



# PUBLIC NOTICE

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## FCC ANNOUNCES 60-DAY PERIOD TO APPLY FOR CERTIFICATION TO PARTICIPATE IN THE NATIONAL DEAF-BLIND EQUIPMENT DISTRIBUTION PROGRAM

### CG Docket No. 10-210

On August 4, 2016, the Federal Communications Commission (Commission) adopted rules to convert the National Deaf-Blind Equipment Distribution Program (NDBEDP) from a pilot program to a permanent program.<sup>1</sup> Under the NDBEDP, also known as “iCanConnect,” the Commission may provide up to \$10 million annually from the Interstate Telecommunications Relay Service Fund (TRS Fund) to support local programs that distribute equipment to eligible low-income individuals who are deaf-blind, so that these individuals can access telecommunications service, Internet access service, and advanced communications services.<sup>2</sup>

In accordance with the *NDBEDP Permanent Program Order*, the Commission’s Consumer and Governmental Affairs Bureau (CGB), will certify a single entity for each state, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands, as the sole entity for that jurisdiction to receive reimbursement for NDBEDP activities from the TRS Fund.<sup>3</sup> To achieve this, for a period of 60 days, starting February 6, 2017, and ending April 7, 2017, CGB will accept applications from entities that are interested in receiving Commission certification to participate in the permanent NDBEDP.<sup>4</sup> In addition, any entity that is currently certified under the NDBEDP pilot program that does not wish to participate in the permanent NDBEDP must notify the Commission by April 7, 2017.<sup>5</sup>

<sup>1</sup> *Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, Report and Order, 31 FCC Rcd 9178, 9278-87, Appendix D (Final Rules) (2016) (*NDBEDP Permanent Program Order*); see also 47 CFR §§ 64.6201-64.6219.

<sup>2</sup> Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), Pub. L. No. 111-260, 124 Stat. 2751; Amendment of Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. 111-265, 124 Stat. 2795 (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.

<sup>3</sup> 47 CFR § 64.6207; see also *NDBEDP Permanent Program Order*, 31 FCC Rcd at 9184, para. 9 (directing the Bureau to certify one entity for each state and territory to receive NDBEDP funding). Collectively, the entities selected to participate in the NDBEDP are referred to as “certified programs” or “state programs.”

<sup>4</sup> The 60-day period begins on the effective date of the certification rules, which the Commission specified in a notice published in the *Federal Register* announcing approval by the Office of Management and Budget (OMB) of the information collection requirements of such rules. See 82 FR 9380 (Feb. 6, 2017); see also 47 CFR § 64.6207(b); *NDBEDP Permanent Program Order*, 31 FCC Rcd at 9186, 9269, paras. 15-16 & n.46, 219.

<sup>5</sup> *NDBEDP Permanent Program Order*, 31 FCC Rcd at 9186, para. 15.

**BACKGROUND:** In 2011, the Commission adopted rules to establish the NDBEDP as a pilot program,<sup>6</sup> which it launched July 1, 2012.<sup>7</sup> Since then, CGB, on behalf of the Commission, has implemented the NDBEDP pilot program by certifying and overseeing 53 entities – one for each state, plus the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.<sup>8</sup> The permanent program will cover three additional U.S. territories – American Samoa, Guam, and the Northern Mariana Islands.<sup>9</sup> The pilot program will end on June 30, 2017,<sup>10</sup> and the permanent program will begin on July 1, 2017.<sup>11</sup>

Certifications for the permanent NDBEDP will be granted for a period of five years.<sup>12</sup> As has been the case in the pilot program, each entity selected will have full responsibility for distributing equipment and providing related services, such as outreach, assessments, installation, and training, in that state, 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>13</sup> All certified programs must comply with all of the Commission’s NDBEDP rules.<sup>14</sup>

**WHO MAY APPLY?** Any public or private entity may apply to the Commission for certification to participate in the NDBEDP and receive reimbursement for NDBEDP activities from the TRS Fund.<sup>15</sup> For example, equipment distribution programs, vocational rehabilitation programs, assistive technology programs, schools for the deaf, blind, or deaf-blind, organizational affiliates, independent living centers, or private educational facilities, may apply.<sup>16</sup> Entities within or outside of a state may apply for certification to administer any NDBEDP state program.<sup>17</sup>

In the *NDBEDP Permanent Program Order*, the Commission identified the following eight

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<sup>6</sup> See *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 Pilot Program Order*); see also 47 CFR § 64.610(a)-(k) (NDBEDP pilot program rules).

<sup>7</sup> *Commission Announces Launch of the National Deaf-Blind Equipment Distribution Program*, Public Notice, 27 FCC Rcd 7403 (CGB 2012).

<sup>8</sup> *NDBEDP Permanent Program Order*, 31 FCC Rcd at 9180, para. 2.

<sup>9</sup> *Id.*, 31 FCC Rcd at 9184, para. 11.

<sup>10</sup> See *Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, Order, 31 FCC Rcd 6149 (2016).

<sup>11</sup> See *NDBEDP Permanent Program Order*, 31 FCC Rcd at 9199, para. 51.

<sup>12</sup> 47 CFR § 64.6207(e). A program may apply for renewal of its certification by filing a new application at least one year prior to the expiration of the certification period. *Id.*

<sup>13</sup> 47 CFR § 64.6207.

<sup>14</sup> 47 CFR §§ 64.6201-64.6219; see also *NDBEDP Permanent Program Order*, 31 FCC Rcd at 9278-87, Appendix D (setting out the NDBEDP permanent program rules).

<sup>15</sup> 47 CFR § 64.6207(a).

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

<sup>17</sup> *NDBEDP Permanent Program Order*, 31 FCC Rcd at 9191, para. 25. For example, an out-of-state entity that works with in-state partners to provide services may function well in states that do not have sufficient resources of their own. When making its certification selections, in accordance with the *NDBEDP Permanent Program Order*, CGB will consider the benefits that a local entity can bring to its state’s residents, such as through established relationships with state networks and the ability to meet consumers’ needs as they arise, especially when weighing the merits of equally qualified applicants. *Id.*, 31 FCC Rcd at 9191, para. 26.

qualifications for certification under the permanent NDBEDP, the first six of which were qualifications for pilot program certification.<sup>18</sup> The seventh qualification, which requires an applicant to have administrative and financial management experience, is new and applies to all applicants.<sup>19</sup> The eighth qualification applies only to applicants seeking renewal of their existing certifications.<sup>20</sup> We encourage every applicant to familiarize itself with the complete requirements for program participation and the rules governing the NDBEDP permanent program before submitting its application.<sup>21</sup>

1. Expertise in the field of deaf-blindness, including familiarity with the culture and etiquette of people who are deaf-blind.<sup>22</sup>
2. The 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.
3. Staffing and facilities sufficient to administer the program, including the ability to distribute equipment and provide related services to low-income individuals who are deaf-blind throughout the state, including those in remote areas.
4. Experience with the distribution of specialized customer premises equipment, especially to people who are deaf-blind.
5. Experience in training consumers on how to use the equipment and how to set up the equipment for its effective use.
6. Familiarity with telecommunications service, Internet access service, and advanced communications services.
7. Administrative and financial management experience. As the Commission explained in the *NDBEDP Permanent Program Order*, this certification criteria will help to ensure that applicants have the necessary skills and resources to effectively operate a state's NDBEDP program.<sup>23</sup> For example, applicants should have experience and expertise in managing programmatic funds, recordkeeping, and generally accepted accounting principles.<sup>24</sup>

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<sup>18</sup> 47 CFR § 64.6207(c)(1)-(2), (4)-(7)

<sup>19</sup> 47 CFR § 64.6207(c)(3).

<sup>20</sup> 47 CFR § 64.6207(c)(8).

<sup>21</sup> *NDBEDP Permanent Program Order*, 31 FCC Rcd 9178.

<sup>22</sup> The Commission defines the phrase “expertise in the field of deaf-blindness, including familiarity with the culture and etiquette of people who are deaf-blind” to include expertise regarding the language and communication needs of individuals who are deaf-blind. *Id.*, 31 FCC Rcd at 9187, n.53.

<sup>23</sup> *Id.*, 31 FCC Rcd at 9189, para. 22.

<sup>24</sup> *Id.*, 31 FCC Rcd at 9189, para. 22. Certified programs are reimbursed for the reasonable costs of equipment and authorized related services, up to their funding allocations under this program. 47 CFR § 64.6213(a). Upon certification and at the beginning of each TRS Fund year, certified programs may elect to submit reimbursement claims on a monthly, quarterly, or semiannual basis. 47 CFR § 64.6213(b). Within 30 days after the end of each reimbursement period during the TRS Fund year, each certified program must submit documentation that supports its claim for reimbursement. 47 CFR § 64.6213(c). Because the program operates on a cost-reimbursement basis, the Commission explained in the *NDBEDP Permanent Program Order* that it is also important for an applicant to have the financial expertise to maintain the necessary cash flow, along with having the administrative experience to

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8. If the applicant is seeking renewal of certification, the ability to provide equipment and related services in compliance with the Commission's rules, as demonstrated by the applicant's past performance.<sup>25</sup>

In addition to the qualifications listed above, an applicant for certification must disclose in its application any relationship, arrangement, or agreement with a manufacturer or provider of equipment or related services that poses an actual or potential conflict of interest, as well as the steps the applicant will take to eliminate such actual or potential conflict or to minimize the associated risks.<sup>26</sup> If an applicant for certification learns of a potential or actual conflict while its application is pending, it must immediately disclose such conflict to the Commission.<sup>27</sup>

**FILING AN APPLICATION:** There is no application form, fee, or specified format that must be used to apply for NDBEDP certification. However, applications submitted by entities that have been certified under the pilot program, as well as entities seeking certification for the first time, must contain sufficient detail to demonstrate the applicant's ability to meet all criteria required for certification and a commitment to comply with all Commission requirements governing the NDBEDP.<sup>28</sup> Applicants may also submit supplemental materials to evidence their qualifications, including letters of recommendation.<sup>29</sup> As noted above, applications must be submitted by April 7, 2017.

Applications to participate in the permanent program should be submitted electronically to [NDBEDP@fcc.gov](mailto:NDBEDP@fcc.gov). If electronic filing is not available, applications may be mailed to the following address:

NDBEDP Administrator  
Disability Rights Office  
Consumer and Governmental Affairs Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

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support the equipment purchase, control, and inventory processes, the reimbursement process, and the annual audit. *NDBEDP Permanent Program Order*, 31 FCC Rcd at 9189-90, n.73.

<sup>25</sup> See *NDBEDP Permanent Program Order*, 31 FCC Rcd at 9186, para. 14.

<sup>26</sup> 47 CFR § 64.6207(d)(1); see also *NDBEDP Permanent Program Order*, 31 FCC Rcd at 9190, paras. 23-24. The Commission may reject an application for NDBEDP certification, or may require an applicant, as a condition of certification, to take additional steps to eliminate, or to minimize the risks associated with, an actual or potential conflict of interest, if relationships, arrangements, or agreements affecting the applicant are likely to impede its objectivity in the distribution of equipment or its ability to comply with NDBEDP requirements. 47 CFR § 64.6207(d)(1).

<sup>27</sup> 47 CFR § 64.6207(d)(1).

<sup>28</sup> 47 CFR § 64.6207(c).

<sup>29</sup> *Id.*; see also *NDBEDP Permanent Program Order*, 31 FCC Rcd at 9187-89, paras. 17-22. 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 letters of recommendations from members of the deaf-blind community in their state, experts, or others with direct knowledge of the applicants' capabilities and qualifications.

After the deadline for submitting applications, CGB will release a public notice listing all of the entities that have applied for certification.<sup>30</sup> CGB will release additional public notices announcing entities selected for certification after conducting its reviews of all applications and supplemental materials received for each state.<sup>31</sup>

**PILOT PROGRAMS TERMINATING THEIR PARTICIPATION:** In accordance with the *NDBEDP Permanent Program Order*, an entity previously certified under the pilot program that does not want to participate in the permanent NDBEDP must inform the Commission of its plans by April 7, 2017, so the Commission can try to minimize gaps in service to low-income individuals who are deaf-blind in that state.<sup>32</sup> Each such entity should use the same electronic and mailing addresses noted above for certification applicants.

The Commission also requires that an entity planning not to participate under the permanent NDBEDP comply with certain requirements to ensure the ongoing operations of the program being exited, including the submission of a final reimbursement claim and report to the Commission, the transfer of data and equipment inventory to its successor, and notifying consumers.<sup>33</sup> After the deadline for submitting notifications, CGB will provide notice to the public of all entities exiting from their programs in its public notice listing applicants seeking to participate in the permanent NDBEDP.

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

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<sup>30</sup> If necessary, in the public notice, CGB will extend the application period for states where no entity has applied for certification. See *NDBEDP Permanent Program Order*, 31 FCC Rcd at 9186-87, para. 16 & n.52.

<sup>31</sup> In accordance with the *NDBEDP Permanent Program Order*, CGB will take appropriate steps to minimize any possible disruption of service by providing as much advance notice as possible about its selection of the entities certified under the permanent NDBEDP. *Id.*, 31 FCC Rcd at 9187, para. 16.

<sup>32</sup> See *id.*, 31 FCC Rcd at 9186, para. 15.

<sup>33</sup> *Id.*, 31 FCC Rcd at 9197, paras. 44-45.