



PUBLIC NOTICE

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

Washington, D.C. – The Consumer and Governmental Affairs Bureau (CGB) of the Federal Communications Commission (Commission or FCC) has selected the Helen Keller National Center for Deaf-Blind Youth and Adults (HKNC) for certification to participate in the National Deaf-Blind Equipment Distribution Program (NDBEDP) for the state of Hawaii, effective March 3, 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 Island Skill Gathering as the certified program for the state of Hawaii.⁸

On January 26, 2015, Island Skill Gathering notified the Commission that it would not continue participating in the NDBEDP and that it would relinquish its certification effective immediately.⁹ On February 6, 2015, the Bureau invited applications for certification to participate in the NDBEDP for the state of Hawaii.¹⁰ In response, the Bureau received one application from HKNC.¹¹ In accordance with the *NDBEDP Pilot Program Order*, the Bureau reviewed HKNC'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
- familiarity with the telecommunications, Internet access, and advanced communications services that will be used with the distributed equipment.¹²

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) (*NDBEDP Certification Public Notice*).

⁸ *Id.*

⁹ Electronic mail from Wally Soares, Rehab Technology Specialist, Island Skill Gathering, to Jacqueline Ellington, Attorney Advisor, Disability Rights Office, CGB, FCC (Jan. 26, 2015).

¹⁰ *See FCC Invites Applications for Certification to Participate in the National Deaf-Blind Equipment Distribution Program in the State of Hawaii*, Public Notice, DA 15-174 (CGB rel. Feb. 6, 2015).

¹¹ *See Letter from Susan Ruzenski, HKNC Executive Director, submitting application for NDBEDP certification to NDBEDP Administrator, Disability Rights Office, CGB (Feb. 20, 2015).*

¹² *See* 47 C.F.R. § 64.610(b)(3).

The Bureau has determined that HKNC meets the Commission's qualifications for certification to operate the NDBEDP in Hawaii. HKNC has operated the NDBEDP in New York since July 1, 2012,¹³ and in Iowa since August 1, 2014.¹⁴ In addition, in partnership with the Perkins School for the Blind, HKNC has assisted in operating NDBEDP programs in at least 12 other states since July 1, 2012,¹⁵ in Nevada since July 1, 2013,¹⁶ and in Mississippi since January 1, 2014.¹⁷ In this and other aspects of its programs, HKNC 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.¹⁸ As the NDBEDP certified program for Hawaii, HKNC will work in partnership with local agencies to meet the needs of the deaf-blind population throughout Hawaii.¹⁹ In addition, the HKNC application included letters of support from five organizations that provide related services to individuals with disabilities and their families in Hawaii, four of which stated that they will work collaboratively with HKNC to fulfill NDBEDP requirements.²⁰

Accordingly, the Bureau has selected HKNC for certification to participate in the NDBEDP for the state of Hawaii. Certification for HKNC will continue for the duration of the NDBEDP pilot program,²¹ subject to HKNC's compliance with the Commission's program requirements.²²

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¹³ See *NDBEDP Certification Public Notice*, 27 FCC Rcd at 7401.

¹⁴ *Commission Announces Entity Selected for Certification to Participate in the National Deaf-Blind Equipment Distribution Program for Iowa*, CG Docket No. 10-210, Public Notice, 29 FCC Rcd 9436 (CGB 2014).

¹⁵ See *NDBEDP Certification Public Notice*, 27 FCC Rcd at 7400-7402.

¹⁶ *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).

¹⁷ *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).

¹⁸ See HKNC Application at 2-3.

¹⁹ See HKNC Application at 3-4.

²⁰ See, e.g., Letter from Wally Soares, Assistive Technology Specialist, Island Skill Gathering, to the FCC (Feb. 9, 2015); Letter from Megan Conway, Ph.D., Access Inclusion Consultants, to NDBEDP Administrator, Disability Rights Office, CGB, FCC (Feb. 14, 2015); Letter from Eleanor Macdonald, Program Specialist, State of Hawaii, Department of Human Services, Division of Vocational Rehabilitation, to Cathy Kirscher, HKNC, Regional Representative, Southwest Region (Feb. 18, 2015); Letter from Mellanie Lee, Project Director, Hawai'i/Pacific Deaf-Blind Consortium, University of Hawai'i Manoa to Cathy Kirscher, HKNC, Southwest Region (Feb. 18, 2015); and Letter from Barbara Fischlowitz-Leong, Executive Director, Assistive Technology Resource Centers of Hawaii to Cathy Kirscher, HKNC (Feb. 20, 2015).

²¹ 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*, CG Docket No. 10-210, Order, 29 FCC Rcd 1234 (CGB 2014) (*NDBEDP Third Year Order*).

²² *NDBEDP Pilot Program Order*, 26 FCC Rcd at 5647, ¶ 14. See generally, 47 C.F.R. §§ 64.610(a)-(k).

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