

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

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| In the Matter of |) | |
| |) | |
| Implementation of Section 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communciations and Video Accessibility Act of 2010 |) | CG Docket No. 10-213 |
| |) | |
| Amendments to the Commission’s Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996 |) | WT Docket No. 96-198 |
| |) | |
| In the Matter of Accessible Mobile Phone Options for People who are Blind, Deaf- Blind, or Have Low Vision |) | CG Docket No. 10-145 |
| |) | |

**REPLY COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY
ASSOCIATION**

The Telecommunications Industry Association (“TIA”)¹ hereby submits reply comments in support of the petition for waiver filed by the Consumer Electronics Association (“CEA”) in the above-captioned proceedings.² In the Petition, CEA requests that the Federal

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.

² Consumer Electronics Association Petition for Waiver, CG Docket Nos. 10-213 and 10-145, WT Docket No. 96-198 (Mar. 22, 2012) (“Petition”); *Request for Comment Petition for Class Waiver of Commission’s Rules for Access to Advanced Communications Services and Equipment by People with Disabilities*, Public Notice, DA 12-759 (May 15, 2012).

Communications Commission's ("Commission") grant a limited waiver for Internet Protocol- ("IP") enabled television sets and digital video players of advanced communications services ("ACS") rules the Twenty-First Century Communications and Video Accessibility Act of 2010 (the "CVAA" or the "Act").³ TIA supported the passage of the CVAA, and has been engaged with the Commission as it has worked to implement the Act. We agree with CEA that granting the waiver request for IP- enabled television sets and digital video players designed primarily for non-ACS and manufactured prior to July 1, 2016 is consistent with the intent of the Act.

TIA urges the Commission to make a determination that the primary purpose of IP- television sets and digital video players is not ACS, and that the ACS waiver standard in Section 716 of the Act, as well as Section 14.5 of the Commission's rules, are satisfied. In the Petition, CEA successfully demonstrates that IP-televisions and digital video players, while having multiple purposes, are designed primarily for the display of video content, not to access ACS.⁴ In addition, other industry comment on the record also supplements that IP-enabled televisions and digital video players are designed and marketed primarily to passively display video content.⁵ A number of TIA members also produce the equipment at issue in the Petition, and we agree with CEA's proposed approach.

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

⁴ See Petition at 8-10, 12-18.

⁵ See Comments of Panasonic Corporation of North America ("Panasonic"), CG Docket No. 10-213 (Jun. 14, 2012); See also Comments of the National Cable & Telecommunications Association, CG Docket Nos. 10-213 and 10-145, WT Docket No. 96-198 (Jun. 14, 2012).

Furthermore, TIA supports the time length proposed in the Petition. The requested date in the Petition is less than three years from October 8, 2013, when the ACS rules take effect.⁶ The three-year waiver period corresponds with the expected product lifecycle of the IP-enabled equipment and does not extend to equipment that is manufactured after July 1, 2016. TIA believes that the time period requested in the Petition is reasonable, and will encourage innovation in the IP-enabled television and digital video player market.

The Commission's determination in this matter is very important to the ICT industry, and extends beyond those companies that provide IP-enabled televisions and digital video players. The determination made in response to the Petition will serve as a bellwether for how this new regulatory regime will be applied and enforced. Congress intended that the Commission promote accessibility through a flexible regulatory approach that does not inhibit innovation.⁷ As an industry representative in the process of the development of the CVAA, we strongly agree with the argument in the Petition that the strict application of Section 716 to IP-enabled televisions and digital video players would harm the public interest without meaningfully increasing access to ACS for persons with disabilities.⁸ We also urge the Commission to reject the rationale put forth for denying the Petition,⁹ where it is argued that projected increases in market share necessitate strict application of ACS rules to technologies that are overwhelmingly used to for non-ACS purposes (in this case, the viewing of video content) and in this respect are rapidly-

⁶ See Petition at 7-8, 13-14.

⁷ See H.R. Rep. No. 111-563 at 26 (2010).

⁸ See Petition at 12, 18; Panasonic at 8-10.

⁹ See Telecommunications for the Deaf and Hard of Hearing, Inc. *et. al*, Opposition to Petition for Waiver by Consumer Electronics Association, CG Docket No. 10-213 (Jun. 14, 2012) at 3.

evolving. Regulation in such a fashion would discourage investment and innovation in these products, ultimately hampering the proliferation of ACS features in them.¹⁰ TIA strongly urges the Commission to instead take this opportunity to set a precedent of regulatory flexibility that will encourage innovation in ACS will provide the designers and manufacturers much-needed regulatory certainty in the application and enforcement of ACS rules, and be consistent with Congressional intent to be flexible.¹¹

¹⁰ See, e.g., Panasonic at 9.

¹¹ *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14557, at ¶ 193 (2011).

For the foregoing reasons, TIA urges the Commission to grant the petition for waiver filed by CEA in the above-captioned proceedings.

Respectfully submitted,

Telecommunications Industry Association

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