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Federal Communications Commission
Office of the Secretary

Donna R. Searcy
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Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE: Docket 92-105 -- In The Use of N11 Codes....

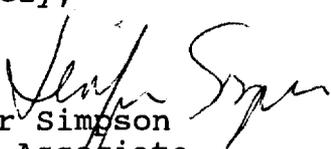
Dear Secretary Searcy:

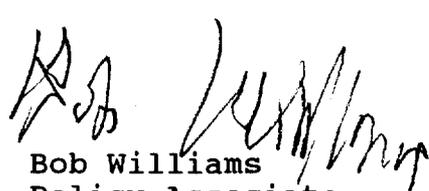
United Cerebral Palsy Associations, Inc. (UCPA) is pleased to offer Comments in the Matter of The Use Of N11 Codes ... (CC Docket 92-105). Ten copies are enclosed.

We were unable to meet your deadline of yesterday but respectfully request that these Comments be included in your review process.

Thank you for your consideration of these Comments.

Sincerely,


Jenifer Simpson
Policy Associate
Community Services


Bob Williams
Policy Associate
Community Services

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Federal Communications Commission
Office of the Secretary

COMMENTS

ON BEHALF OF

UNITED CEREBRAL PALSY ASSOCIATIONS, INC.

TO THE

FEDERAL COMMUNICATIONS COMMISSION

IN THE MATTER OF THE USE OF N11 CODES

CC DOCKET 92-105

IN

REGARD TO A PETITION FOR A RULEMAKING (FCC 92-203)

July 13, 1992

by

UNITED CEREBRAL PALSY ASSOCIATIONS, INC.

For further information contact:

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UCPA'S COMMENTS ON THE PETITION FOR A RULEMAKING RE: ASSIGNMENT OF N11 CODES

INTRODUCTION

United Cerebral Palsy Associations, Inc. (UCPA) is pleased to offer some comments with regard to access to telecommunication by individuals with disabilities to the Federal Communications Commission (FCC) in response to a proceeding following a petition to the Federal Communications Commission, requesting a declaratory ruling that assignment of N11 codes for local pay-per-call services be consistent with the Communications Act and the FCC's policies.

UCPA trusts that our comments and recommendations will be viewed as useful and constructive ones inasmuch as the American and world telecommunications marketplace is being reshaped by new technologies, their interactivities and a changing national and world order.

UCPA was first established as a parent advocacy and service organization some forty years ago in communities across the country. Our 154 affiliates in forty-three states extend services to and advocate on behalf of more than 700,000 children and adults with cerebral palsy and similar disabilities in the United States to support such individuals in becoming full community members.

Cerebral palsy is a condition caused by damage to the brain during pregnancy, labor or shortly after birth, or acquired as a result of accident. Cerebral palsy is a disorder of movement or posture that is neither progressive nor communicable and results in **functional limitations in mobility, expressive language/speech, manual dexterity or any combination of all three areas.**

Our mission continues to be to work towards helping to create a society that recognizes the value and contributions of individuals with disabilities in the home, the classroom, the workplace, and in neighborhoods. With the benefits of assistive technology and new service delivery approaches, children and adults with disabilities are more independent, productive and integrated than ever before. Our new challenge, accelerated by the passage of P.L. 101-336 on July 26, 1990, The Americans With Disabilities Act (ADA), is to focus our efforts on removing all physical, **communication**, transportation and attitudinal barriers to full inclusion and integration.

For purposes of this discussion, it is important to note that an estimated 2 million Americans of all ages have speech disabilities. Overall, 85 to 90 percent of all individuals with cerebral palsy have a speech disability of one kind or another. Additionally, 30 percent of people with cerebral palsy have little, if any, functional or effective use of their speech on or off the telephone (Office of Technology Assessment, 1983).

UCPA's comments will address, conceptually, how the FCC can best address and achieve one of these vital aims: *access to the information age for individuals with cerebral palsy and similar disabilities.*

United Cerebral Palsy Associations, Inc.

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UCPA COMMENTS

UCPA believes access to and affordability of the various means of telecommunication are critical components to full integration into the mainstream of society for individuals with all disabilities. UCPA supports efforts that accommodate access to the national telecommunications infrastructure such as allocating certain N11 numbers for public use.

UCPA believes that the local public-switched telephone network must be considered the basic and universal access point to information age services and believes that disability access in the form of reserved public access telephone numbers, like 'handicap parking spaces' near the front doors of businesses, will enable the 43 million Americans with disabilities to have equal access to the nation's telecommunications networks. Also, it is essential to this population's well-being, self-sufficiency and full integration into society to be able to access the telecommunications network and place calls nationwide without regard to geographic location.

UCPA is pleased to offer these comments in support of the FCC's jurisdiction over issues concerning the North American Numbering Plan (NANP) and because the FCC has the ultimate authority on this issue, and because it is charged with issuing rules and regulations that are necessary in the public interest. UCPA supports the FCC in directing Bellcore, as the Administrator of the NANP, to assign N11 numbers as it sees fit and to take into account our Recommendation below.

RECOMMENDATION

UCPA **strongly recommends** that the Federal Communications Commission direct Bellcore, as the Administrator of the NANP, to assign permanently the remaining four of the remaining N11 codes (211, 311, 511 and 711), for 'disability access' in order to promote and assure access to the national telecommunications infrastructure by individuals with disabilities as required by the Communications Act of 1934 (as amended), as amended by Title IV of the ADA as Section 25.

In particular, UCPA urges allocation of:

- one N11 number for specific use by individuals who use alternative and augmentative communication (AAC) devices currently available or being developed, as an *AAC access channel*;
- one N11 number for use by individuals who are vision impaired as a Braille access channel; and
- the remaining two N11 numbers for individuals who currently use telephone relay services (TRS) for individuals with hearing and speech disabilities.

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**ALLOCATION OF ONE N11 NUMBER FOR SPECIFIC USE BY INDIVIDUALS WHO
USE ALTERNATIVE AND AUGMENTATIVE COMMUNICATION DEVICES AS AN
AAC ACCESS CHANNEL**

Alternative and augmentative communication (AAC) includes devices such as electronic communication aids, voice synthesizers, keyboard devices that are light activated or other computer peripherals that might interface with local telephone switching systems. AAC development is currently recognized to be in its infancy and considerable technological innovation and advances are causing expanding market growth. It is estimated that 30 percent of the 2.4 million Americans with speech disabilities would benefit from this market expansion. AAC performs an equivalent function to TTDs for this group of individuals with disabilities and in a more effective and efficient manner because people with motor disabilities cannot use TTDs.

UCPA notes that within the regulations of Title IV of ADA, with regard to technology, that

The Commission shall ensure that regulations prescribed to implement this section encourage, consistent with sections 7(a) of this Act, the use of existing technology and **do not discourage or impair the development of improved technology.**

The Committee intends that telecommunications relay services be governed by minimum federal standards that will ensure that telephone service for hearing and speech impaired individuals is functionally equivalent to telephone services offered to hearing individuals. **Such standards, however, should not have the effect of freezing technology or thwarting the introduction of a superior or more efficient technology.**

[Senate Report on ADA, at 3] (Emphasis added).

An AAC telecommunications public access channel could be developed to accomplish at least two key purposes. The first of these should be to enable individuals with speech disabilities with access to any computer modem to dial into the assigned N11 number at exchanges and be able to access text-to-speech and digitized or synthesized speech capabilities built into the telecommunication network to relay or transmit their message.

Additionally, products and services sold by providers of enhanced services would be able to establish the appropriate technical protocols in order to reach such individuals with disabilities. This N11 access number would thus be the **'gateway' upline and downline** for a multitude of products to be electronically modified during transmission for access by individuals who rely on AAC. For example, many Voice Messaging systems already in use do not recognize the additional time required by someone using an AAC device, such as a speech synthesizer, and

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calls are lost. If such a call were initially placed through an N11 access channel an electronic mechanism could be built-in to delay and hold the speech synthesized voice or which prevents hang-up of the call by other yet-to-be-determined electronic means.

The second purpose should be to recognize that the time per call in utilizing AAC can often be of greater duration than voice-to-voice communication, simply because generation of speech or keyboard use can often be slower as a result of concomitant physical or other disabilities. The AAC access channel could thus solve the affordability problem as transmissions generated from this access point to all networks could be set at a differential rate to make rates equitable with voice-to-voice transmission. The N11 for AAC Disability Access could signal an alternative rate setting protocol.

Functional Equivalency

Within Title IV of the legislation (Telephone Relay Services) as reported, there are requirements that will help to further the statutory goals of universal service as mandated in the Communications Act of 1934. The requirements are that providers of telephone services to hearing- and speech- impaired individuals provide services that are **functionally equivalent** to those provided to hearing individuals. Many individuals with cerebral palsy are unable to use existing TTDs and relay services and must rely on AAC.

In the Senate Report on ADA (S. 933) it is noted that there are over 24 million hearing-impaired and 2.8 million speech-impaired individuals in the United States. It noted also that inadequate attention has been paid to their special needs with respect to accessing the Nation's telephone system. Given the extensive and pervasive use of telephony, over the copper, fiber optic, satellite and cellular networks, for both commercial and personal matters, the inability to utilize the telephone system fully has enormous impact on an individual's ability to integrate effectively into today's society and to participate fully in access to the goods, services and privileges of community membership.

Additionally, The Communications Act of 1934 mandates that communications services be

"[made]" available, so far as possible, to *all* the people of the United States. *

* *". (Section 1, emphasis added).

This goal of universal service has governed the development of the Nation's telephone system for over fifty years. The inability of over 26 million Americans to access fully the Nation's telephone system poses a serious threat to the full attainment of the goal of universal service. **Universal service must continue to be defined as service to all Americans, including those with speech disabilities.**

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Current Use is Limited

Currently, individuals with hearing and speech disabilities can communicate with each other over the telephone network with the aid of Telecommunications Devices for the Deaf (TDDs) and the TRS system. TDDs use a typewriter-style device equipped with a message display (screen and/or printer) to send a coded signal through the telephone network. However, individuals who rely on TDDs *can communicate mainly only with other users of TDDs or via the TRS voice carryover system*. This creates a hardship for Americans with hearing and/or speech disabilities, since access to the community **at large**, via the voice network, is limited; voice carry over can be replaced in an 'intelligent' telecommunications network.

In its report on ADA, the Senate Committee intended that Section 25 better serve to incorporate the hearing- and speech- impaired communities into the telecommunications mainstream by requiring that telephone services be provided to hearing and/or speech impaired individuals in a manner that is *functionally equivalent to telephone services offered to those who do not have these impairments*. This requirement serves to bridge the gap between the communications-impaired telephone user and the community at large. TRS works for the 24 million with hearing impairments **but for the 2.4 million with speech disabilities, who often rely on AAC, access is needed to provide equivalent function for this group also**.

Current technology allows for communications between a TDD user and a voice telephone user by employing a type of relay system. Such systems include a third party operator who completes the connection between the two parties and who transmits messages back and forth in real time between the TDD user and the hearing individual. The originator of the call communicates to the operator either by voice or TDD. The operator then uses a video display system to translate the typed or voice message from one medium to the other.

While this system is of great benefit to current users, **it does not allow current and new users of AAC who wish to utilize the voice network**, such as individuals with cerebral palsy who rely on alternative and augmentative communications devices via modem or, perhaps in the future, via direct link, to utilize the existing voice network.

Although in the Senate ADA Report the Committee noted that relay systems represent the current state-of-the-art, this ADA legislation is not intended to discourage innovation regarding telecommunications services to individuals with hearing and speech impairments. **The hearing- and speech-impaired communities should be allowed to benefit from advancing technology**. As such, the provisions of this section do not seek to entrench current technology but rather to allow for new more advanced, and more efficient technology.

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To participate actively in society, that is to pursue Life, Liberty and Justice, and 'the American Dream', one must have the ability to call friends, family, businesses, and employers, who must conversely, be able to call back. The assignment of N11 numbers for disability access as described above would be a first step in acknowledging this basic principle embedded in the ADA, that of full participation in the mainstream; and in this instance, provide a 'gateway' to the national and international telecommunications infrastructure. Furthermore, by reserving such public access numbers for 'disability access' the FCC will encourage all providers of Information Age services to address, in their products, the format, compatibility and protocol solutions necessary to reach the 43 million Americans with disabilities, and in particular, the 2.4 million with speech disabilities.

The FCC is also required to establish certain minimum federal standards that all telecommunications relay service providers must meet. Reserving assignment of four disability access numbers would, in effect, ensure full access.

National TRS Network Promotes Commerce

By requiring telecommunications relay services to be provided throughout the United States, ADA takes a major step towards enabling individuals with hearing and speech disabilities to achieve the level of independence in employment, public accommodations and public services sought in the implementation of other sections of the Americans with Disabilities Act. In the report to the Senate on ADA, it was concluded that expanding the FCC's authority in this instance will both *promote interstate commerce and be of benefit to all Americans*.

Similarly, providing users of AAC access to the national telecommunications infrastructure with an N11 access number will likewise promote commerce as a greater number of consumers will be able to access the goods and services and privileges. Similarly, business will be better able to reach these niche customers as they would be able to electronically modify their products for the disability access channel.

Assignment of One N11 Number for Individuals with Vision Impairment

UCPA supports reserving one N11 number, for use by individuals with vision disabilities, as a Braille access channel for many of the same reasons that individuals with cerebral palsy and speech disabilities require an AAC access number. UCPA notes that many of the products and proposed products within enhanced services are graphics-based and would thus be inaccessible to individuals with vision disabilities unless there is also a text and/or a voice channel. Therefore UCPA supports the reserving of an N11 number for a channel for transmission to and by individuals with vision disabilities who require text or voice capacity.

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Assignment of Two N11 Numbers for Individuals with Hearing Impairment

UCPA supports, as policy, the reserving of two N11 numbers for use by individuals with hearing disabilities. Please see also the Comments as submitted by The National Center For Law and Deafness, Washington, D.C. to the FCC.

Once Assigned Disability Access N11 Numbers Should Not be Recalled

The FCC has proposed allowing the assignment of N11 codes with the understanding that these codes may be recalled for use as area codes at some future time. **UCPA strongly opposes the recall of any N11 number which is assigned for disability access.** Just as consumers now rely on 411 and 911 for basic access to directory assistance and emergency services, so too will individuals with disabilities come to rely on the N11 numbers. Recalling such codes would cause overwhelming confusion after widespread public reliance on their use by individuals.

CONCLUSION

Permanently reserving four N11 numbers for disability access would go a long way to ensuring equal opportunity for public access to the telecommunications infrastructure for individuals with the full range of disabilities. In particular, **UCPA recommends strongly reserving one N11 number for Alternative and Augmentative Communication Disability Access ('N11 for AAC')** to reflect the needs of the 26 million Americans with speech and hearing disabilities whose needs are currently unmet and for whom much technology is emerging.