



PUBLIC NOTICE

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DA 15-94
Released: January 22, 2015

COMMISSION ANNOUNCES ENTITY SELECTED FOR CERTIFICATION TO PARTICIPATE IN THE NATIONAL DEAF-BLIND EQUIPMENT DISTRIBUTION PROGRAM FOR UTAH

Washington, D.C. – The Consumer and Governmental Affairs Bureau (Bureau or CGB) of the Federal Communications Commission (Commission) has selected the Perkins School for the Blind (Perkins) for certification to participate in the National Deaf-Blind Equipment Distribution Program (NDBEDP) for the state of Utah, effective February 1, 2015.

The NDBEDP is a program mandated by Section 105 of the Twenty-First Century Communications and Video Accessibility Act (CVAA) that provides funding of up to \$10 million annually for the distribution of communications equipment to low-income individuals who are deaf-blind.¹ On April 4, 2011, the Commission adopted the *NDBEDP Pilot Program Order*, establishing the framework for a pilot program to fulfill this CVAA mandate.² In that *Order*, the Commission determined that it would certify one entity per state as eligible to receive support for the local distribution of equipment to low-income individuals who are deaf-blind.³ Each certified entity has primary oversight and responsibility for compliance with program requirements for its state, but certified entities may fulfill their responsibilities either directly or through collaboration, partnership, or contract with other individuals or entities in-state or out-of-state, including other NDBEDP certified programs.⁴ Participation in the NDBEDP also entails the provision of related services, including local outreach, individual assessments and training, as well as equipment installation and maintenance, that may be needed to effectively provide a person who is deaf-blind with the equipment that he or she needs to access the communications services covered by the CVAA.⁵

¹ Pub. L. 111-260, 124 Stat. 2751 (2010); *see also* Pub. L. 111-265, 124 Stat. 2795 (2010) (making technical corrections to the CVAA). Section 105 of the CVAA adds Section 719 to the Communications Act of 1934, as amended, and is codified at 47 U.S.C. § 620. The CVAA authorizes the Commission to allocate these funds from the interstate telecommunications relay service fund (TRS Fund).

² *See Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, CG Docket No. 10-210, Report and Order, 26 FCC Rcd 5640 (2011) (*NDBEDP Pilot Program Order*).

³ *Id.*, 26 FCC Rcd at 5646, ¶ 12.

⁴ *Id.*, 26 FCC Rcd at 5647, ¶ 13.

⁵ *Id.*, 26 FCC Rcd at 5667-5676, ¶¶ 63-79. The NDBEDP pilot program will cover the reasonable costs of such related services. *See* 47 C.F.R. § 64.610(f)(2).

The Commission launched the NDBEDP on July 1, 2012.⁶ On July 2, 2012, the Commission announced that it had selected one entity for each of the 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands to participate in the NDBEDP.⁷ The Commission selected the Utah Public Service Commission (Utah PSC) as the certified program for the state of Utah.⁸

In October 2014, the Utah PSC informed the Commission that it would not continue participating in the NDBEDP and that it would relinquish its certification as of January 31, 2015.⁹ On November 6, 2014, the Bureau invited applications for certification to participate in the NDBEDP for the state of Utah.¹⁰ In response, the Bureau received two applications, one from the Utah Council of the Blind (UCB) and the other from Perkins.¹¹ In accordance with the *NDBEDP Pilot Program Order*, the Bureau reviewed each program's application for its ability to meet the following qualifications, either directly or in coordination with other programs or entities:

- expertise in the field of deaf-blindness, including familiarity with the culture and etiquette of people who are deaf-blind, to ensure that equipment distribution and the provision of related services occurs in a manner that is relevant and useful to consumers who are deaf-blind;
- ability to communicate effectively with people who are deaf-blind (for training and other purposes), by among other things, using sign language, providing materials in Braille, ensuring that information made available online is accessible, and using other assistive technologies and methods to achieve effective communication;
- staffing and facilities sufficient to administer the program, including the ability to distribute equipment and provide related services to eligible individuals throughout the state, including those in remote areas;
- experience with the distribution of specialized customer premises equipment, especially to people who are deaf-blind;
- experience in training users on how to use the equipment and how to set up the equipment for its effective use; and

⁶ *Commission Announces Launch of the National Deaf-Blind Equipment Distribution Program*, CG Docket No. 10-210, Public Notice, 27 FCC Rcd 7403 (CGB 2012).

⁷ *Commission Announces Entities Certified to Participate in the National Deaf-Blind Equipment Distribution Program*, CG Docket No. 10-210, Public Notice, 27 FCC Rcd 7397 (CGB 2012).

⁸ *Id.*

⁹ Letter from Ron Allen, Chairman, Utah Public Service Commission, to Jacqueline Ellington, Attorney Advisor, Disability Rights Office, Consumer and Governmental Affairs Bureau, FCC (Oct. 20, 2014).

¹⁰ *See FCC Invites Applications for Certification to Participate in the National Deaf-Blind Equipment Distribution Program in the State of Utah*, Public Notice, DA 14-1616 (Nov. 6, 2014).

¹¹ *See* Letter from Leslie H. Gertsch, Executive Director, Utah Council of the Blind, submitting application for NDBEDP certification to NDBEDP Administrator, Disability Rights Office, Consumer and Governmental Affairs Bureau (Nov. 19, 2014) ; Letter from Betsy L. McGinnity, Director, Training & Educational Resources Program, Perkins School for the Blind, submitting application for NDBEDP certification to NDBEDP Administrator, Disability Rights Office, Consumer and Governmental Affairs Bureau (Nov. 19, 2014) (Perkins Application).

- familiarity with the telecommunications, Internet access, and advanced communications services that will be used with the distributed equipment.¹²

The Bureau has determined that Perkins meets the Commission's qualifications for certification to operate the NDBEDP program in Utah. Perkins has been operating NDBEDP programs in 12 other states since July 1, 2012,¹³ in Nevada since July 1, 2013,¹⁴ in Mississippi since January 1, 2014,¹⁵ in Vermont since July 1, 2014,¹⁶ in Indiana and Minnesota since July 16, 2014,¹⁷ and in Michigan since October 3, 2014.¹⁸ In this and other aspects of its programs, Perkins has demonstrated extensive experience in providing accessible services in a manner that shows cultural awareness of the deaf-blind community and considerable expertise in communications technology used by individuals who are deaf-blind.¹⁹ As the NDBEDP certified program for Utah, Perkins will work in partnership with local agencies, including the Utah PSC, to meet the needs of the deaf-blind population throughout Utah.²⁰ In addition, the Perkins application included letters of support from two organizations that provide related services to individuals who are deaf-blind and their families in Utah.²¹ These organizations will work collaboratively with Perkins to fulfill the NDBEDP requirements.²²

While UCB's application includes two letters of support and indicates that it has experience working with people who are deaf-blind, its application does not demonstrate a level of expertise in all of the required criteria sufficient to indicate that it will be the best entity to provide NDBEDP services for the state of Utah. Specifically, UCB does not discuss its plans for staffing or providing facilities to administer the NDBEDP in Utah. While UCB discusses its experience with helping people who are losing sight and hearing to acquire adaptive technology, it is not clear the extent to which UCB's experience extends to distributing, installing, and conducting training on specialized customer premises

¹² See 47 C.F.R. § 64.610(b)(3).

¹³ *Id.*

¹⁴ *Commission Announces Entity Selected for Certification to Participate in the National Deaf-Blind Equipment Distribution Program for Nevada*, CG Docket No. 10-210, Public Notice, 28 FCC Rcd 10223 (CGB 2013).

¹⁵ *Commission Announces Entity Selected for Certification to Participate in the National Deaf-Blind Equipment Distribution Program for Mississippi*, CG Docket No. 10-210, Public Notice, 28 FCC Rcd 16950 (CGB 2013).

¹⁶ *Commission Announces Entities Selected for Certification to Participate in the National Deaf-Blind Equipment Distribution Program for Vermont and Nebraska*, CG Docket No. 10-210, Public Notice, 29 FCC Rcd 5883 (CGB 2014).

¹⁷ *Commission Announces Entities Selected for Certification to Participate in the National Deaf-Blind Equipment Distribution Program for Indiana and Minnesota*, CG Docket No. 10-210, Public Notice, 29 FCC Rcd 8365 (CGB 2014).

¹⁸ *Commission Announces Entity Selected for Certification to Participate in the National Deaf-Blind Equipment Distribution Program for Michigan*, CG Docket No. 10-210, Public Notice, 29 FCC Rcd 11769 (CGB 2014).

¹⁹ See Perkins Application at 8.

²⁰ See Perkins Application at 2.

²¹ See Letter from William G. Gibson, Division Director, and Brenda Gonzalez, Deaf-Blind Specialist, Division of Services for the Blind and Visually Impaired, to Federal Communications Commission, Consumer and Governmental Affairs Bureau (Nov. 18, 2014); Linda Alsop, Director, Deafblind Programs, SKI-HI Institute/Center for Persons with Disabilities, to NDBEDP Administrator, Disability Rights Office, Consumer and Governmental Affairs Bureau (Nov. 18, 2014).

²² *Id.*

equipment or telecommunications equipment for people who are deaf-blind. Finally, UCB has not made clear that it has the familiarity with telecommunications, Internet access, and advanced communications services that will be used with the distributed equipment to enable it to effectively provide related services to those who have received equipment through the NDBEDP.

Accordingly, the Bureau has selected Perkins for certification to participate in the NDBEDP for the state of Utah. Certification for Perkins will continue for the duration of the NDBEDP pilot program,²³ subject to Perkins' compliance with the Commission's program requirements.²⁴

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FOR FURTHER INFORMATION CONTACT: Jackie Ellington, Consumer and Governmental Affairs Bureau, 202-418-1153, e-mail Jackie.Ellington@fcc.gov; or Rosaline Crawford, Consumer and Governmental Affairs Bureau, 202-418-2075, e-mail Rosaline.Crawford@fcc.gov.

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²³ The termination date for the NDBEDP pilot program is June 30, 2015. *See Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, Order, 29 FCC Rcd 1234 (CGB 2014) (*NDBEDP Third Year Order*).

²⁴ *NDBEDP Pilot Program Order*, 26 FCC Rcd at 5647, ¶ 14. *See generally*, 47 C.F.R. §§ 64.610(a)-(k).