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The AccommoDator

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June 23, 1998

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

Dear FCC Administration,

I am writing to you to let you know I am very upset that the FCC appears to be undermining the intent of Section 255 of the Telecommunications Act of 1996. That Act specifically addresses our needs by making telecommunications equipment and services accessible to all people with disabilities.

I strongly encourage you to:

- 1) Adopt the February 1998 Access Board guidelines for both manufacturers and service providers. Having one set of rules that covers everyone and which clearly define responsibilities and requirements will stop much of the confusion that keeps us from obtaining full communication!
- 2) Adopt the definition for "readily achievable" as a technical ability and gross profit margin rather than using a "cost recovery" definition. Some equipment and services may never have their cost recovered from the primary users since the numbers are small, but functionally we use this equipment to communicate with the manufacturers and service providers entire body of customers. To let the service providers and manufacturers slip through the cracks based on cost recovery suggests that you are cooperating with them in blatant discrimination. (Has anyone ever asked whether the cost was recovered for all the ramps that were built by businesses for people in wheelchairs?)
- 3) Drop your proposed "approval" provision for bringing a legal case against a manufacturer or service provider. The regulations should continue to be enforced and complaints remediated within reasonable time limits by the FCC. Filing fees should not be assessed for any complaints, because this is your program evaluation system. If the FCC is not able to reach a resolution, people with disabilities should not have to trust "big daddy FCC" to judge whether their issue is one that should go to court. We need to retain our right to litigation as this may be the only way we ever get full access in our society.
- 4) Enter into the FCC rules, as mandated under Section 255, regulations that provide us with "enhanced services". Access to Voice mail and automated voice systems are critical if we are to have adequate communications. Eliminating them puts us at a distinct disadvantage in the business world. One new twist with Caller ID is that phone orders are confirming the number from which you call and I assume recording that. When my caller ID shows up as the 1 (800) relay number I am being treated as if I am up to something suspicious. Omission of "enhanced and aware services" guarantees that any new innovations will require a big fight to bring us access. Lets stop the discriminatory equipment and services before they get to the public market.

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List A B C D E

You have no idea of how many older people are being sold equipment that is inferior for their needs and how many places are not providing equipment and services that can be used effectively by people who are hard of hearing. I just came back from a trip to Florida to see my mother in a retirement home. I gave a presentation on available technology for people with hearing loss and 95 old folks showed up. I was shock to find they did not know anything about assessing the quality and function of their hearing aids, the availability of telecommunications compatible hearing equipment, or the services that they should be able to access. They do not know what to ask for and get rude treatment because the sales folks do not know what they need. These senior citizens have drawers full of equipment that does not work as advertised and was not returnable. When they do get equipment that can help them, they don't know how to use it! This is because few of the manufacturers prepare sufficient instructions with their equipment. If manufacturers and service entities were required to provide clear descriptive instructions, many people would not buy the equipment or service. The customers would then know that it does not do the job that the individual needs.

I have had hours of conversations with telecommunications and computer/business equipment sales people who do not understand what it takes to make their equipment "deaf/hearing world friendly". I can't just walk in and purchase a car phone like anyone with hearing. I have tried to get a pager system and found that available equipment is not inadequate for my needs. As Internet media/voice takes over, I am finding I am being cut off from many things. Further, what equipment is compatible is only in the very high priced bracket. By mandating all things become accessible you will offer me a wider range of products from which to choose.

Equipment manufacturers and suppliers must become more sensitive and responsible. Most seem to think it will cost them money, but often it is just lack of awareness. For example, I had unbelievable problems finding a Fax machine that did not require that I hear in order to operate it. When the one I first purchased would not work, the service personnel asked me if I had a dial tone - I said, "I am deaf. How can I tell by looking at your machine if there is a dial tone?" He said, "Oh, you can't." A simple and cheap solution would be to require a red light on all Fax machines to show there is a dial tone. When I contacted the telephone company, I found the Fax line had been out of order for over a week and that I had to wait ten days to get it repaired. (I am sure this negatively effected my new business!) Further since I did not know the line was out of order I was told I would have to pay for the time before I reported it inoperable. Needless to say I raised the roof and they changed their tune. But I wonder how many others have gotten taken.

I spoke with my telephone company about purchasing some of their special functions. They tell me if I put a phone on the line I can have it - but if I put a TTY on the line it won't work. They say, "It's not our problem you can't access our services, it's yours because you are putting the wrong equipment on the line to get that service". I asked them what equipment would work for a deaf person and they said none that they knew of. Why shouldn't I be able to have the same services as everyone else?

My biggest frustration is the Relay system that is used throughout the country. It was designed and services are provided in an inadequate way to serve people with hearing loss. Each state has a different phone number that I must find to make a phone call. Their relay equipment is neither as "trouble free" as regular phone equipment, nor does it function as efficiently. I spend 4 times as many hours making TTY business calls as it took me on the phone. Inadequate TTY telecommunication equipment interfaces, system slowness, faulty equipment, and unskilled operators are an all too frequent occurrence. Where is the automated technology that is used for many other systems?

To be safe when I am driving out of state, I take my own portable TTY (cost \$300 dollars), as no TTY's are available at the rest areas. If I find a phone, so I can use my portable TTY, and I still may not be able to make a call since there is seldom a phone book and I can't get the relay number for that state without it.

If I dial 0 for operator assistance I can't hear her to get the relay number. Why in the world can't the Operator respond to a TTY with help or information? They have ears to hear the beeping of the TTY - why can't they just transfer to a TTY and respond? Why can't we dial 711 Relay nationally and not have relay centers say you can only be served by a relay within the state? Why can't all public phones be made accessible so that no one discriminates? Why should I have the added expense of a portable and the inconvenience of carrying it and maintaining it so I can use a public phone - isn't deafness itself enough of a hardship! If you mandated that all public phones be hearing aid compatible and deaf usable by the year 2000 - you can bet the manufacturers and service providers would rapidly figure out the cheapest most practical way to comply.

When I go to the airport I have to bend over almost to my knees to type because the phone company has installed the TTY below the wheelchair phone (about 24 inches off the floor). Many people hang up on me because they think Deaf Relay is a telemarketing call. There surely have to be ways to provide services and equipment that would not result in our constantly being publicly embarrassed and abused.

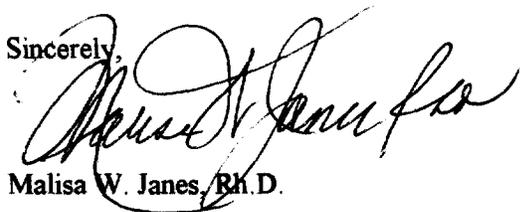
Manufacturers and service providers need to develop automation that addresses the inadequacy of the business phone systems. They currently keep me redialing their "push one" "push two" messages over and over until I get all the verbal commands. (The typist can't possibly type the commands as fast as the voice speaks.) Voice mail is a nightmare requiring multiple dial backs with no way to know if you got the full message on before being cut off. Information lines talk too fast to get any information. Why can't the messages be run through a translator and put into high-speed TTY transmission automatically when a TTY calls? Why can't the phone accept a TTY number being pushed to get the right department without redialing many times?

I tried to register for a community college course by phone, but of course you could not do it from a TTY or through a relay operator. That meant that I either had to drive 45 minutes to the college to register or call the dean's office and request special services. (I always end up having to be a "bad apple", as they didn't want to enter the information for me without my citing my rights under the A.D.A.) Whoever set up their system should have been required to provide an alternative method for phone registration if their technology was inadequate to respond to a TTY.

The list of frustrations and inadequacy in the current equipment and services could go on and on! My list of "Whys" is endless it seems. The technology is there. Without your help in assuring truly functional and equitable communications, people with disabilities will continue to lag behind and be discriminated against in business and educational opportunities. As our senior citizen group becomes larger this is going to be an even greater problem. We need to have help in developing a really good and efficient system and cutting edge compatible equipment now.

I greatly appreciate your help in developing accommodations that let all people with disabilities be active participants in our society.

Sincerely,

A handwritten signature in black ink, appearing to read "Malisa W. Janes". The signature is fluid and cursive, with a large loop at the end.

Malisa W. Janes, Ph.D.