BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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

COMMENTS OF THE AMERICAN CABLE ASSOCIATION

The American Cable Association ("ACA") hereby submits these comments in response to the Public Notice seeking comment on the Federal Communication Commission's ("Commission") Tentative Findings for the 2016 Biennial Report to Congress on the Twenty-First Century Communications and Video Accessibility Act of 2010 ("Tentative Findings").[1] ACA represents approximately 750 smaller cable operators, incumbent telephone companies, and

[1] Consumer and Governmental Affairs Bureau Seeks Comments on Its Tentative Findings about the Accessibility of Communications Technologies for the 2016 Biennial Report under the Twenty-First Century Communications and Video Accessibility Act, CG Docket No. 10-213, DA 16-91 (Rel. Aug. 23, 2016) ("Public Notice"); Attachment, Tentative Findings for the 2016 Biennial Report to Congress as Required by the Twenty-First Century Communications and Video Accessibility Act of 2010 ("Tentative Findings").

municipal communications utilities, many of whom offer traditional telephone or interconnected voice over Internet Protocol (VoIP) telephony services to both residential and business subscribers. The vast majority of ACA members have fewer than 5,000 subscribers, and half have fewer than 1,000 subscribers. Many of ACA's member companies operate with barely more than a handful employees, most of whom live and work in the communities they serve. For these members, customers are not merely numbers on a spreadsheet – they are neighbors, friends, and family. Thus, ACA members take their customer service obligations very seriously, and are dedicated to ensuring that every subscriber, including those with disabilities, are able to use and enjoy all of their service offerings to the fullest extent possible.

Among the Commission's tentative findings is a determination that "little, if any progress has been made since the 2014 CVAA Biennial Report with respect to the number of non-smartphone devices used for telecommunications that are accessible to individuals who are blind or visually impaired," and "that solutions are needed to make equipment used with interconnected VoIP services accessible to individuals who are blind or visually impaired." [2] These findings are based on concerns voiced by the American Council of the Blind ("ACB") that "from a blindness perspective, there have not been significant advancements in recent years for products associated with traditional telephone services," and in particular that "accessibility solutions for navigating and using interconnected VoIP systems, including the system used in ACB's national office, remain inadequate."[3] ACA empathizes with the frustration expressed by ACB, but it is important that the Commission recognize and emphasize in its report to Congress

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[2] Tentative Findings, ¶ 19.

[3] Tentative Findings, ¶ 3, *citing* 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, CG Docket No. 10-213, Comments of the American Council of the Blind at 1 (filed Jun. 22, 2016) ("ACB Comments").

that these complaints relate not to any failure of service providers or their networks, which permit attachment of accessible consumer devices. Instead, they relate to the decisions of manufacturers of devices that work on these networks.[4] ACA understands the disabled community's frustration that some vendors choose not to manufacture solutions that meet their unique needs because of the community's relative small size compared to the market in total. ACA members, who individually and in aggregate represent a small percentage of their vendor's total revenues, likewise see their suppliers focus on tailoring products for the largest operators who are these manufacturer's biggest buyers, leaving smaller providers to often make do with off the shelf equipment that may not fully meet their individualized needs.[5] Accordingly, the Commission should make clear in its Report that any efforts to fix this problem should be focused on the choices of the manufacturers, rather than service providers or their networks, especially smaller providers who do not manufacture consumer devices for their networks and have no control over the decisions of manufacturers to bring accessible devices to market.

Although smaller providers have no ability to increase the availability of accessible equipment that works on their interconnected VoIP services networks, ACA and its members stand willing to work with the disability community and other industry stakeholders in other ways. To that end, ACA will be applying to participate in the next iteration of the Disabilities

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[4] No commenters reported accessibility issues related to VoIP other than those related to the availability of accessible devices and equipment.

[5] The Commission has recognized this problem in analogous contexts concerning the development of technical solutions for the delivery of cable services. *See* Basic Service Tier Encryption et al., MB Docket No. 11-169 et al., Report and Order, 27 FCC Rcd 12786, 12802, ¶ 21 (2012) ("[L]arge cable operators generally dictate equipment features to manufacturers and commonly get priority in delivery of that equipment. We anticipate that the large operators' demand for this equipment eventually will lead all equipment to include this functionality in the marketplace, and thus the equipment small cable operators provide will eventually include the IP functionality as well, regardless whether they specify this particular feature.").

Advisory Committee ("DAC") so as to engage more fully in determining the best ways for small and mid-sized communications providers to meet the needs of disabled consumers within their means.[6] Although the Commission has recognized that "industry has expanded its consultation with individuals with disabilities with respect to the design and development of products and services,"[7] the American Council for the Blind still encourages "broadening the network of stakeholder interactions and partnerships . . . [to include] a more diverse and wider range of covered entities."[8] The inclusion of ACA in the membership of the next iteration of the DAC would go a long way towards this goal, and would enable small and mid-side providers to proactively engage with the disability community to find appropriate solutions to the issues raised in this proceeding and others that may arise in the future.

Respectfully submitted,

Mary C. Lovejoy

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[6] *See* FCC Announces Anticipated Renewal of Its Disability Advisory Committee and Solicits Applications for Membership, Public Notice, DA 16-1011 (rel. Sep. 6, 2016).

[7] Tentative Findings, ¶ 31.

[8] *Id., citing* ACB Comments at 3.

Matthew M. Polka
President and Chief Executive Officer
American Cable Association
Seven Parkway Center
Suite 755
Pittsburgh, Pennsylvania 15220
(412) 922-8300

Ross J. Lieberman
Senior Vice President of Government Affairs
American Cable Association
2415 39th Place, NW
Washington, DC 20007
(202) 494-5661

Mary C. Lovejoy
Vice President of Regulatory Affairs
American Cable Association
2415 39th Place, NW
Washington, DC 20007
(202) 603-1735

Barbara S. Esbin
Cinnamon Mueller
1875 Eye Street, NW
Suite 700
Washington, DC 20006
(202) 872-6811

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