



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

News Media Information: 202-418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

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FCC INVITES APPLICATIONS FOR CERTIFICATION TO PARTICIPATE IN THE NATIONAL DEAF-BLIND EQUIPMENT DISTRIBUTION PROGRAM IN THE STATE OF NEVADA

Washington, D.C. – On July 2, 2012, the Federal Communications Commission (“Commission”) announced the launch of the National Deaf-Blind Equipment Distribution Program (“NDBEDP”) pilot program.¹ The Commission also announced the selection of 53 applicants to become certified programs authorized to distribute equipment under the NDBEDP in each of the 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.² The Commission selected the Deaf and Hard of Hearing Advocacy Resource Center (“DHHARC”) as the NDBEDP certified program for the state of Nevada.³ Recently, DHHARC informed the Commission that it was unable to continue participating in the NDBEDP and relinquished its certification.⁴ To ensure that Nevada is able to continue participating in the NDBEDP, the Commission invites applications from entities interested in receiving certification to distribute equipment under the NDBEDP to qualifying residents in Nevada.⁵ The Commission will accept applications for this purpose until May 23, 2013.⁶

¹ See *Commission Announces Launch of the National Deaf-Blind Equipment Distribution Program*, Public Notice, 27 FCC Rcd 7403 (2012). See also *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) (“*NDBEDP Report and Order*”).

² See *Commission Announces Entities Certified to Participate in the National Deaf-Blind Equipment Distribution Program*, Public Notice, 27 FCC Rcd 7397 (2012).

³ *Id.*

⁴ Letter from Martin Forsheim, Board President, Deaf and Hard of Hearing Advocacy Resource Center, to Jacqueline Ellington, Attorney Advisor, Disability Rights Office, Consumer and Governmental Affairs Bureau, FCC (February 28, 2013).

⁵ As noted in the *NDBEDP Report and Order*, the Commission reserved the right to accept applications for certification at any time during the pilot program, as may be needed to fill program gaps, with the goal of ensuring that one certified program is operating in every state. *NDBEDP Report and Order*, 26 FCC Rcd at 5647, ¶ 14, n.49.

⁶ In the *NDBEDP Report and Order*, the Commission announced a 60-day filing deadline. *Id.*, 26 FCC Rcd at 5647, ¶ 14; *FCC Announces 60-Day Period to Apply for Certification to Participate in the National Deaf-Blind Equipment Distribution Program*, 26 FCC Rcd 13118 (CGB 2011). Here, we set a 15-day deadline in order to expeditiously replace DHHARC with another certified entity. Since the initial certification process has already been conducted, interested parties are more likely to be familiar with the filing requirements and in some instances may re-use prior filings with only minor modifications.

Section 105 of the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”), signed into law by President Obama on October 8, 2010,⁷ directed the Commission to establish rules that define as eligible for funding support programs that distribute specialized customer premises equipment to low-income individuals who are deaf-blind. In accordance with this directive, in April 2011, the Commission established the NDBEDP as a pilot program to distribute equipment used for telecommunications services, Internet access services, and advanced communications, including interexchange services and advanced telecommunications and information services, to eligible people who are deaf-blind. The duration of the pilot program is two years (beginning with the July 2012 launch), and the Commission retained the option to extend the program for an additional year.

Certification to Receive Funding. As provided in the Commission’s rules,⁸ the Commission will certify a single program as the sole authorized entity to participate in the NDBEDP for Nevada and receive reimbursement for its NDBEDP activities from the Interstate Telecommunications Relay Service Fund (“TRS Fund”).⁹ Such entity will have full oversight and responsibility for distributing equipment and providing related services in Nevada,¹⁰ either directly or through collaboration, partnership, or contract with other individuals or entities in-state or out-of-state, including other NDBEDP certified programs.¹¹ The certified program will be eligible to receive reimbursement for eligible NDBEDP-related costs that it incurs after its selection and through June 30, 2013, up to the amount of unused funds remaining from the allocation for Nevada for the first year of the pilot program.¹² The selected entity will receive the full funding allocation for Nevada for years two and three, if applicable, of the pilot program.

Who May Apply: Any public program or private entity may apply to the Commission for certification to become the sole authorized entity for Nevada to participate in the NDBEDP and receive reimbursement for NDBEDP activities from the TRS Fund.¹³ For example, public programs, such as state equipment distribution programs, vocational rehabilitation programs, assistive technology programs, or schools for the deaf, blind or deaf-blind may apply. Likewise, private entities, such as organizational

⁷ Pub. L. No. 111-260, 124 Stat. 2751 (2010). *See also* Amendment of Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. 111-265, 124 Stat. 2795 (2010) (making technical corrections to the CVAA). Section 105 adds Section 719 to the Communications Act of 1934, as amended, and is codified at 47 U.S.C. § 620.

⁸ 47 C.F.R. § 64.610(b).

⁹ Claims for reimbursement must be submitted, at a minimum, within 30 days after the end of each six-month period of the Fund Year. *See* 47 C.F.R. § 64.610(f)(2). *See also* *NDBEDP Report and Order*, 26 FCC Rcd at 5678-79, ¶¶ 86-88. *But see* *Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, Order, 27 FCC Rcd 2812 (2011) (conditionally waiving the Commission’s rules to permit NDBEDP certified programs to submit claims for reimbursement on a monthly or quarterly basis).

¹⁰ *See NDBEDP Report and Order*, 26 FCC Rcd at 5659-5676, ¶¶ 45-80 (discussing various categories of related services).

¹¹ 47 C.F.R. § 64.610(b).

¹² The amount allocated for the first year of the NDBEDP pilot program, July 1, 2012 – June 30, 2013, for the state of Nevada was \$109,129. *See Commission Announces Entities Certified to Participate in the National Deaf-Blind Equipment Distribution Program*, Public Notice, 27 FCC Rcd 7397, 7401 (2012). The amount of unused funds remaining will be determined by the TRS Fund Administrator prior to selection of the new certified program.

¹³ 47 C.F.R. § 64.610(b)(2).

affiliates, independent living centers, or private educational facilities, may apply. Local or national entities may also apply.

Applications: There is no application form or fee to apply for certification in the NDBEDP pilot program. Applicants may compile their application in any manner that they believe will most effectively present their qualifications for certification. The Commission will review applications and determine whether to grant certification based on the ability of a program to meet the following qualifications, either directly or in coordination with other programs or entities, as evidenced in the application and any supplemental materials, including letters of recommendation:¹⁴

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

Applicants are encouraged to include the identity of the other programs or entities with whom the applicant will collaborate, partner, or contract, and the functions or services that they or individual contractors (who do not need to be identified by name) will fulfill. Applicants may also include recommendations with their certification applications from members of the deaf-blind community in their state, experts or others with direct knowledge of their capabilities and qualifications.¹⁵

Applications may be submitted electronically to NDBEDP@fcc.gov or mailed to the following address:

¹⁴ 47 C.F.R. § 64.610(b)(3).

¹⁵ *NDBEDP Report and Order*, 26 FCC Rcd at 5649, ¶ 21.

NDBEDP Administrator
Disability Rights Office
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

This Public Notice summarizes the qualifications for obtaining certification to participate in the NDBEDP pilot program. We encourage every applicant to familiarize itself with the complete requirements for program participation and the rules governing the NDBEDP pilot program contained in 47 C.F.R. § 64.610 before submitting its application. The certified applicant must comply with the NDBEDP rules.¹⁶

ACCESSIBLE FORMATS: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

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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¹⁶ See *NDBEDP Report and Order*, 26 FCC Rcd at 5694-5701, Appendix A (setting out the NDBEDP pilot program rules). See also 47 C.F.R. § 64.610.