



N A R U C
National Association of Regulatory Utility Commissioners

December 10, 2009

The Honorable Henry Waxman
Chairman
Committee on Energy and Commerce
2125 Rayburn HOB
Washington, D.C. 20515

The Honorable Joe Barton
Ranking Member
Committee on Energy and Commerce
2322 Rayburn HOB
Washington, D.C. 20515

The Honorable Rick Boucher
Chairman
Subcommittee on Communications,
Technology & the Internet
2125 Rayburn HOB
Washington, D.C. 20515

The Honorable Cliff Stearns
Ranking Member
Subcommittee on Communications,
Technology & the Internet
2322 Rayburn HOB
Washington, D.C. 20515

Re: Twenty-first Century Communications and Video Accessibility Act of 2009 (H.R. 3101)

Dear Chairmen Waxman, Boucher and Ranking Members Barton, Stearns:

As our nation migrates from traditional public switched-based voice telecommunications to more versatile and innovative IP-based communication technologies, it is imperative that we ensure that those with disabilities are not left behind. While the National Association of Regulatory Utility Commissioners (NARUC) has not taken a position on all aspects in the *Twenty-first Century Communications and Video Accessibility Act of 2009* we do support provisions that would leverage the monies from the federal Universal Service Fund to aid eligible disabled Americans in both purchasing the equipment needed to connect to the broadband network and staying connected.

NARUC is an association representing the State public service commissioners who regulate essential utility services, such as electricity, gas, telecommunications, water, and transportation, throughout the country. As regulators, our members are charged with protecting the public and ensuring that rates charged by regulated utilities are fair, just, and reasonable.

The Internet can bring improved economic, educational and social opportunities to all Americans. However, it is the disabled community that can reap the most profound benefits from these new technologies. Current federal laws safeguarding disability access to telecommunications services have not kept pace with the dramatic advancements in communications technology over recent decades. As a result, those with disabilities are falling further behind in broadband accessibility.

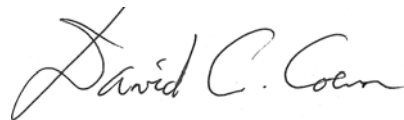
It is estimated that between 70,000 and 100,000 deaf-blind Americans lack even the most basic access to telecommunications services. The problem is particularly acute in rural

communities where people with disabilities are the least employed and can least afford expensive specialized customer premise equipment that can cost upwards of five thousand dollars.

At its 2008 Winter Meetings, the NARUC Board of Directors adopted a resolution urging Congress to support the designation of broadband services as eligible for support under the Lifeline and Link-Up programs, so that individuals with disabilities who qualify for these programs are given the choice of directing their subsidies to either traditional voice service or broadband-based communications services. In addition, the resolution urged Congress to set aside \$10 million annually in federal Universal Service Funds to support distribution of specialized equipment for eligible deaf-blind individuals.

Ensuring that those with disabilities have affordable access to new broadband service will vastly expand their communications capabilities and enable them to be independent and productive citizens. NARUC looks forward to working with you to bring the benefits of broadband to those that can benefit from it most but can least afford it – the disabled.

Sincerely,

A handwritten signature in cursive script that reads "David C. Coen". The signature is written in black ink and is centered on the page.

David C. Coen
NARUC President

Cc: Members of the House Committee on Energy and Commerce

Resolution to Support Equal Access to Communication Technologies by People with Disabilities in the 21st Century

WHEREAS, All Americans, including Americans with disabilities, deserve equal access to the employment, educational, civic, and informational benefits that emerging digital and Internet-based technologies can deliver; *and*

WHEREAS, New digital and Internet Protocol (IP) technologies can provide people with disabilities with new opportunities to be independent and productive citizens of our society only if these innovations are designed to be accessible, usable, and affordable; *and*

WHEREAS, Federal laws enacted in the 1980s and 1990s to safeguard disability access to telecommunications, including the Telecommunications Act of 1982, the Hearing Aid Compatibility Act of 1988, and the Americans with Disabilities Act of 1990, have not kept pace with new Internet-based and many digital technologies; *and*

WHEREAS, As our nation migrates from legacy public switched-based telecommunications to more versatile and innovative IP-based and other communication technologies, it is critical to the economic well-being of our nation, as well as the integration and self-reliance of people with disabilities, to not leave these individuals behind; *and*

WHEREAS, The Link-Up and Lifeline Assistance Programs are two federal programs that provide significant discounts on initial connection and basic monthly telephone service fees to help make residential telephone service provided over the public switched telephone network (PSTN) more affordable for the nation's low-income consumers; *and*

WHEREAS, Many deaf individuals who use American Sign Language (ASL) need broadband services to make telephone calls – either point-to-point or through IP-based video relay services – that are functionally equivalent to voice telephone services provided over the PSTN; *and*

WHEREAS, Video communication for ASL users enables conversations to flow more naturally, quickly, and transparently between the parties, achieving a telephone experience that more closely parallels the telephone experience of people without hearing disabilities; *and*

WHEREAS, The percentage of people with disabilities who have access to the Internet is far below that of the general population, and particularly low in rural communities, where people with disabilities are the least employed and have minimal discretionary income at their disposal; *and*

WHEREAS, Allowing eligible consumers to choose to apply their Lifeline and Link-Up subsidies to reduce broadband fees would enable many low-income persons who are deaf, hard of hearing, or who have a speech disability to acquire access to IP-based video communication services and will boost that percentage; *and*

WHEREAS, The 70,000-100,000 people living in the United States who are deaf-blind lack even the most basic access to telecommunications services; *and*

WHEREAS, Specialized consumer premises devices for people who are deaf-blind, when manufactured, are relatively expensive, costing upwards of five thousand dollars (\$5,000) per device, and are affordable by only very few Americans who are deaf-blind; *and*

WHEREAS, A modest set-aside from the Universal Service Fund will help defray the cost of these specialized products and will provide much needed telecommunications access to eligible members of the deaf-blind community, with negligible impact on the Fund; *and*

WHEREAS, The National Association of Regulatory Utility Commissioners (NARUC) has previously expressed its commitment through resolutions in past years to expand the deployment of broadband and other advanced communication technologies to all Americans; *now, therefore, be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened in its 2008 Winter Meetings in Washington, D.C., supports endeavors that embrace the principles expressed in this resolution, as well as federal measures to ensure equal access by people with disabilities to emerging digital, broadband and other Internet-based communication technologies; *and be it further*

RESOLVED, That NARUC urges Congress to support the designation of broadband services as eligible to receive support under the Lifeline and Link-Up programs, so that individuals with disabilities who qualify under these programs are given the choice of directing their subsidies to either PSTN-based or broadband-based communication services; *and be it further*

RESOLVED, That NARUC urges Congress to support a set-aside of universal service funds in the amount of \$10 million annually to support the distribution of specialized customer premises equipment to eligible individuals who are deaf-blind; *and be it further*

RESOLVED, That NARUC directs its General Counsel, with the consent of NARUC leadership, to communicate this resolution, including supporting initiatives that seek to ensure equal access by people with disabilities to digital, broadband and other Internet-based communication technologies, to all relevant policymakers, including federal and State agencies and Congress.

Sponsored by the Committee on Consumer Affairs

Adopted by the NARUC Board of Directors February 20, 2008