

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Implementation of Section 716 and 717 of)	CG Docket No. 10-213
the Communications Act of 1934, as)	
Enacted by the Twenty-First Century)	
Communications and Video Accessibility)	
Act of 2010)	

COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION

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July 15, 2014

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I. INTRODUCTION AND SUMMARY

The Telecommunications Industry Association (“TIA”)¹ hereby submits comments in response to the Federal Communications Commission’s (“Commission”) Public Notice,² which seeks comment on the level of compliance for the Twenty-First

¹ TIA is the leading trade association for the information and communications technology (“ICT”) industry, representing companies that manufacture or supply the products and services used in global communications across all technology platforms. TIA represents its members on the full range of policy issues affecting the ICT industry and forges consensus on industry standards. Among their numerous lines of business, TIA member companies design, produce, and deploy a wide variety of devices with the goal of making technology accessible to all Americans. TIA’s standards committees, which operate under an American National Standards Institute-accredited process, create consensus-based voluntary standards for numerous facets of the ICT industry.

² *Consumer and Governmental Affairs Bureau Seeks Comment on the Accessibility of Communications Technologies for the 2014 Biennial Report Required By the Twenty-First Century Communications and Video Accessibility Act*, Public Notice, CG Docket No. 10-213, DA 14-828 (rel. June 17, 2014) (“PN”).

Century Communications and Video Accessibility Act of 2010's³ communications accessibility obligations, the effect of related recordkeeping and enforcement requirements, and the extent to which accessibility barriers still exist to new communications technologies. TIA supported the passage of the CVAA and commends the Commission for initiating this proceeding to continue to learn how it can help further ensure that all Americans have access to advanced communications services and products ("ACS"). TIA also chaired the Emergency Access Advisory Committee, the Commission's CVAA-created Federal advisory committee that focused on matters pertaining to next-generation 911 access for persons with disabilities.⁴

The vast majority of TIA's hundreds of member companies' products are directly affected by the CVAA, and TIA members are committed to ascertaining and responding to the requirements of consumers with disabilities. TIA generally believes that the CVAA's requirements have resulted in increased accessibility across ICT products and services, and will continue to do so. As the CVAA has only come into effect relatively recently, it will likely be difficult to quantify this impact specifically, but building on the Commission's rulemakings pursuant to the CVAA, TIA's member companies continue to ensure that new product accessibility is incorporated into the product design process in new product cycles.

Further, we believe that the Commission can, by ensuring that it uses a flexible approach moving forward, increase the availability of ACS products and services to disabled populations. In the view of TIA, regulatory uncertainty is inversely correlated to investment and

³ Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751 (2010) ("CVAA" or "Act").

⁴ See <http://www.fcc.gov/encyclopedia/emergency-access-advisory-committee-eaac>.

innovation. As TIA has noted in prior comments on CVAA, the Commission should afford manufacturers maximum flexibility in meeting the requirements of the CVAA consistent with Congressional intent. Therefore, TIA appreciates the care and consideration given by the Commission to a number of important waiver requests, setting a precedent that incorporates technical feasibility.

TIA members have been complying with the recordkeeping requirements and submitted required certifications under the CVAA. Thus, TIA believes it is important that the Commission continue to recognize the need for flexibility and efficiency in the approaches taken to meet the recordkeeping obligations outlined within the CVAA.

II. ICT EQUIPMENT MANUFACTURERS HAVE TAKEN SIGNIFICANT STEPS TO ENSURE COMPLIANCE WITH SECTIONS 255, 716, AND 718

A. Industry Efforts to Increase Accessibility to Equipment and Services for Americans with Disabilities

In the PN, the Commission requests input on “the state of accessibility of services and equipment used with the following: (1) “non-mobile” services, including, but not limited to analog and digital telephone handsets and cordless phones used with wireline and interconnected VoIP services; and (2) “mobile” or wireless services, including basic phones and smart phones.”⁵ The vast majority of TIA’s hundreds of member companies’ products are directly affected by the CVAA, and TIA members are committed to ascertaining and responding to the requirements of consumers with disabilities. The industry has been and continues to proactively collaborate with the disability community to make new accessibility products and services available as quickly as possible.

Generally, TIA believes that the CVAA’s requirements that came into effect in October of 2013 have resulted in increased accessibility across ICT products and services, and will continue to do so. As the CVAA has only come into effect relatively recently, it will likely be difficult to quantify this impact specifically, but building on the Commission’s rulemakings pursuant to the CVAA, TIA’s member companies continue to ensure that new product accessibility is incorporated into the product design process in new product cycles. These include updating information and documentation, market research, product design, testing, pilot

⁵ PN at 5.

demonstrations, and product trials. We view the inclusion of people with disabilities, particularly those organizations with relevant expertise, to be a crucial part of this process. Industry members have also been (and plan to continue to) liaising with the disability community to develop and share best practices and to develop standards for inclusive design.

TIA also notes that increased accessibility features in ICT represent an increasing business opportunity for manufacturers, due to among other factors the rapid expansion of the mobile senior market and “Baby Boomer” demographic. Through direct consultations, focus groups, inter-stakeholder collaboration and other means, TIA members are working to identify success patterns for the adoption of accessible ICT solutions for those with disabilities, also taking into consideration the unique challenges associated with uptake of advanced solutions by the ageing. These considerations build on the premise of universal design, where many of the same features that can be beneficial from an accessibility perspective are also directly beneficial for those that are ageing.

For the purposes of informing the Commission as it considers tentative conclusions for its second biennial report to Congress on the implementation of the CVAA, we submit the following:

- ICT manufacturers of wireless products increasingly employ a software platform approach for inclusion of accessibility features across portfolios, leveraging the principle of universal design. As well, many consumers are benefitting from the increased use of over-the-air (OTA) wireless software updates for mobile devices which allows for new features to be added to in-market products. This approach for upgrading software can provide a more seamless user experience for many consumers and greatly simplifies the ability to upgrade software on smartphones for consumers of all abilities. It may also enable the ability for owners of in-market smartphones to gain access to additional

accessibility features (*e.g.*, closed captioning, voice control features, screen magnification features, screen readers, etc.) that may not have been included on the device at the time of initial purchase. As more accessibility features are added to platforms, the overall baseline of accessibility features continues to become more robust.

- ICT manufacturers have developed integrated screen readers and closed captioning features for their products, including closed captioning features which are user configurable. The closed captioning features added to devices will become increasingly useful as the amount of captioned content available continues to grow on a go-forward basis.
- The CVAA's requirement for consultations with the disability community in the R&D process is occurring both on an individual company basis as well as on the association level. For example, TIA has recently:
 - Led a session at the 2014 M-Enabling Global Summit on June 9, 2014, taking place in Crystal City, VA, titled "The Mobile Baby Boomers Opportunity: Emerging Trends," which featured several TIA member companies as well as carriers and public interest entities. This panel discussed emerging success patterns for the adoption of mobile apps and web services by seniors, reviewed the latest research available on the usage of mobile applications and services by seniors, explored some of the most important success factors in addressing this burgeoning market place, and featured extended dialogue with stakeholders in attendance.
 - Hosted, during the 2014 Hearing Loss Association of America conference on June 27, 2014, a session where TIA representatives presented on the recent activity of TIA in hearing accessibility standardization. These updates included discussion of TIA's enhanced HAC magnetic coupling standard for wireline telephones (ANSI/TIA-1083-A); current volume control requirements for wireline telephones and recent Improvements using 'Conversational Gain' (ANSI/TIA-4965); and a new voluntary performance standard for amplified telephones (TIA-4953). TIA also hosted a booth at the 2014 Hearing Loss Association of America conference where TIA representatives engaged consumers on their needs.

Specific to the Commission’s request for input on the state of accessibility for “non-mobile” services:⁶

- TIA’s TR-41 Engineering Committee (User Premises Telecommunications Requirements)⁷ develops voluntary standards for telecommunications terminal equipment (“TE”) and systems; specifically those used for voice services, integrated voice and data services, and Internet protocol (“IP”) applications. Together with its three subcommittees and their working groups, the committee develops performance and interface criteria for equipment, systems and private networks, as well as the information necessary to ensure their proper interworking with each other, with public networks, with IP telephony infrastructures and with carrier-provided private-line services.
- TIA has completed its work on a single Conversational Gain standard for analog and digital wireline telephones that can be referenced in Part 68, as well as an addendum to the associated Telecommunications Systems Bulletin for showing compliance with the Part 68 rules to include test procedures. The latest versions are moving to a new and improved method of measuring amplification, called Conversational Gain, a more rational and intuitive way to measure telephone speech amplification than currently-referenced Receive Objective Loudness Rating (“ROLR”) requirements, particularly for hard-of-hearing consumers who require an accurate reading on loudness before purchasing terminal equipment. We note that the current TIA standards and this proposal are intended to govern wireline telephone equipment only. We also note that the disability community was consulted in the development of Conversational Gain standards.
 - In 2012, TIA requested that the Commission improve the access and experience of hard-of-hearing users of TE, such as analog and digital wireline telephones, by undertaking a rulemaking to update references in Part 68 rules to TIA standards which set HAC volume control requirements,⁸ a request that was subsequently

⁶ See PN at 5.

⁷ TIA publishes an annual report that includes the latest actions taken by each respective TIA engineering committee, including TR-41, toward the development of standards for the advancement of global communications. See TIA, 2011-2012 Standards & Technology Annual Report (rel. Apr. 2012) at 9-10, available at http://www.tiaonline.org/standards/about/documents/STAR_2011-2012.pdf.

⁸ See TIA, Access to Telecommunications Equipment and Services by Persons with Disabilities, RM-11682, Petition for Rulemaking (filed Oct. 25, 2012). The Commission later assigned CG Docket No. 13-46 to this proceeding.

supported on the record by both the disability⁹ and audiology communities.¹⁰ We encourage the Commission to proceed with the rulemaking process in this matter as soon as possible.

- Meanwhile, TR-41 continues to consider updates to wireline telephone standards to address analog terminal adapters through maximum volume control and requirements for sidetones, as well as digital interface telephones (*e.g.*, VoIP).

Specific to the Commission’s request for input on industry accessibility efforts in the wireless space:¹¹

- TIA, as a member of the ASC C63.19 standards effort, continues its work on HAC standards for the wireless space. In addition, TIA and its members have continuously worked with the FCC Labs and ASC C63.19 to insure that the testing issues and other transitional issues are properly addressed.
- The Global Accessibility Reporting Initiative (“GARI”) continues to operate successfully, fostered by the Mobile Manufacturers Forum (“MMF”) for wireless mobile devices,¹² facilitating consumer comparisons between device manufacturers or by feature functionality. GARI maintains a list of features that address accessibility, and could be used as a supplement or model for the Commission’s own resource for consumers. Numerous TIA members are also members of the MMF. The FCC already incorporates GARI on its website at the Accessibility Clearinghouse.¹³
- To help develop a short-term solution for the delivery of text from wireless phones to the public safety answering point (“PSAP”), TIA was a member of the AISP.7-Interim Non-voice Emergency Services (“INES”) Incubator, and subsequently, with the Alliance for Telecommunications Industry Solutions (“ATIS”), jointly developed the industry

⁹ See Comments of the Hearing Loss Association of America (HLAA), CG Docket No. 13-46 (filed Aug. 19, 2013).

¹⁰ See Comments of American Speech-Language-Hearing Association, CG Docket No. 13-46 (filed Nov. 25, 2013).

¹¹ See PN at 5.

¹² See <http://www.mobileaccessibility.info/> (last accessed Jul. 15, 2014).

¹³ See <http://apps.fcc.gov/accessibilityclearinghouse/products.html?pgID=2&disabilityId=0> (last visited Jul. 15, 2015).

standard – *Joint ATIS/TIA Native SMS to 9-1-1 Requirements and Architecture Specification (J-STD-110)* – that defines the requirements and architecture for text messaging to 911 emergency services using native wireless operator Short Message Service (SMS) capabilities.¹⁴

B. Reducing Barriers to New Accessibility Technology

In the PN, the Commission requests “an evaluation of the extent to which any accessibility barriers still exist with respect to new communications technologies.”¹⁵ TIA believes that the Commission can, by ensuring that it uses a flexible approach moving forward, increase the availability of ACS products and services to disabled populations. In the view of TIA, regulatory uncertainty is inversely correlated to investment and innovation. As TIA has noted in a number of its previous comments under CVAA rulemakings,¹⁶ the FCC should afford manufacturers maximum flexibility in meeting the requirements of the CVAA consistent with Congressional intent.¹⁷

TIA appreciates the care and consideration given by the Commission to a number of important waiver requests. TIA’s membership includes companies involved in manufacturing

¹⁴ See <http://www.tiaonline.org/news-media/press-releases/atistia-guidelines-enable-interim-nationwide-text-9-1-1-solution>

¹⁵ PN at 7.

¹⁶ See, e.g., Comments of TIA, CG Docket Nos. 10-213, 10-145; WT Docket No. 96-198 (filed Apr.25, 2011) at 10.

¹⁷ See, e.g., See H.R. Rep. No. 111-563 at 26 (2010).

and supplying products and services in each of these classes, and supported each request.¹⁸ The Commission's determination in these matters sets an important precedent that incorporates technical feasibility, and we note our strong agreement that the strict application of the CVAA would harm the public interest without meaningfully increasing access to ACS for persons with disabilities, and that applying flexibility to its approach will provide confidence in the new regulations under the CVAA, consistent with Congressional intent.¹⁹

C. The Impact of Accessibility Recordkeeping Requirements on Accessibility

In the PN, the Commission requests input on “the effect of the accessibility recordkeeping requirements on the development and deployment of new communications technologies.”²⁰ TIA members have been complying with the recordkeeping requirements and submitted required certifications under the CVAA of this as part of the transition starting April 1, 2013. Also, as noted above, a number of processes and initiatives have been implemented across the industry and within companies individually to comply with recordkeeping requirements. TIA believes that it is important that the Commission continue to recognize the need for flexibility and efficiency in the approaches taken to meet the recordkeeping obligations outlined within the CVAA.

¹⁸ See Reply Comments of TIA (to CEA Waiver Request), CG Docket Nos. 10-213, 10-145; WT Docket No. 96-198 (Jun. 25, 2012); *see also* Reply Comments of TIA (to ESA Waiver Request), CG Docket Nos. 10-213, 10-145; WT Docket No. 96-198 (Jun. 25, 2012); *see also* Comments of TIA, CG Docket Nos. 10-213, 10-145; WT Docket No. 96-198 (Jul. 23, 2012).

¹⁹ See H.R. Rep. No. 111-563 at 26 (2010).

²⁰ PN at 8.

With respect to the need to maintain records that describe features of devices that address accessibility, the GARI's list of features for wireless phones that address accessibility is being used effectively by wireless manufacturers as one means to disseminate information about the accessibility of their products, and it is also being leveraged effectively by the Commission's own Accessibility Clearinghouse.

III. CONCLUSION

We appreciate the Commission's consultation in advance of its second CVAA biennial report, and urges consideration of the recommendations above.

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