



PUBLIC NOTICE

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

Washington, D.C. – The Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (FCC or Commission) has selected the Virginia Department for the Blind and Vision Impaired (DBVI) for certification to participate in the National Deaf-Blind Equipment Distribution Program (NDBEDP) for the state of Virginia, effective January 1, 2016.

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. No. 111-260, 124 Stat. 2751 (2010); *see also* Pub. L. No. 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, para. 12.

⁴ *Id.*, 26 FCC Rcd at 5647, para. 13.

⁵ *Id.*, 26 FCC Rcd at 5667-5676, paras. 63-79. The NDBEDP pilot program will cover the reasonable costs of such related services. *See* 47 CFR § 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 Virginia Department for the Deaf and Hard of Hearing (VDDHH) for the state of Virginia.⁸

On November 16, 2015, VDDHH notified the Commission that it would not continue participating in the NDBEDP and that it would relinquish its certification effective December 31, 2015.⁹ On December 3, 2015, the Bureau invited applications for certification to participate in the NDBEDP for the state of Virginia.¹⁰ In response, the Bureau received one application from DBVI.¹¹ In accordance with the *NDBEDP Pilot Program Order*, the Bureau reviewed DBVI'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 Ronald Lanier, Director, VDDHH, to Jacqueline Ellington, NDBEDP Administrator, Disability Rights Office, CGB, FCC (Nov. 16, 2015).

¹⁰ *See FCC Invites Applications for Certification to Participate in the National Deaf-Blind Equipment Distribution Program in the State of Virginia*, Public Notice, DA 15-1380 (CGB Dec. 3, 2015).

¹¹ *See* Letter from Raymond Hopkins, Commissioner, DBVI, submitting application for NDBEDP certification to NDBEDP Administrator, Disability Rights Office, CGB, FCC (Dec. 17, 2015) (DBVI Application).

¹² *See* 47 CFR § 64.610(b)(3).

The Bureau has determined that DBVI meets the Commission's qualifications for certification to operate the NDBEDP in Virginia. Since 1982, DBVI has offered a comprehensive program that provides deaf-blind individuals with specialized services in the areas of communication, education, assistive technology, independent living, and rehabilitation.¹³ DBVI currently has two staff members who provide statewide consultation, training, and technical assistance to other DBVI staff and outside entities, ensuring that deaf-blind individuals of all ages have full participation in various programs and services within DBVI and in their communities.¹⁴ Further, DBVI has collaborated with VDDHH, the relinquishing certified program, to distribute equipment and provide training to eligible consumers in Virginia since the inception of the NDBEDP in 2012.¹⁵ As the NDBEDP certified program for Virginia, DBVI will work in partnership with other organizations to meet the needs of the deaf-blind population throughout Virginia.¹⁶ In addition, the DBVI application included 18 letters of support from organizations that provide related services to individuals who are deaf-blind and from consumers.¹⁷ Notably, VDDHH provided a letter of support for DBVI's application in which VDDHH states that it plans to continue its involvement in NDBEDP activities.¹⁸

Accordingly, the Bureau has selected DBVI for certification to participate in the NDBEDP for the state of Virginia. Certification for DBVI will continue for the duration of the NDBEDP pilot program,¹⁹ subject to DBVI's compliance with the Commission's program requirements.²⁰

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).

¹³ DBVI Application at 1.

¹⁴ *Id.*

¹⁵ *Id.* at 4.

¹⁶ *Id.* at 1-2.

¹⁷ See Letter from James A. Rothrock, Commissioner, Virginia Department for Aging and Rehabilitation Services (Dec. 8, 2015); Letter from Cynthia L. Ingraham, EdD, East Central Representative, Helen Keller National Center for Deaf-Blind Youths and Adults (Dec. 8, 2015); Letter from Linda G. Broady-Myers, Chairperson, Virginia Board for the Blind and Vision Impaired (Dec. 9, 2015); Letter from Linda G. Broady-Myers, Interim Executive Director, Virginia Voice (Dec. 9, 2015); Letter from Christine A. Reid, Ph.D. CRC CLCP, Virginia Commonwealth University Medical Center, School of Allied Health Professions, Department of Rehabilitation Counseling (Dec. 15, 2015); Letter from Heidi Lawyer, Executive Director, Virginia Board for People with Disabilities (Dec. 7, 2015); Letter from Michael G. Kasey, President, National Federation of the Blind of Virginia (Dec. 16, 2015); Letter from Lauren Snyder Roche, Chairperson, Virginia Statewide Independent Living Council (Dec. 15, 2015); Letter from Dianne Pawluk, Assistant Professor, Department of Biomedical Engineering, Virginia Commonwealth University School of Engineering (Dec. 14, 2015); Letter from Ronald Lanier, Director, VDDHH (Dec. 4, 2015); Letter from Julie Durando, Ed.D., Project Director, Virginia Project for Children and Young Adults with Deaf-Blindness (Dec. 9, 2015); E-mail from Brenda Duty to Elizabeth Spiers (DBVI) (Dec. 8, 2015); Letter from Carolyn Bruno to Raymond E. Hopkins, Commissioner, DBVI (Dec. 14, 2015); E-mail from Dennis Calley to Elizabeth Spiers (DBVI) (Dec. 8, 2015); E-mail from Sherrod Crawley to Elizabeth Spiers (DBVI) (Dec. 11, 2015); E-mail from Carrie Kleiber to Elizabeth Spiers (DBVI) (Dec. 11, 2015); E-mail from Linda Duty to Elizabeth Spiers (DBVI) (Dec. 8, 2015); E-mail from Ann Olliff to Elizabeth Spiers (DBVI) (Dec. 9, 2015).

¹⁸ See Letter from Ronald Lanier, Director, VDDHH (Dec. 4, 2015).

¹⁹ 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).

²⁰ *NDBEDP Pilot Program Order*, 26 FCC Rcd at 5647, para. 14. See generally, 47 CFR § 64.610(a)-(k).

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