

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

In the Matter of )  
 )  
Seeking Comment on the Accessibility of ) CG Docket No. 10-213  
Communications Technologies for the 2018 )  
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

The Telecommunications Industry Association (“TIA”)<sup>1</sup> respectfully submits these comments in response to the Federal Communications Commission’s (“Commission”) Public Notice,<sup>2</sup> which seeks comment on the state of compliance with statutory requirements mandated by the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”),<sup>3</sup> the effect of related recordkeeping and enforcement requirements, and the extent to which accessibility barriers remain related to new communications technologies. TIA supported passage of the CVAA and has actively aided the Commission in developing regulatory requirements to improve communications accessibility while maintaining the flexibility necessary to enable innovation. TIA has been a long-time participant in the Commission’s Disability Advisory Committee (“DAC”) and 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.<sup>4</sup> TIA therefore appreciates the opportunity to provide input on the current state of compliance and how to further ensure access to advanced communications services (“ACS”) as well as Internet browsers on mobile phones.

The CVAA directly impacts TIA members across numerous businesses and TIA members remain committed to working with consumers with disabilities to meet their needs. In the eight years since passage of the CVAA, TIA believes that its requirements have yielded improved accessibility experiences

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<sup>1</sup> 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.

<sup>2</sup> *Consumer and Governmental Affairs Bureau Seeks Comment on the Accessibility of Communications Technologies for the 2018 Biennial Report Required by the Twenty-First Century Communications and Video Accessibility Act*, Public Notice, CG Docket No. 10-213 (April 5, 2018) (“PN”).

<sup>3</sup> Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751 (2010) (“CVAA”).

<sup>4</sup> See <https://www.fcc.gov/general/emergency-access-advisory-committee-eaac>.

for consumers as the ICT industry continues work to understand and respond to the evolving needs of consumers with disabilities. Evidence of this success can be seen in the continued engagement and coordination between consumer interest organizations and the ICT community, enhanced accessibility in current technologies, as well as new accessibility product and service features that are directly informed by persons with disabilities.

By making sure it pursues flexible, process-based approaches, the Commission can continue to increase the availability of communications products and services that are accessible and usable by all consumers, including those with disabilities. As we move toward next generation networks and technology permits greater optionality in ICT offerings, 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 GOALS OF CVAA SECTIONS 255, 716, AND 718.**

In keeping with the goals of the CVAA to increase the access of persons with disabilities to modern communications, ICT manufacturers are making strides in improving the accessibility of their products. By engaging accessibility stakeholders in both policy-setting and product-development processes, the industry is meeting the needs of more consumers with a range of disabilities. Through compliance with current requirements and improved outreach, manufacturers are working to ensure information about the accessibility of their products is readily available.

**a. Industry’s Commitment to Improved Products and Regular Engagement with Consumer Advocates is Improving the State of Accessibility.**

In the PN, the Commission requests input on the state of accessibility of services and equipment used with “(1) ‘non-mobile’ services, including, but not limited to analog and digital telephone handsets and cordless phones used with landline and interconnected VoIP services; and (2) ‘mobile’ or wireless services, including basic phones and feature phones.”<sup>5</sup> Among TIA’s members are the manufacturers of

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<sup>5</sup> PN at 5.

wireline telephones, customer premises equipment, and wireless handsets, who are committed to ensuring that their products and services are accessible to individuals with hearing loss and other disabilities. These organizations have taken and continue to take significant steps in both their individual capacities and through organizations like TIA to further the state of accessibility. The industry continues to collaborate with the disability community to develop and deploy new accessible products and services as quickly as possible.

TIA continues to believe that the CVAA requirements have yielded improved accessibility experiences for consumers in both non-mobile and mobile services and equipment. More generally, accessibility barriers are lowering. For example, in the case of hearing aid compatibility (“HAC”) the industry has continued to improve on the communications experience of consumers with hearing loss, increasing the percentage of handsets that meet the HAC rating benchmarks while innovating new solutions like Bluetooth-enabled hearing aids and personal sound amplification products (“PSAPs”). Today many TIA members are exceeding the 85 percent benchmark, which will take effect in 2021 for manufacturers. ICT manufacturers continue to devote resources to developing accessibility standards and work to incorporate those standards in all relevant devices.

The industry has also worked through groups like TIA to collaborate on HAC solutions. Since the Commission’s last report on the CVAA, the Commission unanimously adopted a Joint Consensus Proposal developed through collaboration between several trade associations and consumer groups.<sup>6</sup> The Proposal, adopted in conjunction with incremental increases of the Commission’s HAC benchmarks, prescribes the creation of a joint task force to explore over several years the achievability of a 100 percent HAC goal considering technical and market conditions and provide a report to the Commission on which to base its determination.<sup>7</sup> Over the last year and a half, these stakeholders have undertaken various

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<sup>6</sup> See *Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets*, Report and Order, WT Docket No. 15-285 (Aug. 5, 2016) (“Joint Consensus Proposal R&O”) (detailing several steps taken to “implement a historic proposal for ensuring that people with hearing loss have full access to innovative handsets”).

<sup>7</sup> See Joint Consensus Proposal R&O at 12-13.

efforts toward the formation of this task force as outlined in the update that signatories of the Joint Consensus Proposal provided to the Commission earlier this year.<sup>8</sup> TIA looks forward to continued work on the development of this task force and anticipates significant findings through the task force's exploration that will provide value to the accessibility community for years to come.

TIA member companies recognize the immense value of engaging users who rely on accessibility features in the development process to provide feedback on proposed accessibility solutions. Thus, TIA members regularly coordinate with organizations and individuals with disability expertise. Over the last two years, TIA members have received direct feedback from stakeholders both on an individual basis and through participation in multistakeholder settings such as the M-Enabling Summit, where members provide technology demonstrations and engage with other experts in panel discussions, or most recently, at a roundtable held by the DAC's Technology Transitions subcommittee. There, stakeholders gathered to see demonstrations and provide feedback on new Real-Time-Text ("RTT") and refreshable braille technologies. Members continue to rely on strategies such as market research, pilot demonstrations, product trials, and regular updates to product documentation to incorporate accessibility by design and inform consumers on available tools to provide the best user experience possible. TIA members also continue to consult the disability community through voluntary standard-setting processes, like that of TIA's TR-41 Engineering Committee, to ensure that proposed technical accessibility solutions will provide results that meet consumers' needs and ensure the continued availability of accessible communications.<sup>9</sup>

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<sup>8</sup> "Joint Consensus Proposal – Year One Discretionary Update," Ex Parte Presentation, WT Docket No. 15-285 (Jan. 11, 2018).

<sup>9</sup> Over the last two years TR-41 has continued its work to develop voluntary standards in telecommunications terminal equipment and systems, specifically those used for voice services, integrated voice and data services, and Internet protocol ("IP") applications. TR-41 plays an important role in developing standards to enhance the accessibility of these equipment and systems as evidenced, for example, by the Commission's incorporation of TIA's 2012 Wireline Volume Control Standard into its Part 68 rules last year. (*See Access to Telecommunication Equipment and Services by Persons with Disabilities; Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets; Comment Sought on 2010 Review of Hearing Aid Compatibility Regulations, Report and Order and Order on Reconsideration, CG Docket No. 13-46, WT Docket No. 07-250, WT Docket No. 10-254 (Oct. 26, 2017)*).

This work, informed by the goals and requirements of the CVAA, continues to drive results and foster innovation in accessibility for mobile and non-mobile products and services.

**b. Accessibility Recordkeeping Requirements are Working, But the Commission Should Continue to Implement Them Flexibly.**

The PN seeks further comment on the impact of accessibility recordkeeping and enforcement requirements.<sup>10</sup> TIA members continue to comply with recordkeeping rules and submit certifications to that effect as required by the CVAA.

Members express that they have taken steps to integrate accessibility considerations throughout their organizational processes to comply with the CVAA's recordkeeping requirements. In addition, the Mobile Manufacturers' Forum Global Accessibility Reporting Initiative ("GARI") database continues to serve as a useful way for manufacturers to provide information regarding the accessibility of their products while also providing a mechanism to match product features with a variety of disability needs.<sup>11</sup> Additionally, many TIA members provide accessibility information as well as user assistance and training on their websites and in stores.

As technology develops, the Commission should continue to recognize the need for flexibility in how it assesses the efforts taken by individual companies to meet these recordkeeping obligations and should continue to allow recordkeeping processes to be customized to each company's internal operations as consistent with the intent of the CVAA.

**III. FLEXIBLE CVAA IMPLEMENTATION ENABLES ICT MANUFACTURERS TO INNOVATE AND INCORPORATE ACCESSIBILITY BY DESIGN INTO NEW TECHNOLOGIES.**

The Commission solicits further input regarding "the extent to which any accessibility barriers still exist with respect to new communications technologies."<sup>12</sup> The continuously evolving and innovative nature of work occurring in the communications landscape complicates assessment of whether gaps remain for new technologies. The target for accessibility will always be changing as technology develops.

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<sup>10</sup> PN at 14.

<sup>11</sup> Global Accessibility Reporting Initiative, <https://www.gari.info/>.

<sup>12</sup> PN at 13.

Nonetheless, the ICT industry continues to innovate in ways that benefit all consumers. In addition to the significant advances being made to accessibility products today, the foundations being laid across the technology landscape provide exciting opportunities for products yet to be built.

As TIA has previously noted, the evolution of communications technologies in recent years has bent toward inclusion in terms of both quality and experience. The transition of both wireline and wireless communications to internet protocol (“IP”)-based technologies, with accessibility in mind, has given consumers with and without disabilities more opportunity to tailor the user experience for far less cost than previous custom hardware solutions. High-definition (“HD”) voice, Bluetooth protocols, color scheme settings, and virtual assistants like Siri, Cortana, and Bixby are just a few examples of widely available features that provide enhanced, customizable experiences for people with disabilities. Likewise, many native and third-party applications are capitalizing on the greater integration of voice recognition and text-to-speech capabilities to provide ease of input and output of the messages being communicated.

Looking forward, the trajectory toward inclusion continues. As the deployment of 5G broadband promises more capacity with lower latency, as more functions occur in software and applications rather than hardware, as GPS and other mapping technologies grow more accurate and sophisticated, ICT vendors have unprecedented opportunities to provide accessibility solutions and to build optionality into their products. These changes in the technological capabilities of communications networks are fostering new business models and new opportunities for collaboration between accessibility stakeholders and ICT providers.

Many of these efforts to make new technologies usable for people with disabilities have not been directed by any specific regulatory requirement, but rather emanate from user demand and the commitment of companies to provide consumers with the best experience possible. ICT manufacturers recognize the value of accessibility not just as a regulatory obligation, but as a business opportunity to grow the base of customers who can experience and value their products. Moreover, accessible solutions may often be a feature for all consumers, regardless of specific accessibility needs.



The Commission can continue to foster this kind of advancement and increase the availability of accessible communications 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 limit diversity in pricing and design of the products and services that are available to consumers with disabilities who have a broad range of access needs and feature preferences. The Commission should therefore 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 fourth CVAA Biennial Report to Congress.

Respectfully submitted,

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