

Before the
Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of)
)
Implementation of the Twenty-First Century) CG Docket No. 10-210
Communications and Video Accessibility Act of)
2010, Section 105, Relay Services for Deaf-Blind)
Individuals)
)

ORDER

Adopted: February 7, 2014

Released: February 7, 2014

By the Acting Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. In this Order, the Consumer and Governmental Affairs Bureau (CGB) of the Federal Communications Commission (FCC or Commission), pursuant to its delegated authority,¹ extends the pilot program for the National Deaf-Blind Equipment Distribution Program (NDBEDP) for an additional year, until June 30, 2015. The NDBEDP, established pursuant to Section 105 of the Twenty-First Century Communications and Video Accessibility Act (CVAA), authorizes up to \$10 million annually for the distribution of accessible communications equipment to low-income individuals who are deaf-blind.²

II. BACKGROUND

2. In 2011, to fulfill this CVAA mandate, the Commission adopted rules that established the framework for a pilot program that would run for two years, with an option to extend for a third year.³ In addition, in the *NDBEDP Pilot Program Order*, the Commission determined that outreach would be necessary on a national level to reach and inform the greatest number of consumers, service providers, and others about the NDBEDP.⁴ The Commission set aside \$500,000 of the \$10 million annually allocated for the NDBEDP for these national outreach efforts during each TRS Fund year of the pilot program.⁵

¹ 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, 5685, ¶ 105 (2011) (*NDBEDP Pilot Program Order*).

² Pub. L. 111-260, 124 Stat. 2751 (2010); see also Pub. L. 111-265, 124 Stat. 2795 (2010) (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 allows the Commission to allocate these funds from the Interstate Telecommunications Relay Service Fund (TRS Fund).

³ See *NDBEDP Pilot Program Order*, 26 FCC Rcd 5640, 5649, ¶ 22.

⁴ See *NDBEDP Pilot Program Order*, 26 FCC Rcd at 5675-76, ¶ 80.

⁵ *Id.*

3. In June 2012, the Commission announced its selection of the Perkins School for the Blind as the national outreach coordinator to promote the NDBEDP.⁶ In July 2012, the Commission announced the entities selected to operate distribution programs in each of the 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands with the amount allocated to each entity,⁷ and established July 1, 2012 as the launch date for the first year of the NDBEDP pilot program.⁸

III. DISCUSSION

4. During the NDBEDP pilot program, certified entities have been required to file a report with the Commission every six months containing detailed and timely data on, among other things, the number and types of equipment distributed to low-income individuals who are deaf-blind, the type of communications service with which each piece of equipment is used, the type of telecommunications relay service (TRS) the equipment can access, the costs and resources associated with installing the equipment and training individuals who are deaf-blind to use the equipment, and the resources associated with maintaining, repairing, and upgrading the equipment.⁹ In addition, program reports must include information about the number and types of equipment requests that were denied, average waiting times to acquire equipment after it was requested, complaints received about programs, and the number of unserved but qualified applicants on each program's waiting list.¹⁰ Among its many purposes, the collection of this and other data required by the *NDBEDP Pilot Program Order* was designed to provide the Commission with information needed to effectively administer the NDBEDP pilot program, to assess the effectiveness of the pilot program in meeting the communications equipment and technology needs of individuals who are deaf-blind, and to ensure that the TRS Fund is being used for the purpose intended by Congress.¹¹

5. During its first year, national outreach efforts to promote the NDBEDP got underway.¹² These efforts included establishing an NDBEDP web presence through a website (www.iCanConnect.org) and social media outlets, and producing print materials, public service announcements, and other mass media marketing deliverables.¹³ Also during the first year, each of the 53

⁶ *Perkins School for the Blind to Conduct National Outreach for the National Deaf-Blind Equipment Distribution Program*, CG Docket No. 10-210, Public Notice, 27 FCC Rcd 6143 (CGB June 8, 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 July 2, 2012). Since inception of the NDBEDP pilot program, two of the FCC-certified entities relinquished their certification and have been replaced. *See 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 July 16, 2013); *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 December 19, 2013).

⁸ *Commission Announces Launch of the National Deaf-Blind Equipment Distribution Program*, CG Docket No. 10-210, Public Notice, 27 FCC Rcd 7403 (CGB 2012).

⁹ 47 C.F.R. §§ 64.610(g)(1)(iii), (vi), (vii), (ix). *See also NDBEDP Pilot Program Order*, 26 FCC Rcd at 5683-84, ¶ 99.

¹⁰ 47 C.F.R. §§ 64.610(g)(1)(iv), (x), (xi), (xii). *See also NDBEDP Pilot Program Order*, 26 FCC Rcd at 5683, ¶ 98.

¹¹ *Id.*

¹² *Perkins School for the Blind to Conduct National Outreach for the National Deaf-Blind Equipment Distribution Program*, CG Docket No. 10-210, Public Notice, 27 FCC Rcd 6143 (CGB 2012).

¹³ *See Year One Highlights at 2-5* (September 2013) (a presentation produced by the Perkins School for the Blind summarizing national outreach efforts and outcomes achieved by NDBEDP certified programs), available at <http://apps.fcc.gov/ecfs/document/view?id=7520958851> (*Year One Highlights*).

entities that were certified to participate in the NDBEDP established administrative and operational procedures, conducted state and local outreach, and began identifying eligible participants, distributing equipment, and providing related services. Utilization of this program across the states varied considerably during the first year. By the close of the first year, reimbursement claims had been submitted to the TRS Fund administrator¹⁴ for approximately 70 percent of the \$10 million available to support the NDBEDP.¹⁵ While some states had made full use of the NDBEDP funds allocated to them during this first year, other programs were slower to get underway. For example, NDBEDP-certified entities in 16 states requested reimbursement for less than 50 percent of the funds allocated to them.¹⁶

6. The second year of the pilot program began July 1, 2013 and will end on June 30, 2014. To date, reimbursement requests from most certified programs reveal that they are likely to use 100 percent of the \$10 million annual allocation,¹⁷ suggesting that more equipment is being distributed to a larger number of participants during the pilot program's second year. Given the significant growth in this second year, CGB believes that the experiences of the NDBEDP-certified programs, as reported in data to the Commission after completion of a fully operational second year, will be needed to inform the Commission's rulemaking for continuation of the NDBEDP beyond the pilot program. However, the Commission will not have access to all of the data related to the second year of the pilot program until after the second year ends.¹⁸ In light of this, and given our interest in allowing the NDBEDP to continue to operate while the Commission undertakes its rulemaking proceeding for a more permanent NDBEDP,¹⁹ CGB hereby extends the NDBEDP pilot program for a third year, from July 1, 2014 through June 30, 2015.²⁰

7. During the third year of the NDBEDP, the Commission will conduct a rulemaking proceeding to develop a permanent NDBEDP. As noted above, this rulemaking proceeding will be informed by the experience of operating the NDBEDP pilot program for two full years.²¹ The Commission further believes that extending the NDBEDP pilot program for a third year at this time will

¹⁴ Rolka Loube Saltzer Associates, LLC, the current TRS Fund administrator, is responsible for, among other things, reviewing cost submissions and releasing funds under the NDBEDP for distributed equipment and related services, including outreach efforts. 47 C.F.R. § 64.610(h)(2).

¹⁵ See 2012-2013 NDBEDP Reimbursement Requests as of 12/02/2013 at <http://www.r-l-s-a.com/TRS/2012-2013%20NDBEDP%20Reimbursement%20requests.xlsx> (last viewed December 18, 2013).

¹⁶ *Id.*

¹⁷ See 2013-2014 NDBEDP Reimbursement Requests as of 12/05/2013 at <http://www.r-l-s-a.com/TRS/2013-2014%20NDBEDP%20Reimbursement%20requests.xlsx> (last viewed December 18, 2013) (by the end of the first quarter of 2013-2014, NDBEDP certified entities submitted reimbursement claims for approximately \$2,140,000 or 21 percent of the \$10 million annual funding amount).

¹⁸ NDBEDP certified programs must report data about their programs and submit reimbursement claims to the Commission within 30 days after the end of the second year, or by July 30, 2014. 47 C.F.R. §§ 64.610(f)(2); (g)(1). Data provided at that time will cover program operations for the January 1 – June 30, 2014 reporting period.

¹⁹ See *NDBEDP Pilot Program Order* at 5649, ¶ 22 (“Given the time needed to evaluate the pilot program *and engage in a rulemaking process for the permanent program*, we will operate the NDBEDP pilot for two years, from the pilot program start date, with an option to extend the program for an additional year.”) (emphasis added).

²⁰ In the *NDBEDP Pilot Program Order*, the Commission specified that if it were to extend the program, it would be extended for another full program year. See *NDBEDP Pilot Program Order* at 5649, ¶ 22. See also 47 C.F.R. § 64.610(a). Allowing the NDBEDP local operations to continue into this third year will also give the Commission ongoing access to operational NDBEDP entities during the period in which the Commission engages in rulemaking or related activities. *Id.* at 5683, ¶ 98

²¹ The Commission may also benefit to some extent by being informed by program operations that occur during the initial months of the third year of the pilot program, before the adoption of rules for continuing the NDBEDP.

provide greater programmatic certainty to the entities that are currently certified to participate in the NDBEDP.

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED that, pursuant to the authority contained in sections 4(i), 4(j) and 719 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j) and 620, and sections 0.361, 1.3 and 14.5 of the Commission's Rules, 47 C.F.R. §§ 0.361, 1.3 and 64.610, this Order IS ADOPTED.

9. IT IS FURTHER ORDERED that the NDBEDP pilot program is extended until June 30, 2015.

10. IT IS FURTHER ORDERED that this Order SHALL BE EFFECTIVE upon release.

11. 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).

FEDERAL COMMUNICATIONS COMMISSION

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