

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

In the Matter of)
)
Seeking Comment on the Accessibility of)
Communications Technologies for the) CG Docket No. 10-213
2016 Biennial Report Required By the)
Twenty-First Century Communications)
and Video Accessibility Act)

COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION

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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 with accessibility requirements from the Twenty-First Century Communications and Video Accessibility Act of 2010,³ the effect of related recordkeeping and enforcement requirements, and the extent to which accessibility barriers remain related to new communications technologies. TIA supported the passage of the CVAA and was actively involved in aiding the Commission to develop regulatory requirements that would ensure improved communications accessibility while maintaining flexibility. TIA also chaired the Emergency Access Advisory Committee, the Commission’s CVAA-created Federal advisory committee that focused on matters pertaining to next-generation emergency communications access for persons with disabilities.⁴ Therefore, we appreciate the opportunity to provide input on the state of compliance and how to further ensure access to advanced communications services (“ACS”).

The vast majority of TIA’s hundreds of member companies’ products and services are directly affected by the CVAA, and TIA members are committed to ascertaining and responding

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 16-575 (rel. May 23, 2016) (“PN”).

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>.

to the requirements of consumers with disabilities. In the six years since the CVAA's passage, TIA believes that its requirements have yielded improved accessibility experiences for consumers as the ICT industry, including TIA members, continue to be committed to understanding, considering, and responding to the evolving needs of consumers with disabilities. We see this reflected through our members' continued engagement and coordinated efforts with consumer interest organizations and adoption of accessibility considerations throughout the product design process.

TIA believes that the Commission can, by continuing to ensure that it uses a flexible approach, increase the availability of ACS products and services that are accessible and usable by all consumers, including those with disabilities. 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.

II. ICT EQUIPMENT MANUFACTURERS CONTINUE TO TAKE SIGNIFICANT AND PROACTIVE STEPS TO ENSURE THEIR PRODUCTS ARE MEETING THE EXPECTATIONS UNDER CVAA SECTIONS 255, 716, AND 718.

A. The State of Accessibility is Improved As a Result of Industry's Commitment to Improved Products and Regular Engagement with Consumer Advocates.

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 Among TIA's members are the manufacturers of wireline telephone and customer premises

⁵ PN ¶7.

equipment and wireless handsets who are committed to ensuring their products and services are accessible to individuals with hearing loss and other disabilities. These organizations have taken numerous proactive steps both through their individual companies and through organizations like TIA to further the state of accessibility. The industry also has been and continues to collaborate with the disability community to make new accessible products and services available as quickly as possible.

TIA believes that the CVAA requirements have yielded improved accessibility experiences for consumers in both the ACS and video communications context. In the Government Accountability Office's ("GAO") 2015 report on FCC CVAA efforts, it found that "industry associations and disability advocates . . . generally agreed that accessibility improved since the passage of the CVAA."⁶ TIA member companies are not simply meeting baseline requirements but are ensuring that accessibility features are considered from the beginning of the product development process and are incorporated into new product cycles.

For example, in the case of hearing aid compatibility, industry's commitment to ensuring consumers with hearing loss have a positive experience has resulted in a marketplace today in which most wireless handsets are hearing aid compatible ("HAC"). The most recent numbers indicate that T-rated handsets, which posed particularly challenging HAC issues, now have an 85% compliance level. This is a significant improvement from only a few years ago. ICT manufacturers continue to aim to incorporate accessibility standards, including hearing aid compatibility, for all relevant devices.

Additionally, TIA member companies recognize the value of having users who rely on accessibility features as a part of the development process to provide feedback on proposed

⁶ Government Accountability Office, *Accessible Communications: FCC Should Evaluate the Effectiveness of Its Public Outreach Efforts* (June 2015), Highlights, available at <http://gao.gov/products/GAO-15-574>.

accessibility solutions. As a result, our members regularly coordinate with organizations with expertise in the interests of consumers with disabilities in the product development process. Members also have relied on, and will continue to use strategies such as market research, pilot demonstrations, product trials, and regular updates to product documentation to incorporate people with disabilities and keep consumers informed on the available tools to give them the best experience.

To inform the Commission's work on analyzing the state of communications accessibility, we provide the following evidence of TIA members' continued efforts toward meeting the CVAA's goals:

- Manufacturers are adopting a universal design approach (“accessibility by design”) that enables consumers with disabilities to use the mainstream items and simply customize their experience, rather than requiring specialized devices. The array of features and customization options that are available on today's wireless handsets that can provide ACS access for people with disabilities is considerable. ACS devices today enable consumers with vision loss, hearing difficulty, cognitive challenges, and other types of disabilities to tailor both hardware and software settings to get a better experience. The Mobile Manufacturers' Forum Global Accessibility Reporting Initiative (“GARI”) database serves as an invaluable tool that allows consumers to search for accessible functionality based on what is important to them⁷ to find the devices that will most effectively serve their needs.
- ICT manufacturers, through TIA, worked with wireless industry counterpart associations and advocates for consumers with hearing loss (CCA, CTIA, HLAA, NAD, and TDI) to determine what steps could be taken to ensure deaf and hard of hearing Americans have continued access to HAC-compliant wireless handsets. This effort resulted in an historic proposal that outlines agreed upon increases in the HAC compliance benchmark, with the goal of analyzing whether a 100% compliance level is achievable.⁸

⁷ The GARI database includes products and over the top applications in its portfolio that can be searched by the functional support category, manufacturer, and more detailed listing of specifications. Available at <https://www.gari.info/index.cfm>.

⁸ See Letter from James Reid, Telecommunications Industry Association, Scott Bergmann, CTIA, Rebecca Murphy Thompson, Competitive Carriers Association, Anna Gilmore Hall, Hearing Loss Association of America, Claude Stout, Telecommunications for the Deaf and Hard of Hearing, and Howard A. Rosenblum, National Association of the Deaf, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 07-250, 10-254 (filed Nov. 12, 2015) (“Consensus Proposal”).

- The wireless industry is again embarking on a significant change to its technology as it aims to develop alternative text-based communications like real-time text (“RTT”) as a way to facilitate the continued accessibility of communications services that may not provide full functionality in an IP-environment. As noted by the Commission in the RTT NPRM,⁹ industry stakeholders were generally supportive of the agency initiating a rulemaking proceeding to determine what the best mechanisms are for transitioning from teletype technology (“TTY”) to alternative mechanisms that can still enable access for those with disabilities while ensuring a smooth transition to more innovative, efficient IP-based networks.

TIA and its members also recognize the importance of consulting with disability advocacy organizations to ensure proposed technical accessibility solutions will provide results that meet consumers’ needs and ensure the continued availability of accessible communications. TIA has and continues to make a concerted effort to consult with consumer groups about standards matters and accessibility issues generally, including the following:

- TIA led a panel of wireless handset manufacturers at the 2015 Hearing Loss Association of America convention that focused on helping consumers make an informed decision about purchasing a HAC-enabled wireless handset. TIA and its members engaged in meaningful dialogue with consumers to not only inform them about what HAC means but better understand the specific concerns they have regarding the use of their wireless handsets. This conversation set the stage for the momentous result of a joint industry-consumer proposed update to the HAC regulations.
- TIA, represented by one of its industry members, has been an active participant and contributor to the discussions and recommendations of the FCC’s Disability Advisory Committee (“DAC”). We have served on the Communications; Emergency Communications; and Technology Transition subcommittees at various points. The involvement in the DAC is indicative of industry’s commitment to the CVAA’s goals by engaging with consumers and their advocacy organizations on a consistent basis to gain continued insight into the new and evolving areas of access challenges.
- Additionally, through its standards team TIA regularly engages in outreach to consumer groups and product manufacturers to make them aware of the new wireline technologies

⁹ See *Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets; Amendment of the Commission’s Rules Governing Hearing Aid- Compatible Mobile Handsets*, Fourth Report and Order and Notice of Proposed Rulemaking, 30 FCC Rcd 13845 (2015) (“NPRM”).

and how they can incorporate them to improve the experience for consumers with disability.

With respect to the state of accessibility for “non-mobile” services, TIA provides the following input:

- TIA’s TR-41 Engineering Committee (User Premises Telecommunications Requirements) continues to serve as an important venue for wireline manufacturer efforts to improve upon the technology and standards use. TR-41 develops voluntary standards for telecommunications terminal equipment (“TE”) and systems, and 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.
- In 2012, TIA requested that the Commission improve the access and experience of hard-of-hearing users of TE by undertaking a rulemaking to update references to TIA’s standards for volume control.¹⁰ TIA continued to support this change in response to the Commission’s 2015 NPRM seeking to incorporate new standards for wireline technologies.¹¹

B. The Accessibility Recordkeeping Requirements Are Working

The PN seeks comment on the effect of the accessibility recordkeeping and enforcement requirements on accessibility.¹² TIA believes that the accessibility recordkeeping and enforcement rules implemented in accordance with the CVAA are working and generally serve as an effective mechanism. As noted in the GAO report, there have been no informal or formal

¹⁰ See TIA Petition for Rulemaking, (filed Oct. 25, 2012), available at <http://www.tiaonline.org/sites/default/files/pages/TIA%20Petition%20for%20Rulemaking%20-%20Part%2068%20%28Terminal%20Equipment%29%20102512.pdf>.

¹¹ HAC Standards Notice of Proposed Rulemaking, et al., CG Docket Nos. 12-32, 13-46; WT Docket Nos. 07-250, 10-254 (rel. Oct. 30, 2015) (“NPRM”).

¹² See PN ¶15.

complaints against any TIA member—or any other entity— asserting non-compliance with the CVAA.¹³

TIA members continue to comply with the recordkeeping expectations and submit certifications to that effect as required by the CVAA. Members express that that they have taken steps to integrate accessibility considerations throughout their organizational processes to comply with the recordkeeping requirements. Additionally, the Mobile Manufacturers' Forum GARI database serves as the mechanism to maintain records that provide a listing of features that can be useful for different types of disabilities. The GARI list of wireless handset features is being used effectively by manufacturers to serve as means of providing information about the accessibility of their products.

TIA believes that the Commission should continue to recognize the need for flexibility in how it assesses the efforts taken by individual companies to meet the recordkeeping obligation. The Commission should continue to allow recordkeeping processes to be customized to each company's own internal operations as long as they are consistent with the intent of the CVAA.

III. ICT MANUFACTURERS CONTINUE TO INNOVATE AND INCORPORATE ACCESSIBILITY CONSIDERATIONS FOR NEW TECHNOLOGIES ENABLED BY FLEXIBLE CVAA IMPLEMENTATION.

In the PN, the Commission asks about the extent to which accessibility barriers still exist with respect to new communications technologies.¹⁴ Given the continuously evolving and innovative work occurring in the communications landscape it is a bit difficult to answer the question of whether gaps remain for new technologies as the target for accessibility will always be changing. Nonetheless, we note that the wireless and wireline industry, including device

¹³ GAO CVAA Report, Highlights

¹⁴ PN ¶14.

manufacturers, continue to make significant improvements to their technologies in ways that are beneficial to all consumers.

The natural evolution of communications technologies over the past few years has an inherently inclusive bent with both the quality of the experience and features on devices being developed in a way that has resulted in new technologies being increasingly accessible. The transition of both wireline and wireless communications to internet protocol (“IP”)-based technologies has happened because of industry effort to provide an enhanced communications experience. Voice over IP communications like LTE are being deployed broadly with an effort to ensure the usage is accessible for consumers with a variety of disabilities. Consumers have an array of both native and over the top functionalities that they can choose from to customize their user experience with ACS devices. The ICT industry has also made significant gains in deploying newer technologies like HD voice and Bluetooth protocols that are available on HAC-enabled devices and provide an enhanced user experience for consumers with disabilities.

Likewise, industry is leveraging the evolution of multi-modal interfaces to continue to offer new and innovative ways to communicate with these products that inherently provides enhanced solutions for persons with disabilities. For example, many native and third party applications take advantage of the greater integration of voice recognition and text-to-speech capabilities to provide ease of input and output of the messaging being communicated.

TIA highlights that much of the work to make newer technologies usable for consumers with disabilities is happening absent any specific regulatory requirement. This demonstrates the industry’s commitment to enabling consumers with disabilities to have a user experience that are comparable to those of any other consumer. ICT manufacturers recognize the value of accessibility as not just a regulatory obligation but as a business opportunity to broaden the base

of customers who can experience and value their products. In addition, accessible solutions often benefit all consumers, including those without specific accessibility needs.

TIA believes the Commission can continue to foster this kind of advancement and increase the availability of accessible ACS products and services by maintaining a flexible approach to implementing the CVAA. Rules that attempt to set rigid parameters around how manufacturers should meet the CVAA's goals will ultimately result in harm to price and design diversity in the products and services that are available to consumers with disabilities who have a broad range of access needs and feature preferences. The FCC should afford manufacturers maximum flexibility in meeting the requirements of the CVAA, consistent with Congress' intent.

IV. CONCLUSION

TIA appreciates the opportunity to provide input and highlight the important work being done to advance communications accessibility to help inform the Commission's conclusions for the third CVAA Biennial Report to Congress.

Respectfully submitted,

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