



PUBLIC NOTICE

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FCC INVITES APPLICATIONS FOR CERTIFICATION TO PARTICIPATE IN THE NATIONAL DEAF-BLIND EQUIPMENT DISTRIBUTION PROGRAM IN THE STATES OF FLORIDA AND WASHINGTON

On July 2, 2012, the Federal Communications Commission (FCC or 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 Florida Telecommunications Relay, Inc. (FTRI) as the NDBEDP certified program for the state of Florida and the Department of Social and Health Services – Office of the Deaf and Hard of Hearing (DSHS-ODHH) as the NDBEDP certified program for Washington.³

In May 2016, FTRI informed the Commission that it would not continue participating in the NDBEDP and that it would relinquish its certification as of June 30, 2016.⁴ Also in May 2016, DSHS-ODHH informed the Commission that it would no longer participate in the NDBEDP and that it would relinquish its certification as of June 30, 2016.⁵ To ensure that Florida and Washington are 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 Florida and Washington.⁶ The Commission will accept applications for this purpose until June 10, 2016.⁷

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 (CGB 2012) (*NDBEDP Certification Public Notice*).

³ See *Id.* at 7400-01.

⁴ E-mail from James Forstall, Executive Director, FTRI, to Jacqueline Ellington, NDBEDP Administrator, Disability Rights Office (DRO), Consumer and Governmental Affairs Bureau (CGB), FCC (May 5, 2016).

⁵ E-mail from Diane Cinney, Program Manager, Deaf Blind Services, DSHS-ODHH, to Jackie Ellington, DRO, CGB, FCC (May 6, 2016).

⁶ 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, para. 14, n.49.

⁷ In the *NDBEDP Report and Order*, the Commission announced a 60-day filing deadline for entities seeking certification to operate an NDBEDP program. *Id.*; *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 FTRI and DSHS-ODHH with other certified entities.

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Section 105 of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), signed into law by President Obama on October 8, 2010,⁸ 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 was two years (beginning with the July 2012 launch). The Commission has extended the program twice for an additional year, once through June 2015, and again through June 2016.⁹

Certification to Receive Funding: As provided in the Commission's rules,¹⁰ the Commission will certify individual entities for Florida and Washington, which will each act as the sole authorized entity to participate in the NDBEDP for these states. Each entity will have full oversight and responsibility for distributing equipment and providing related services in Florida and Washington, respectively,¹¹ either directly or through collaboration, partnership, or contract with other individuals or entities in-state or out-of-state, including other NDBEDP certified programs.¹² Each of the entities selected will be eligible to receive reimbursement for their NDBEDP activities from the Interstate Telecommunications Relay Service Fund (TRS Fund).¹³ The certified programs selected for Florida and Washington will be reimbursed for eligible NDBEDP related costs that they incur after their selection and, if extended, during the fifth year of the NDBEDP pilot program, which would begin July 1, 2016 and end June 30, 2017.

Who May Apply: Any public program or private entity may apply to the Commission for certification to become the sole authorized entity for Florida and Washington to participate in the NDBEDP and receive reimbursement for NDBEDP activities from the TRS Fund.¹⁴ For example, public

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Because the initial certification process already has been conducted, interested parties are more likely to be familiar with the filing requirements and in some instances may wish to re-use prior filings with minor modifications.

⁸ 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.

⁹ *Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, Order, 29 FCC Rcd 1234 (2014); *Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, Order, 30 FCC Rcd 5247 (2015).

¹⁰ 47 CFR § 64.610(b).

¹¹ *See NDBEDP Report and Order*, 26 FCC Rcd at 5659-5676, ¶¶ 45-80 (discussing various categories of related services).

¹² 47 CFR § 64.610(b).

¹³ Claims for reimbursement must be submitted, at a minimum, within 30 days after the end of each six-month period of the Fund Year. 47 CFR § 64.610(f)(2); *NDBEDP Report and Order*, 26 FCC Rcd at 5678-79, paras. 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 (2012) (conditionally waiving the Commission's rules to permit NDBEDP certified programs to submit claims for reimbursement on a monthly or quarterly basis).

¹⁴ 47 CFR § 64.610(b)(2).

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 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.¹⁵

- 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.¹⁶

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

¹⁵ 47 CFR § 64.610(b)(3).

¹⁶ *NDBEDP Report and Order*, 26 FCC Rcd at 5649, para. 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 CFR § 64.610 before submitting its application. The certified applicant must comply with the NDBEDP rules.¹⁷

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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¹⁷ See *NDBEDP Report and Order*, 26 FCC Rcd at 5694-5701, Appendix A (setting out the NDBEDP pilot program rules); 47 CFR § 64.610.