

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

RECEIVED

OCT 28 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
)  
Implementation of Section 255 of the )  
Telecommunications Act of 1996 )  
)  
Access to Telecommunications Services, )  
Telecommunications Equipment, and )  
Customer Premises Equipment )  
By Persons with Disabilities )

WT Docket No. 96-198

DOCKET FILE COPY ORIGINAL

COMMENTS  
OF THE  
UNITED STATES TELEPHONE ASSOCIATION

The United States Telephone Association (USTA) respectfully submits its comments in the above referenced proceeding. USTA is the principal trade association of the exchange carrier industry, with more than 1100 members. USTA's members provide over 98% of the exchange carrier-provided access lines in the United States.

Section 255(b) requires manufacturers of telecommunications equipment or customer premises equipment (CPE) to ensure that the equipment is designed, developed, and fabricated to be accessible to and usable by individuals with disabilities, if readily achievable. Section 255(c) requires that providers of telecommunications services to ensure that their services are accessible to and usable by individuals with disabilities, if readily achievable. Section 255(d) states that whenever the requirements of subsections (b) and (c) are not readily achievable, such a manufacturer or provider shall ensure that the equipment or service is compatible with existing peripheral devices or specialized CPE commonly used by individuals with disabilities to achieve access, if readily achievable. These requirements became effective February 8, 1996.

While the above requirements of Section 255 became effective on February 8, 1996, Section 255(e) states that the Architectural and Transportation Barriers Compliance Board (ATBCB) must develop guidelines for accessibility of telecommunications equipment and CPE in conjunction with the Commission within 18 months of the enactment date of the 1996 Act. Consequently, USTA believes that the Commission's Notice of Inquiry should serve to assist it and the ATBCB in formulating the guidelines that they have been charged to develop. At this point, however, USTA does not believe that it would be appropriate for the Commission to unilaterally issue guidelines or rules and regulations separate from the work in which it and the ATBCB are currently engaged.

USTA believes that the Commission, pending the guidelines to be issued by the ATBCB, can address any complaints filed as a result of Sections 255 (b), (c), and (d) on a case-by-case basis. After guidelines are issued by the ATBCB, the Commission should explore whether additional guidelines are needed to address telecommunications service providers. USTA further believes that because telecommunications services are provided using telecommunications equipment, and telecommunications services are used by customers via customer premises equipment, additional guidelines may be unnecessary. If necessary, however, they should complement the guidelines to be developed by the ATBCB.

A balance exists between CPE and network or infrastructure hardware which is driven by the technology and compatibility of equipment language and protocols. It is in the best interests of both the manufacturers of CPE and network hardware to produce products that work with and

complement each other. If a carrier has the duty not to install network features, functions, or capabilities that do not permit accessibility by individuals with disabilities, then that carrier will be unlikely to buy network equipment from an entity that does not offer such accessibility. Should the carrier install a network feature, function or capability that either the manufacturer or the carrier did not know would compromise accessibility by persons with disabilities, it would be the carrier only who had violated Section 251(a)(2). USTA believes it would represent an unequal burden to make only the carrier responsible not to install features, functions, or capabilities that do not permit accessibility. Manufacturers of CPE or network hardware must bear a like responsibility and should be required to certify to their buyers that the equipment meets the guidelines.

When a service provider or manufacturer of equipment or CPE demonstrates its accessibility with respect to a specific disability, the Commission asks if that demonstration should relieve the provider or manufacturer of the obligation to adopt subsequent, improved accessibility measures for some period or whether the service provider's accessibility obligation be continually adjusted to recognize the most recent developed technology that is "readily achievable." The FCC should allow manufacturers and providers to have some flexibility in how they make products accessible. The price, design, and availability of a service or product compared with an equivalent service or product will determine its success or failure. One company's "break through" may well motivate competitors to retool their offerings in light of technological developments. Once a product has been demonstrated to be accessible, the

Commission should first rely on this market process to encourage the producer to “evolve” the product. USTA would note that many of the questions the Commission seeks answers to must be tested in the real world. All telecommunications entities must be allowed to expand, innovate, and serve their communities as consistently as possible with the discipline and demands of the marketplace.

The regulations that the ATBCB creates will be no less mandatory for being called guidelines, and the Telecommunications Act states that should a manufacturer make a product which does not comply with the guidelines that manufacturer will be in violation of the Act. Consequently, for the FCC to issue separate guidelines, policy statements, or rules before the Access Board issues its guidelines could be very problematic. Therefore, USTA believes it would be better for the Commission to work with the Access Board to issue a comprehensive and flexible set of guidelines. Because manufacturers and their products are mandatory inputs for telecommunications services, the enforcement remedies that are applicable to common carriers (or telecommunications providers) must also be applicable to telecommunications manufacturers.

In conclusion, USTA commends the Commission for taking action in helping the ATBCB to carry out Congressional policy. Guidelines to be developed should help companies determine compliance with Section 255 and permit companies to be flexible and innovative in meeting such guidelines. Should additional guidelines be necessary for telecommunications

service providers, they should be formulated after the ATBCB finishes its work and complement the guidelines to be developed by the ATBCB.

Respectfully submitted,

United States Telephone Association

By: 

Mary McDermott  
Linda Kent  
Charles Cosson  
Keith Townsend

Its Attorneys:

Kathleen M. Woods  
Director, Legal & Regulatory Affairs

1401 H Street NW - Suite 600  
Washington, DC 20005  
(202) 326-7248

October 28, 1996

**CERTIFICATE OF SERVICE**

I, Carl McFadgion, do certify that on October 28, 1996 copies of the Comments of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the person on the attached service list.

  
\_\_\_\_\_  
Carl McFadgion

Michelle Farquhar  
Chief,  
Wireless Telecomm. Bureau  
Federal Communications Commission  
2025 M Street, NW  
Room 5002  
Washington, DC 20554

Gail L. Polivy  
GTE Service Corporation  
1850 M Street, NW  
Suite 1200  
Washington, DC 20036

Regina Keeney  
Chief  
Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, NW  
Room 500  
Washington, DC 20554

Kathy M. Krause  
U S WEST Communications  
1020 19th Street, NW  
Suite 700  
Washington, DC 20036

Linda Dubroof  
Chief - Domestic Facilities Division  
Federal Communications Commission  
2025 M Street, NW  
Room 6008  
Washington, DC 20554

Josephine S. Trubek  
Rochester Telephone  
Corporation  
Rochester Telephone Center  
180 South Clinton Avenue  
Rochester, NY 14646

E. William Kobernusz  
Southern New England  
Telephone Company  
227 Church Street  
New Haven, CT 06510-1806

B.J. Stonebraker  
Cincinnati Bell Telephone  
201 E. Fourth Street, 102-300  
Cincinnati, OH 45201

James Tuthill  
Lucille M. Mates  
Pacific Bell  
Nevada Bell  
140 New Montgomery Street  
Room 1526  
San Francisco, CA 94105

Carlos J. Sandoval  
NYNEX  
120 Bloomingdale Road  
White Plains, NY 10605

A. Kirven Gilbert, III  
BellSouth Corporation  
4300 Southern Bell Center  
675 West Peachtree Street, NE  
Atlanta, GA 30375

Barbara J. Kern  
Ameritech Operating Cos.  
30 South Wacker Drive  
Chicago, IL 60606

James D. Ellis  
Paula J. Fulks  
Southwestern Bell Corporation  
175 E. Houston - Room 1218  
San Antonio, TX 78205

Paul Rodgers  
Charles D. Gray  
James Bradford Ramsay  
NARUC  
1102 ICC Building  
P.O. Box 684  
Washington, DC 20044

Margot Smiley Humphrey  
Koteen & Naftalin  
1150 Connecticut Avenue, NW  
Washington, DC 20036

Mary Hartnett  
Deafness Education Advocacy  
Foundation  
104 East Seventh Place  
St. Paul, MN 55101

Albert H. Kramer  
Robert F. Aldrich  
Keck, Mahin & Cate  
1201 New York Avenue, NW  
Penthouse Suite  
Washington, DC 20005

Larry A. Peck  
Ameritech  
2000 W. Ameritech Center Drive  
Room 4H86  
Hoffman Estates, IL 60196

Richard A. Askoff  
NECA  
100 South Jefferson Road  
Whippany, NJ 07981

Karen Peltz Strauss  
National Association for the Deaf  
814 Thayer Ave.  
Silver Spring, MD 20910

Paula Holbrook  
Telecommunications for the  
Deaf, Inc.  
8719 Colesville Road  
Suite 300  
Silver Spring, MD 20910

Nancy J. Bloch  
National Association of the Deaf  
814 Thayer Avenue  
Silver Spring, MD 20910

Francine J. Berry  
Robert J. McKee  
Peter H. Jacoby  
AT&T  
295 North Maple Avenue  
Room 3244J1  
Basking Ridge, NJ 07920

Michael F. Altschul  
Cellular Telecommunications  
Industry Assn.  
1250 Connecticut Ave., NW  
Suite 200  
Washington, DC 20036

Donald J. Elardo  
MCI  
1801 Pennsylvania Avenue, NW  
Washington, DC 20006

Robert S. Koppel  
IDB Communications Group, Inc.  
15245 Shady Grove Road  
Suite 460  
Rockville, MD 20850

International Transcription Service  
2100 M Street, NW  
Suite 140  
Washington, DC 20036

John A. Ricker  
National Exchange Carrier Assn.  
100 South Jefferson Road  
Whippany, New Jersey 07981

Alfred Sonnenstrahl  
Sonny Access Consulting  
8014 Craddock Rd.  
Greenbelt, MD 20770

Lawrence W. Katz  
Bell Atlantic  
1320 North Court House Road  
Eighth Floor  
Arlington, VA 22201

Roberta Breden  
Telecommunication Industry Assn.  
2500 Wilson Blvd.  
Suite 300  
Arlington, VA 22201

Brenda Battat  
Self Help for Hard of Hearing People  
Inc.  
7910 Woodmont Ave.  
Suite 1200  
Bethesda, MD 20814

Stephen Berger  
Siemens Rolm Communications Inc.  
2025 Grand Avenue Parkway  
Austin, TX 78728

Dennis Cannon  
David Capozzi  
Access Board  
1331 F St., NW  
Suite 1000  
Washington, DC 20004

Elizabeth Lyle  
Wireless Telecomm. Bureau  
FCC  
2025 M St., NW  
Suite 5002  
Washington, DC 20554

Judith Harkins, PhD  
Galludet University  
800 Florida Ave., NE  
HMB - S427  
Washington, DC 20002

Paul Schroeder  
American Foundation for the Blind  
401 N. Michigan Ave.  
Suite 308  
Chicago, IL 60611

James Tobias  
Inclusive Technologies  
334 Main St.  
Suite 141  
Matawan, NJ 07747

Leigh Thorpe  
Nortern Telecom Carling Lab  
Dept. 9B30 MS Car - 051  
PO Box 3511 - Station C  
Ottawa, Ont K1Y-4H7  
Canada

Gregg C. Vanderheiden  
Trace Research & Development Center  
University Of Wisconsin  
S-151 Waisman Center  
1500 Highland Ave.  
Madison, WI 53705

Holly Kaplan  
American Speech & Language Hearing  
Assn.  
10801 Rockville Pike  
Rockville, MD 20852

Steven Jacobs  
NCR Project Freedom  
1700 S. Patterson Blvd.  
WHQ-5  
Dayton, OH 45479

George Hanover  
Consumer Electronics Manufacturers  
Assn.  
2500 Wilson Blvd.  
Arlington, VA 22201

Mark Golden  
PCIA  
500 Montgomery St.  
Suite 700  
Alexandria, VA 22314

Steven Crosby  
Lucent Technologies  
101 Crawfords Corner Rd.  
RM 4L338  
Holmdel, NJ 07733

Michael Del Casino  
AT&T  
295 North Maple Ave.  
RM 1119L2  
Basking Ridge, NJ 07920

Betsy Bayha  
World Institute on Disability  
510 16th St.  
Suite 100  
Oakland, CA 94612

James Fruchterman  
Arkenstone  
555 Oakmead Pkwy.  
Sunnyvale, CA 94086