors and vendors that may include assessors, trainers, drivers, SSPs, and interpreters.

A certified entity must be responsible for an efficient consumer application process that is responsive to the program's population. Further, we have observed a great disparity between state programs in the level of documentation the program requires of a consumer to determine program eligibility. We recommend that the FCC ensure consistency across all certified entities in the burden of proof that is incumbent upon each entity to determine consumer eligibility.

A certified entity should utilize an equipment procurement process that adheres to mainstream business practices and quality standards. This would include having in place formal business agreements with vendors and resellers, business systems and practices that facilitate procurement of product, quality systems that ensure product quality standards are met, inventory controls, fulfillment, and product serialization systems to track and ensure timely delivery. This system should also ensure that the program pays no more than market rate and that the terms and warranties are in the consumer's best interests. In no circumstance should a manufacturer or vendor be involved in the evaluation of a consumer or making decisions about equipment selections, as this would violate the rules of the NDBEDP.

**5B. If the Commission chooses to centralize some of the functions associated with the distribution or administrative functions of the NDBEDP, what qualifications should the entity chosen to manage these functions have?**

#### National database

A centralized national database provider must demonstrate proven ability to meet the anticipated growing need to identify, analyze and report on key program

metrics on a national basis, representing data from every certified entity. Currently, a variety of tracking systems are in place among the certified entities, each with varying degrees of sophistication. While this is minimally adequate, it should be improved. A centralized national database provider must further allow for consistency in program data entry across the myriad of certified programs and program participants that enter data, particularly for the assessors and trainers. Greater program administration efficiencies would be gained by more standardized reporting and reimbursement requests submitted to the FCC and the program fund administrator.

A centralized national database provider must adhere to strict standard accepted industry practices that: protect the confidentiality of consumer information; provide sufficient technology infrastructure to maintain industry accepted levels of service availability and back-ups of data; and provide an accessible user interface that applies universal design best practices and is W3C-compliant.

As noted in 4D above, a national database would provide significant economies of scale, which we believe are of such value that it should be a programmatic cost separate from each state program's administrative expense (as is the current case with national outreach).

### Train-the-trainer

A centralized entity or collaborative for leadership and implementation of a national train-the-trainer initiative should meet the following criteria: experience with the program's target population, including all the variables in terms of residual hearing and vision; familiarity with braille and braille devices; and skill at a variety of communication styles. The national entity/collaborative should also have a proven track record of providing multi-modal training, including training via distance technology; and proven ability to maintain pace with the technology the NDBEDP provides consumers.

### **5C. How should such entity be selected? For example, should the Bureau invite entities to apply and then make a selection from among qualified applicants?**

We recommend that selection of a certified entity follow a similar process to the selection for national outreach, by open invitation and selection, with additionally specified criteria as noted in 5B, especially noting an emphasis that many of the individuals who would be expected to input and work with the database are blind

or deaf-blind and need to be adequately supported for data entry and navigation of the system.

## **6. DURATION OF CERTIFICATION.**

### **6A. Should the Commission's rules for a permanent NDBEDP limit the duration of each program's certification?**

Renewal of certification on a regular basis allows for a review of a certified entity's relationship and progress with the program. We note that under the Commission's Telecommunications Relay Service (TRS) rules, states are certified by the Commission to operate their own TRS programs for a period of five years, after which they must seek renewal of their certification.<sup>1</sup> This seems appropriate for the NDBEDP as well.

### **6B. Is this certification period similarly appropriate for NDBEDP certified programs?**

Yes

### **6C. If not, what would be an appropriate period, and why?**

### **6D. Should entities that currently have certification to distribute equipment be permitted to carry over their certification into the permanent program, or should they be required to reapply for certification?**

Certified entities with a demonstrable record of tangible progress to serve consumers and manage the administrative and financial requirements should be permitted to carry over their certification to the permanent program for any program components that are not centralized.

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<sup>1</sup> See, e.g., 47 C.F.R. § 64.606(c)(1)(state TRS applications for renewal may be filed one year prior to expiration); 47 C.F.R. § 64.606 (c)(2) (Internet-based TRS provider certification is for five years; applications for renewal must be filed at least 90 days prior to expiration).

## **7. ADMINISTRATIVE RESPONSIBILITIES OF NDBEDP ADMINISTRATOR.**

**7A. We seek comment on the extent to which any of these administrative responsibilities should be modified, and if so, how and for what purposes.**

As noted in 5A above, we recommend that there be additionally defined turnaround times for every aspect of the reimbursement process, from approval to disbursement.

## **III. FUNDING**

### **8. FUNDING ALLOCATION SYSTEM, INCLUDING SET ASIDE FOR OUTREACH.**

**8A. If the Commission continues to operate the NDBEDP through certified programs, is this current funding allocation system reasonable and fair?**

Yes. We want to be sure that the funding structure for the program maintains pace with, and is not compromised by, technology advancements such as mobile relay service. We think that the \$10 million allocation may need to increase. We would like the FCC to have the ability to increase the allocation based upon proven consumer need.

**8B. We ask that commenters who believe that this approach to funding allocations should be changed be specific in describing what changes should be made and what purpose these changes will serve.**

### **9. FUNDING REALLOCATIONS.**

**9A. To what extent have these reallocations helped to meet the needs of certified programs in receipt of such funds?**

We believe certified entities, and ultimately consumers, would benefit from a set schedule for both voluntary and involuntary reallocation reviews and allowances, and suggest they occur six and nine months into the program year. We also recommend the FCC clearly define the parameters, including what, if any bearing, the reallocations may have on subsequent program years, and the extent to which states may come to agreements to voluntarily share a portion of their remaining allocated funds.

**9B. Have they in any way hindered the distribution of equipment by programs that have not fully utilized their allocations?**

No

**9C. Should the permanent NDBEDP rules continue to authorize the reallocation of funds from one program to another, as deemed necessary and appropriate?**

Yes. We believe that certified entities that manage more than one state are in a unique position to best compare and address the needs of each state, and recommend that the certified lead have sufficient latitude to reallocate between its certified entities to address specific needs, in adherence with the timelines the FCC sets to do so.

## **10. REIMBURSEMENT MECHANISMS.**

**10A. We seek comment on how this reimbursement mechanism has worked in practice and whether the Commission should retain this reimbursement mechanism or adopt another mechanism to support certified programs.**

The reimbursement mechanism works well for certified entities with sufficient financial and administrative capacity as long as reimbursements are distributed in a timely manner in accordance with 5A and 7A above.

**10B. If the Commission should consider changes to the reimbursement mechanism, what alternative mechanism could be adopted that would provide incentives to locate eligible participants, achieve accountability, and protect against fraud, waste, and abuse and how would it function?**

**10C. If funds were advanced to certified programs, but then not fully used during the Fund year, how would the program return those funds to the Commission's TRS Fund Administrator for reallocation to other certified programs?**

**10D. Would reallocation during each Fund year be possible with a funding mechanism other than the reimbursement mechanism now used? For example, would it be feasible to reallocate funds if each certified program receives its allotted portion of the funding prior to these funds being spent for covered equipment and services?<sup>2</sup>**

**10E. If the present reimbursement mechanism is retained, how can the Commission make it more efficient? For example, would programs benefit from using a centralized web-based system to input cost-related information and documentation, from which standardized reimbursement claims and reports could be generated to expedite processing, payment, and reporting?<sup>3</sup>**

We believe that programs would benefit from using a centralized web-based system to input cost-related information and documentation, from which standardized reimbursement claims and reports could be generated to expedite processing, payment, and reporting, as noted in 4B and 4D above.

**10F. Would such a centralized web-based system facilitate more rapid payment of claims?**

We believe that a centralized web-based system would facilitate more rapid payment of claims.

**10G. Should the Commission require that such claims be paid within a certain time frame and, if so, what time frame would be appropriate?**

Yes, thirty (30) days.

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<sup>2</sup> See ¶ 9, *supra* (noting that the Bureau reallocated funds between state programs during the first two years of the pilot program when necessary to maximize the use of available funding).

<sup>3</sup> See 47 C.F.R. § 64.610(g) (reporting requirements for NDBEDP certified programs). See also Section IX, *infra* (discussing oversight and reporting).

## **11. CAP ON ADMINISTRATIVE COSTS.**

### **11A. Is 15 percent sufficient to cover administrative costs typically incurred through participation in the NDBEDP, such as reporting requirements, accounting, regular audits, oversight, and general administration?<sup>4</sup>**

Currently, 15 percent is not sufficient to cover either administrative costs or managing the provision of service to consumers. Regarding the program's reimbursement structure, as noted in 4F above, we think it's critical to analyze the true cost of administrative activities and expenses - we've heard from many state programs, partner organizations, and assessors/trainers that their costs are not sufficiently being reimbursed. It is currently challenging to manage all of the administrative functions within the 15% cap.

One solution we would like the FCC to consider is to clarify which costs can be included in assessment and training categories. Most certified entities utilize many independent contractors. When the independent contractor is managing setting up support services (interpreters, drivers, etc.), confirming details with the consumer, and writing reports, the time spent doing these tasks can be added to their invoice for assessment or training. If a support person is making these arrangements there is no way to add the costs for time invested without having it appear to be a double assessment. In our experience a support person is often used when the trainer is deaf or deaf-blind. Allowing these costs to be associated with service provision rather than in the administrative category would be very helpful. We recommend this approach rather than increasing the administrative cap.

To alleviate cash flow burdens, it would be helpful to not require administrative activities to be "banked" against other impending reimbursable activities and expenses.

### **11B. Are there other types of administrative costs typically incurred by NDBEDP certified programs that are not listed here?**

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<sup>4</sup> *Id.*

**11C. Should the cap on administrative costs be based on the program’s annual funding allocation rather than reimbursable costs for equipment and related services?**

That would be very helpful. If the administrative allocation was based upon on the allocation and distributed quarterly, the FCC could easily identify states whose spending does not warrant the full administrative allocation and reduce or eliminate payment in the third and fourth quarter.

**11D. Would a cap on administrative costs based on the program’s annual funding allocation act as a disincentive to locate or provide equipment and related services to eligible participants, since a certified entity would be entitled to such reimbursement without having delivered any equipment or related services?**

We have found that a certain amount of administrative expenses occur just to keep the program operating. The FCC should have the right to de-certify a program that consistently fails to spend their allocation and does not exhibit tangible progress to do so.

**12. IMPLICATIONS OF ESTABLISHING CENTRALIZED SYSTEM**

**12A. If the Commission decides to adopt a centralized web-based system for accounting and reporting, what amount of the annual \$10 million allocation should be set aside for these purposes?**

Based upon our experience providing database services to 32 states, we have been putting 3-4% of the annual allocations to database services. This has allowed us to work with a database vendor that provides and maintains: consulting and support services to determine ways to approach the NDBEDP’s information needs; custom programming to accommodate changing needs; and audits to ensure adherence to standard business practices. We think that no more than 3-4% of the \$9.5 million would cover the cost of a national database and allow for continued database development as the needs of the program progress. As referenced in 4D, 5B and 12D, we recommend that a national database is of such importance that it be considered a programmatic expense outside of the 15% administrative cap.

**12B. Similarly, what annual costs would individual programs have to incur to participate in such a centralized system?**

If the FCC certifies a national entity for management of the database, we would not expect additional costs to come out of the states' allocations in order to participate directly with the database. If the states choose to maintain their records separately from the database and only upload records for reimbursement, we recommend they be responsible for the costs related to the separate maintenance of data.

**12C. Should a certified program's costs to participate in a centralized web-based accounting and reporting system be considered program costs, rather than administrative costs?**

If the FCC opts not to implement a national database, we suggest that state entities be allowed to use up to 3-4% of their allocations for database costs outside of the administrative cap.

**12D. If so, should the 15 percent cap on administrative costs be retained or changed? If they are considered administrative costs, should they be subject to the 15 percent cap?**

We've heard from many state programs, partner organizations, and assessors/trainers that their costs are not sufficiently being reimbursed. It is currently challenging to manage all of the administrative functions within the 15% cap, and as noted in 4D, 5B and 12A above, we recommend that a national database is of such importance that it be considered a programmatic expense outside of the 15% administrative cap.

The 15% cap should be retained if costs associated with managing assessment and training events are reimbursed as programmatic expenses not administrative expenses. We also recommend that the FCC-required annual audit be a programmatic cost and not be included within the 15% cap.

## IV. CONSUMER ELIGIBILITY

### 13. VERIFICATION OF INDIVIDUALS WHO ARE DEAF-BLIND.

**13A. Under the permanent rules, should the NDBEDP continue to accept as disability verification documentation already in the applicant's possession, such as individualized education programs and Social Security determination letters?<sup>5</sup>**

Yes – it is sometimes a challenge for consumers to even provide this, and we are concerned about undue burden of proof to consumers.

**13B. We seek comment on the extent to which these rules have provided certified programs with the flexibility they need to identify the full range of individuals who are deaf-blind for whom the NDBEDP was intended to serve. To the extent that commenters request modifications to these rules, we seek input on the Commission's authority to adopt those modifications, given the CVAA's definition of individuals who are "deaf-blind" who are eligible under the NDBEDP**

We think it's critical that there is parity in the eligibility rules across all states, to ensure fairness to all consumers. Of most concern is that no age limits be allowed – we are aware of at least one state that does not serve consumers under the age of 18. There should also be parity across the states related to limits set on equipment and number of training sessions.

### 14. LOW INCOME LIMITATION.

**14A. Should the NDBEDP continue to use the 400% of FPG rule for income eligibility? If not, what measure of income would be appropriate for the permanent program?**

Yes, the 400% of FPG rule is appropriate.

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<sup>5</sup> 47 C.F.R. § 64.610(d)(1)(iii).

**14B. How should “income” be calculated (e.g., salary before any deductions, plus any public assistance benefits, social security payments, pensions, unemployment compensation, veteran’s benefits, inheritances, alimony, child support payments, worker’s compensation benefits, gifts, lottery winnings, or other forms of income)?<sup>6</sup>**

We are concerned about excessive burden of proof for this population – many applicants do not have access to a full portfolio of their household members’ financial statuses, and some applicants’ relatives are unwilling to provide them.

We advocate that consumers supply either the previous year’s tax return or proof of public assistance, and that they certify with signature on their application that they have provided all the information they have access to.

**14C. Should income be determined only with respect to the individual (regardless of his or her status as a child, adult, student, dependent, or financially independent person) or with respect to the household (e.g., an individual or group of individuals who are living together at the same address as one economic unit)?<sup>7</sup>**

We think that considering the household income for a child or an adult who lives as a dependent in a household is fair. We also suggest that the rules be explicit to address circumstances where adult applicants live in a multi-person household but are not considered dependents. As noted in 14B, this is another example where applicants do not have full access to financial documents of others.

**14D. We ask that commenters explain how their proposals would be consistent with the “low-income” eligibility criteria mandated for this program, as well as other federal programs.**

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<sup>6</sup> See *NDBEDP FAQ 23*. See also 47 C.F.R. § 54.400(f) (defining “income” for purposes of universal service support for low-income consumers).

<sup>7</sup> See *NDBEDP FAQ 16 and 24*. See also 47 C.F.R. § 54.400(h) (defining “household” for purposes of universal service support for low-income consumers).

## **15. OTHER ELIGIBILITY CRITERIA.**

**15A. We seek comment on whether these eligibility criteria should be maintained for the permanent NDBEDP and whether there are other eligibility requirements that should be considered.**

For the provision of mobile devices, participants should have ready access to public Wi-Fi. For equipment meant for use only in the home (e.g. desktop computer), consumers must have current access to internet and/or phone service, and if it becomes known that they no longer have access to it, the certified entity should be able to immediately reclaim the equipment for redistribution to another consumer and/or use as demo equipment.

**15B. Should certified programs be permitted to consider the demographics of their jurisdictions, the amount of NDBEDP funds allocated for their jurisdiction, the availability of equipment and services through other programs, or other factors to prioritize the distribution of equipment or provision of related services to qualified applicants?<sup>8</sup>**

As noted in 3C and 14B above, we think it's critical that there is parity in the eligibility rules across all states, to ensure fairness to all consumers.

## **V. EQUIPMENT**

### **16. EQUIPMENT.**

**16A. We seek comment on these provisions of the NDBEDP pilot program, and whether the distribution of equipment under the permanent NDBEDP should be treated differently. If so, how and why would such changes be consistent with the CVAA, benefit eligible low-income individuals who are deaf-blind, and result in more efficient or effective use of NDBEDP funds?**

We think there should be guidelines about how many pieces of equipment to provide a consumer, but that the ultimate decision on how much equipment to provide should be up to each certified entity, based on the pool of qualified consumers they have or can reasonably anticipate having. Consumers who have

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<sup>8</sup> The NDBEDP provides a funding resource for the distribution of communications equipment that supplements rather than supplants any existing legal mandates or programs that may be available to provide communications or other equipment to low-income individuals who are deaf-blind. *See id.*, 26 FCC Rcd at 5690, ¶ 115.

received equipment and subsequently experience changes in their disabilities should be reassessed in the current program year in which they notify the certified program, and the certified program should make it a priority to revisit their equipment needs.

**16B. For example, now that most programs are using up their annual fund allotment, should programs be directed to limit the number of devices that each eligible individual may receive in a specified period of time, such as one or two Fund years? Would this practice further or impede the goals of the NDBEDP?**

We advocate for more explicit guidelines, but not limits. We recommend addressing guidelines that include how frequently equipment can be replaced without documented changes in disability, and how long before more equipment could be provided to the same consumer for other reasons.

## **VI. INDIVIDUALIZED ASSESSMENT OF COMMUNICATIONS NEEDS**

### **17. INDIVIDUALIZED ASSESSMENT OF COMMUNICATION NEEDS.**

**17A. We seek comment on the appropriateness of the Commission's rules governing reimbursement for individualized assessments, and whether reimbursement of the reasonable costs of the consumer's travel for such assessments would make the NDBEDP more efficient and effective, as well as the extent to which such travel would benefit consumers.**

It would be helpful to allow consumer travel costs that are pre-approved by certified entities:

- It can be more cost-effective to conduct training outside of consumers' homes
- Consumers could benefit from being able to review a wider array of centrally-located equipment
- It may be easier to locate interpreters and translators

However, we also advocate that, whenever possible, assessments occur in consumers' homes, in order to best consider their environment, use of existing equipment, etc. Certified programs should have the discretion to determine if and when consumer travel would be justified and beneficial.

**17B. For example, would it benefit potential equipment recipients to be able to try out various types of communication devices that are located on the premises of the certified programs?**

Yes, it is frequently not possible to anticipate or transport the full range of equipment that a consumer might be interested in reviewing.

## **VII. INSTALLATION AND TRAINING**

### **18. REIMBURSEMENT FOR INSTALLATION, TRAINING, TRAVEL COSTS FOR TRAINERS AND SUPPORT SERVICES.**

**18A. We seek comment on whether reimbursement of these costs should continue to be permitted, and whether permitting reimbursement for the reasonable costs of the consumer's travel for installation and training would make the NDBEDP more efficient and effective.**

Yes, continue reimbursement, and permit consumer travel.

**18B. Are there circumstances in which consumers would benefit if they are reimbursed for travel to distribution centers to obtain training?**

As noted in 17A, it would be helpful to allow consumer travel costs that are pre-approved by certified entity:

- It can be more cost-effective to conduct training outside of consumers' home
- Consumers could benefit from a wider array of centrally-located equipment
- It may be easier to locate interpreters and translators

Certified programs should have the discretion to determine if and when consumer travel would be justified and beneficial.

## **19. TRAIN THE TRAINERS.**

### **19A. We seek comment on the extent to which there remains a shortage of qualified personnel to provide training to NDBEDP equipment recipients.**

We have encountered the need to import trainers from one state to another to cope with the critical shortage. This can be very expensive. We believe that the NDBEDP would benefit greatly from investing in targeted train-the-trainer activities.

### **19B. Are certified programs already using train-the-trainer programs?**

Some programs utilize graduates of The Helen Keller National Center's separately funded train-the-trainer program, although the cost for attendance is still prohibitive to some potentially eligible participants. In other instances, certified programs are looking to further hone the skills of consumers who have received equipment who demonstrate the potential ability to serve as an assessor and/or trainer. Other programs have funded training for their staff through other sources. All of these efforts have barely scratched the surface in addressing the need.

### **19C. What resources currently exist for trainers to learn about new technology or consult with subject matter experts on an ongoing basis?**

A primary resource comes from vendors directly, and although this can be helpful in updating skills for an experienced trainer, it does not address the general need and may have an inherent risk of promoting a particular product.

### **19D. Should a national entity coordinate such training?**

We believe funding a national entity or collaborative to coordinate training is an excellent idea.

### **19E. Would online training modules by skilled specialists be effective to provide training remotely?**

We believe that training should be offered in the most cost effective ways possible. While there may be a need for face-to-face training in certain circumstances, the funded entity should incorporate distance technologies

whenever possible. A full array of multi-modal training options that reflect current and emerging best practices should be available to consumers.

**19F. We seek comment on whether NDBEDP funds should be allocated for train-the-trainer programs, the Commission’s authority to allocate such funds, the amount of funding that should be set aside for such training, and for what period of time such funding should be permitted.**

We recommend that, for two years, 2.5% of \$9.5 million (\$237,500) be set aside for targeted train-the-trainer activities per year. This would decrease each state’s allocation by 2.5%. Continued funding should be evaluated based upon on a defined, measurable increase in capacity.

## **VIII. OUTREACH AND EDUCATION**

### **20. NATIONAL OUTREACH SET ASIDE.**

**20A. We seek comment on the efforts undertaken by the national outreach program, and whether the Commission should continue to fund national outreach efforts to promote the NDBEDP.**

To ensure that the program reaches as many eligible consumers as possible, we believe it is critical to continue national outreach as a programmatic expense, especially as the eligible population will continue to shift as the population ages. National outreach enables efforts to raise awareness with eligible consumers who would not otherwise self-identify as deaf-blind. We believe a combination of national and local outreach is critical; national outreach provides for the program’s website, [www.icanconnect.org](http://www.icanconnect.org), which provides states with a private section that offers a variety of materials that can be used in states’ local markets.

The website also enables pages for each state program, where the certified entity can offer its consumer application, and other information to promote its agency/program.

National outreach also supports the iCanConnect social media campaigns on Facebook, Twitter and YouTube, which serve as vehicles to “tell the stories” of the program. Via these outlets, national outreach enables promotion of many compelling profiles of consumers who have been served by the program, as well as organizations and trainers that serve consumers.

**20B. If so, is \$500,000 or a different amount appropriate for such outreach, and for how long should funding be continued?**

We recommend keeping at \$500,000 subject to recertification after 5 years.

**21. REASONABLE COSTS OF OUTREACH BY CERTIFIED PROGRAMS.**

**21A. We seek comment on such state and local outreach efforts, their success, and whether such efforts should continue to be reimbursable under the permanent NDBEDP.**

We believe that state programs should be reimbursed for targeted outreach activities in their local markets. This enables staff to attend local conferences and consumer gatherings as well as reach out to local service organizations. We believe that both national and local outreach efforts are necessary. National outreach provides all state programs with large print flyers that are available in English, Spanish, and braille. National outreach enables a private section of the program's website, [www.icanconnect.org](http://www.icanconnect.org), to provide states with a variety of turnkey materials (e.g. press releases, scripts, etc.) that can be customized for in-state outreach.

## **IX. OVERSIGHT AND REPORTING**

### **22. OVERSIGHT AND REPORTING**

**22A. We seek comment on the extent to which such reporting obligations remain necessary, as well as ways to simplify this reporting requirement for the permanent NDBEDP.**

We believe that the reporting obligations are necessary, and shouldn't be substantially changed. The FCC will have a continued need to demonstrate that the program is effective, serving consumers across the country equitably, in a timely manner, and that the funds are being reasonably spent. The FCC needs consistent aggregate data and the fund administrator needs quality transaction data and backup documentation.

**22B. Commenters suggesting that these obligations be modified should offer specific changes, and explain what, if any, the impact of modifying these obligations would be on certified programs, consumers, and the Commission’s ability to oversee the NDBEDP.**

The currently separate reports for reimbursement and program metrics use similar but slightly different data, which we have found is often confusing for trainers and state partners to quantify. If the FCC establishes a national web-based reporting system as we recommend, we believe that will enable better data reporting and analysis than the existing 6 month report. Reporting requirements for individual entities would also be streamlined. For example, a system that gathers data using terminology familiar to trainers as they are describing their work (mileage, hours with consumer, hours of travel, etc.) and then applies accounting categories as defined by the FCC will allow for consistency of data, instead of asking trainers to account for how much of their invoice relates to assessment travel versus training travel.

**22C. For example, would submission of the required information through a centralized web-based system be more efficient?**

Yes - allowing states to upload supporting documentation, e.g., invoices and packing slips as they are gathered, would streamline the process of collecting and submitting backup documentation. Currently invoices are printed and mailed to state programs, which then sort and scan invoices for submission to RLSA. Being able to attach an invoice to a request as it is filled would allow the state to collect the data real time and simply generate the entire packet for RLSA as part of their report.

**22D. Would such a system enable more standardized reporting and more effective data analysis?**

Yes. In our experience working with a variety of people from 33 certified state entities, we have seen wide variation in how the categories were interpreted based on issues as simple as reading the category title versus the description.

Examples include:

- Understanding the Auxiliary Aids category as interpreting and the travel/encounter fees charged by an interpreter versus putting interpreter travel in the travel categories.

- Categorization of outreach expenses for traditional public relations work such as advertising and press releases, should this go in program information (suggested by the category title) or website (suggested by the category description).

A nationwide system that allows for more specific descriptions of tasks that are familiar descriptions of actual work to trainers and state partners would allow the category to be assigned once and applied consistently.

**22E. Should the reporting requirements be streamlined so they can be used to satisfy the information and documentation that certified programs must submit to support claims for reimbursement to facilitate the submission of both reports and claims?**

Yes. The establishment of a national web based reporting system that supports both the needs of RLSA for fund administration and the FCC for data collection on the effectiveness of the program will support the individual state entities, by providing one consistent format for reporting all data, instead of two separate reports that have similar data but different formats. These two reporting structures have proven confusing to a number of entities and taken considerable time to prepare.

If a nationwide database is not established, we recommend efforts be made to match the reporting categories between the reimbursement data and the 6 month report categories. As an example - demo equipment is a major expense tracked for reimbursement that does not show up on the 6-month report template, when the entities attempt to ensure that the totals on the 6-month report match their reimbursement numbers. This is an area that must be considered.

**22F. What kinds of qualitative information do NDBEDP certified programs and equipment recipients have that would benefit the Commission's oversight of the permanent NDBEDP?<sup>9</sup>**

Certified programs can each speak best to local conditions that impact its program's effectiveness. e.g. availability of low cost cell or internet services; ability of consumers to use braille devices; and impact of rural versus urban settings. Equipment recipients can address issues of quality of services and consumer satisfaction.

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<sup>9</sup> By "qualitative," we are referring to narrative or other non-statistical, non-quantitative information about the program that might help us oversee the NDBEDP.

**22G. What other changes should be made to the reporting requirements that would help inform the Commission about the program's efficacy, yet minimize burdens on certified programs?**

### **23. INDEPENDENT AUDITOR.**

**23A. We seek comment on whether this audit requirement has been effective and whether the Commission should impose additional safeguards to protect the integrity of the TRS Fund and the NDBEDP.**

We recommend the following to increase the audit requirement's effectiveness:

- A determination as to whether the program funding is or is not considered federal funds is absolutely critical. If the program funds are determined to be federal funding, then the recipients must follow the Single Audit Act of 1984 and OMB Circular A-133. Any audit activity beyond can be mandated by the FCC at its expense. If the funds are federal funds, we recommend that the FCC require an A-133 Audit to provide reasonable assurance that the FCC funds are used for their intended purposes.
- We recommend the FCC delete the language that each certified program must engage an independent auditor to perform an annual audit designed to detect and prevent fraud, waste and abuse. In addition, all such programs must submit, as necessary, to any audits directed by the Commission, CGB, the NDBEDP Administrator, or the TRS Fund Administrator. We further recommend the FCC insert language to replace the above that states each certified program must engage an independent auditor to perform an annual audit designed to provide reasonable assurance that the FCC funds are used for their intended purpose.
- The AICPA standard outlines the auditor's responsibility related to identifying fraud: "An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used

and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement." An audit to uncover waste and abuse is not a financial audit and if so desired would require an expanded audit effort that is more similar to a program-specific performance audit.

- In lieu of a financial statement opinion on a schedule of expenditures, agreed upon procedures (AUP) - AT201 could be performed. However, the FCC would need to develop specific procedures for each type of program activity, such as equipment purchase, installation, training, etc. In addition, AUP procedures would be needed to cover the management services Perkins provides.
- Finally, we suggest state programs have the opportunity to view the draft regulations in order to provide comment prior to finalization for the permanent program rules.

## **X. OTHER CONSIDERATIONS**

### **24. OTHER CONSIDERATIONS.**

**24A. We invite comment on any other issues, concerns, or questions that the Commission should consider during the process of developing rules for the permanent NDBEDP.**

[End of Perkins' comments]