

January 10, 2014

Honorable Chairman, Thomas Wheeler  
Federal Communications Commission  
445 12 Street SW  
Washington DC, 20554

Dear Chairman Wheeler,

I represent a community based nonprofit organization serving deaf and hard of hearing individuals in Northern California: NorCal Services for Deaf & Hard of Hearing (NorCal). Since 1977, NorCal has provided a vast array of social services to thousands of deaf and hard of hearing individuals annually. The heart of what we do at NorCal is advocacy. Deaf people contact NorCal when they experience discrimination or are denied interpreting services, and parents contact us when they need help getting services for their deaf children in their school programs. In addition, NorCal has been involved in telecommunication advocacy for many years. For over 30 years I personally have worked with other Deaf Consumer organizations both in California and across the country to improve telecommunications access and advocate for functionally equivalent telecommunication service.

I received two notices that gravely concerns me about the process and raises many questions.

Last Friday, I received the following RFI notice: “The Federal Communications Commission (FCC) is seeking information on the design, build, operation and maintenance (to include ongoing improvement) of a Neutral video Communication service Platform (NCP) to facilitate the provision of Video Relay Service. Solicitation Number: FCC2014GLP00002, Agency: Federal Communications Commission, Office: Office of the Managing Director, Location: Contracts and Purchasing Center

I am puzzled why is the FCC using the Federal Business Opportunity notice instead of the traditional FCC open comment process? The open comment process provided consumers with opportunities to openly talk with FCC and influence the system that the deaf consumers will ultimately rely on for telephone communication. Why has this process changed? The failure to use the open comment process appears to violate the intent of the recent revised and final ruling of Section 503 of the Rehab Act, and the ADA’s Telecommunications Act.

“Specifically, the OMD wants to identify sources that can do the work. Additionally, we seek industry's input into the feasibility of the planned scope of work, as well as, a rough order of magnitude as it relates to cost and schedule.” Who is OMD to override the FCC process? The RFI specifically instructs that current FCC certified TRS providers should not respond to the RFI – the very same companies and people who have the experience, expertise and know-how. How can this be an honest attempt to solicit accurate feedback on how the current system works and the actual costs?

The RFI makes no mention that the users are Deaf Consumers, especially consumers who use American Sign Language? Where is the FCC's efforts to empower the consumers who will be using the service to decide the merits of any proposal or any design. Where is the effort to recruit, hire, and involve Deaf expertise? Why does the RFI ask about "off the shelf" video technology but does not mention existing video phone technology and devices the Deaf Community has been using for the past 10 years?

The RFI references to a Neutral video Communication service Platform (NCP) to facilitate the provision of VRS, Internet Protocol Relay Service (IP Relay), and IP Captioned Telephone Service (IP CTS). Why is the FCC dumping three kinds of telecommunication services that serve different communication needs into one "solution"?

I don't understand why RFI mentions 911 emergency services? The FCC has an expert panel of Deaf Consumers with the EAAC who has provided a report for implementing text to 9-1-1. Why isn't FCC – or OMD on FCC's behalf – relying on its own expertise, the EAAC, for emergency services?

As Deaf consumers, we suddenly see our functionally equivalent telecommunication - video relay service – suddenly going out to bid for information to people who have no knowledge about our communication and telecommunication needs and services?

Last, but not least, I must honestly share that many Deaf Consumers were completely unaware of FCC's decision to conduct this neutral VRS platform. I am not sure Consumers are fully aware that the FCC made a move to cut the VRS Providers Research and Development and now it appears is giving it to itself to set up this "neutral" system. It was not widely promoted nor explained, but simply attached to an Order of 200plus pages last June. Consumers are not paid representatives wading through hundred-paged orders. There was no sincere honest attempt to ensure that the user community was fully aware via video, email, nor social media about the neutral VRS platform.

**On a related matter**, today I received the FCC Access Info referring to FCC Chairman Tom Wheeler's blog (<http://www.fcc.gov/blog/adapting-regulatory-frameworks-21st-century-networks-and-markets>), "Adapting Regulatory Frameworks to 21st Century Networks and Markets." In his blog, Chairman Wheeler states "At the January 30 Commission meeting, we will propose a series of experiments utilizing all-IP networks. We hope and expect that many proposed experiments, wired and wireless, will be forthcoming. Those experiments will allow the networks, their users, the FCC and the public to assess the impact and potential of all-IP networks on consumers, customers and businesses in all parts of our country, including rural America, and all populations, including people with disabilities.

Why is the FCC putting an agenda item out to the public about a service that is used by Deaf people who use American Sign Language as if we are to be guinea pigs in an "experiment"? This item has not been made a rulemaking – Why not?

I would greatly appreciate a response to all of my questions. Any plans to change the landscape of telecommunications for the 21<sup>st</sup> Century must involve Deaf Consumers and

experts every step of the way, and in any and all notices especially disseminated in American Sign Language via video and written English.

“Nothing about us, without us”.

Sincerely,

Sheri A. Farinha  
CEO

Cc:

Senator Boxer

Senator Feinstein

Ms. Claudia Gordon, Esq., Deaf and Disabled Community Liaison,  
White House

FCC Commissioners

Mr. Gregory Hlibok, Esq, Director, Disability Rights Office, FCC

Ms. Cheryl King, Esq, EAAC, FCC

California Coalition of Agencies Serving the Deaf and Hard of Hearing

Mr. Claude Stout, Executive Director, TDI

Mr. Howard Rosenblum, CEO, NAD

All VRS and iTRS Providers