



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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

DA 15-901

Released: August 7, 2015

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

Washington, D.C. – The Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (FCC or Commission) has selected Disability Rights Maine (DRM) for certification to participate in the National Deaf-Blind Equipment Distribution Program (NDBEDP) for the state of Maine, effective July 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.<sup>1</sup> On April 4, 2011, the Commission adopted the *NDBEDP Pilot Program Order*, establishing the framework for a pilot program to fulfill this CVAA mandate.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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<sup>1</sup> 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).

<sup>2</sup> *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*).

<sup>3</sup> *Id.*, 26 FCC Rcd at 5646, ¶ 12.

<sup>4</sup> *Id.*, 26 FCC Rcd at 5647, ¶ 13.

<sup>5</sup> *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.<sup>6</sup> 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.<sup>7</sup> The Commission selected Maine Center on Deafness (MCD) for the state of Maine.<sup>8</sup>

On June 25, 2015, MCD notified the Commission that it would not continue participating in the NDBEDP and that it would relinquish its certification effective June 30, 2015.<sup>9</sup> On July 21, 2015, the Bureau invited applications for certification to participate in the NDBEDP for the state of Maine.<sup>10</sup> In response, the Bureau received one application from DRM.<sup>11</sup> In accordance with the *NDBEDP Pilot Program Order*, the Bureau reviewed DRM'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.<sup>12</sup>

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

<sup>7</sup> *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*).

<sup>8</sup> *Id.*

<sup>9</sup> Electronic mail from Kim Moody, Executive Director, MCD, to Jacqueline Ellington, Attorney Advisor, Disability Rights Office, CGB, FCC (June 25, 2015).

<sup>10</sup> *See FCC Invites Applications for Certification to Participate in the National Deaf-Blind Equipment Distribution Program in the State of Maine*, Public Notice, DA 15-845, 30 FCC Rcd 7393 (CGB 2015).

<sup>11</sup> *See Letter from Kim Moody, Executive Director, DRM, submitting application for NDBEDP certification to NDBEDP Administrator, Disability Rights Office, CGB, FCC (July 30, 2015) (DRM Application).*

<sup>12</sup> *See 47 C.F.R. § 64.610(b)(3).*

The Bureau has determined that DRM meets the Commission’s qualifications for certification to operate the NDBEDP in Maine. Since it was founded in 1977, DRM’s goals have included “ensuring equal opportunity, full access, and inclusion and involvement in the community for individuals with disabilities.”<sup>13</sup> DRM provides information and referral services,<sup>14</sup> operates the Maine Relay Services outreach program,<sup>15</sup> and administers a peer support group program for individuals with intellectual disabilities.<sup>16</sup> In addition, for the past 25 years, DRM has worked with MCD to ensure equal access and communication access for Maine’s deaf, hard of hearing, and late-deafened populations.<sup>17</sup> DRM also works closely with the Iris Network, an organization that serves individuals in Maine who are blind, visually impaired, or deaf-blind.<sup>18</sup> In 2015, in preparation for the impending closure of MCD, DRM hired MCD staff who had been managing and providing services for the NDBEDP in Maine that MCD had administered since 2012.<sup>19</sup> In addition, MCD assumed the contract for and hired MCD staff who had been operating Maine’s telecommunications equipment distribution program for 14 years.<sup>20</sup> In these and other respects, DRM and its staff have demonstrated extensive experience in providing accessible services, cultural awareness of the deaf-blind community, and expertise in communications technology used by individuals who are deaf-blind.<sup>21</sup>

As the NDBEDP certified program for Maine, DRM will work in partnership with other organizations to meet the needs of the deaf-blind population throughout Maine.<sup>22</sup> In addition, the DRM application included letters of support from four organizations that provide related services to individuals who are deaf-blind and will work collaboratively with DRM to fulfill NDBEDP requirements.<sup>23</sup>

Accordingly, the Bureau has selected DRM for certification to participate in the NDBEDP for the state of Maine. Certification for DRM will continue for the duration of the NDBEDP pilot program,<sup>24</sup> subject to DRM’s compliance with the Commission’s program requirements.<sup>25</sup>

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<sup>13</sup> DRM Application at 5.

<sup>14</sup> *Id.* at 7.

<sup>15</sup> *Id.* at 6-7.

<sup>16</sup> *Id.* at 8.

<sup>17</sup> *Id.* at 5.

<sup>18</sup> *Id.* at 5, 12.

<sup>19</sup> *Id.* at 9.

<sup>20</sup> *Id.* at 3. This equipment distribution program existed prior to the NDBEDP and distributes telecommunications devices to individuals with various types of disabilities.

<sup>21</sup> *See id.* at 9-11, 14-17.

<sup>22</sup> *Id.* at 21.

<sup>23</sup> *See* Letter from James E. Phipps, MBA/JD, President and Executive Director, The Iris Network, to Kim Moody, Executive Director, DRM (July 30, 2015); Letter from Mary Beth Walsh, President, Mainely Access Inc., to Kim Moody, Executive Director, DRM (July 26, 2015); Letter from Marcia Brooks, National Project Manager, NDBEDP, Perkins School for the Blind, to Kim Moody, Executive Director, DRM (July 24, 2015); Letter from Stephen Perreault, New England Regional Representative, Helen Keller National Center for Deaf-Blind Youths and Adults, to Kim Moody, Executive Director, DRM (July 23, 2015).

<sup>24</sup> The termination date for the NDBEDP pilot program is June 30, 2016. *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, 30 FCC Rcd 5247 (2015).

<sup>25</sup> *NDBEDP Pilot Program Order*, 26 FCC Rcd at 5647, ¶ 14. *See generally*, 47 C.F.R. §§ 64.610(a)-(k).

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

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