



THE COUNCIL OF ORGANIZATIONAL REPRESENTATIVES
ON NATIONAL ISSUES CONCERNING PEOPLE WHO ARE DEAF OR HARD OF HEARING

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August 14, 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: 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 Dkt. No. 96-198

Dear Ms. Salas:

Enclosed please find one original and five copies of Reply Comments submitted in the
above Section 255 proceeding by the Council of Organizational Representatives.

Sincerely,

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SUMMARY

The Federal Communications Commission should adopt the guidelines of the Architectural and Transportation Barriers Compliance Board for both manufacturers and service providers. These guidelines are flexible, and are the product of lengthy proceedings which received the extensive input of both industry and consumers.

The Commission's definition of telecommunications services must be one that considers the intent and purpose of Section 255. Without access to certain enhanced services, such as automated voice response systems and voice mail services, individuals who are deaf or hard of hearing will continue to be barred **from** enjoying even basic access to the telecommunications network. As the convergence of new technologies continues to take place, a narrow construction of Section 255's scope and coverage will result in even greater telecommunication barriers for people who are deaf and hard of hearing.

The Commission's analysis of the readily achievable standard impermissibly deviates **from** the analysis of this standard as applied under the Americans with Disabilities Act. Consideration of opportunity costs, cost recovery, and market factors are unprecedented in disability law, and not any more necessary in the telecommunications context than in other contexts. 'Readily achievable' is **already** a low standard, and one that affords covered entities relief where their resources are unable to support the expenses associated with incorporating access or compatibility features.

Where a product or service offers access for a particular disability, upgrades or revisions of that product should ensure continued access, even if the actual means of providing such access needs to be revised in the upgraded product. Failure to apply this

principle would result in creating new access barriers as the rest of our nation goes on to enjoy new technological innovations.

The Commission's fast track process will **afford** an opportunity to resolve inquiries or complaints amicably, before they need to move on to informal or formal complaint processes. Thus, any requirement for consumers to first contact a manufacturer or service provider is unnecessary. A more lengthy fast track period will reduce the need for extensions of time, and will be needed to effectively resolve initial inquiries and complaints. The FCC should thoroughly train staff who will be handling the fast track process so they are fully acquainted with the tenets of both **disability** and telecommunications law.

A standing requirement should be in place to eliminate disputes among commercial competitors. COR proposes permitting complaints to be brought by individuals and entities aggrieved by a lack of telecommunications access as well as individuals and organizations who are acting on behalf of persons who are aggrieved. Any such standing requirement should not preclude complaints by family members or others who may not be able to communicate with a person with a disability because of the lack of an access feature. Similarly, employers and other institutions should have standing where a lack of access prevents them **from** accommodating individuals with disabilities.

The FCC should waive all filing fees and eliminate time limits for Section 255 complaints, Nor should consumers be required to obtain FCC approval to bring formal complaints; under limited circumstances, these may be necessary to achieve the resolution of a consumer complaint. The FCC has available to it a full range of remedies, including damages, injunctive relief, and monetary forfeitures.

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I. Introduction

The Council of Organizational Representatives on National Issues Concerning People who are Deaf or Hard of Hearing (COR)¹ submits these comments in response to the Federal Communications Commission's Notice of Proposed Rulemaking on the implementation of Section 255 of the Communications Act. COR is a coalition of national organizations that are committed to improving the lives of individuals who are deaf or hard of hearing. Constituencies of COR organizations provide a variety of services, including technological and telecommunications services, educational programs, social and rehabilitation services, support

¹ The following members of COR support these comments: American Academy of Audiology, American Society for Deaf Children, American Speech-Language-Hearing Association, Caption Center, League for the Hard of Hearing, National Association of the Deaf, Registry of Interpreters for the Deaf Self Help for Hard of Hearing People, Inc., and Telecommunications for the Deaf Inc.

groups and self-help programs, diagnosis and treatment **including** fitting of assistive devices/technology, and general information on other services for deaf and hard of hearing consumers. Among other things, COR serves as a bridge among interested organizations, the general public, and the community of people with disabilities on matters concerning deaf and hard of hearing individuals.

COR has been an active participant in the various rulemaking proceedings under Section 255, starting with its membership in the Telecommunications Access Advisory Committee (TAAC), and continuing with the submission of comments on the NPRM issued by the Architectural and Transportation Barriers Compliance Board (Access Board) and on the Notice of Inquiry released by the FCC in this docket. The significance of access to advanced telecommunications products cannot be overstated. Without such access, individuals who are deaf and hard of hearing will be foreclosed from employment, educational and recreational activities. With this in mind, COR submits the following comments.

II. The FCC Should Adopt the Access Board Guidelines

COR applauds the FCC for releasing the NPRM in this proceeding, and urges the Commission to release rules that will truly fulfill the intent of Congress to provide comprehensive access to telecommunications products and services by individuals with disabilities. Many industry parties to this proceeding have cautioned against rigid rules that may stifle telecommunications innovation. See e.g., Comments of Siemens Business Communication Systems, Inc. at 3; Cellular Telecommunications Industry Association (CTIA) at 3-4. COR understands the reluctance on the part of industry members for “overly prescriptive rules.” CTIA

at 3. However, history has shown that without some regulation, market forces have been insufficient to achieve the **full** access so desired by individuals with disabilities.

Accordingly, COR agrees with the many parties to this proceeding who have urged the adoption of the Access Board guidelines for both manufacturers and service providers. Comments of Self Help for Hard of Hearing People (**SHHH**) at 4; Comments of the National Association of the Deaf (**NAD**) at 3; Comments of Telecommunications for the **Deaf (TDI)** at 6; Comments of Campaign for Telecommunications Access at 9. The rules issued by the Access Board, rather than micro-managing industry, are flexible in the manner in which they set forth the processes by which industry may achieve accessibility. For example, under the Access Board guidelines, only companies which already engage in market research and product testing would need to include individuals with disabilities in those processes. Similarly, where companies conduct training and outreach, they must incorporate training on disability issues and outreach to consumers with disabilities. These measures will serve to enhance an understanding of the needs of individuals with consumers; the end result will be increased access.

Among other things, the guidelines also ensure the usability of products in question. Specifically, the guidelines require access to instructions and product information about accessible features, access to technical support for the use of the product, and access to customer services to pay bills and obtain repairs. All of these features are critical for people with disabilities to fully access and use telecommunications products. As other parties to this **proceeding** have pointed out, however, the FCC's NPRM does not make clear whether the Access Board's guidelines on usability are actually required, or desired, of entities covered entities by Section 255. See e.g., Comments of the NAD at 4; Comments of the National Council on **Disability (NCD)** at 2;

Comments of TDI at 12; Comments of SHHH at 9. COR requests that the FCC **clarify** that these usability guidelines are required by both equipment manufactures and service providers.

As the agency invested with the primary authority to develop Section 255 guidelines, the Access Board was uniquely qualified to develop accessibility guidelines. To even further develop its expertise on this subject, the Access Board convened industry and consumer representatives on the TAAC, and conducted its own extensive rulemaking proceeding. The FCC should acknowledge the work that came before this **proceeding**, and defer to the Access Board guidelines with respect to access by telecommunications manufacturers. See e.g., NCD at 3; Access Living of Metropolitan Chicago at 1. As noted above, for the purpose of consistency, the FCC should similarly apply these guidelines to providers of telecommunications services.

III. Section 255 Requires Coverage of Enhanced Telecommunications Which Provide Basic Telecommunications **Access** by Individuals with Disabilities.

The Commission's proposed rule tentatively concludes that enhanced services need not be accessible under Section 255. **NPRM** at ¶135 et. seq. But the Commission's traditional definitions of "enhanced" and "telecommunications" services have no place in the context of access by people with disabilities. Application of these definitions to Section 255 will only serve to defeat the very purposes of this law, which, in Congress' own words, was designed "as preparation for the **future** given that a growing number of Americans have disabilities."

Enhanced services, such as automated voice response systems and voice mail services, are rapidly becoming ubiquitous; yet access to these services remains extremely limited for individuals who are deaf or hard of hearing. It cannot be disputed that, through the enactment of

² S. Rep No. 104-23, 104th Cong, 1st Sess. 52 (1995).

Section 255, Congress intended for individuals with disabilities to have the same access to advanced services in the coming century as will the rest of our nation's citizens. There would have been little purpose in enacting Section 255 were Congress only interested in achieving access to antiquated telephone services that do not enable individuals with disabilities to fully participate in **all** walks of life.

The FCC draws distinctions among basic, adjunct-to-basic, and enhanced services. But we agree with parties to this proceeding who have noted that such distinctions will continue to blur, as the convergence of various and new technologies continue to take place. See Comments of Trace Research and Development Center at 2; Comments of the National Council on Disability at 15; Comments of SHHH at 7; Comments of TDI at 10. Rather than draw these distinctions, we urge the FCC to devise a new test for the purpose of determining Section 255's coverage. The FCC states that it categorizes a service option or feature as adjunct-to-basic if that option or **feature** "is clearly basic in purpose and use," and "provides the information necessary for a subscriber to place a call." NPRM at ¶40. A true application of this test for individuals with disabilities will actually bring many enhanced services within the scope of Section 255's coverage. See Comments of the NAD at 16. For example, without access, consumers with disabilities are completely shut off **from** telephone numbers which utilize automated services. Thus, without access, consumers with **disabilities** do not even have *basic* access to those telephone numbers. As we move into the 21st century, we urge the FCC to give Section 255 the liberal construction needed to ensure full access to advanced telecommunications **technologies**.³

³ As a civil rights statute, the Commission has considerable leeway to construe Section 255 broadly to achieve the remedial purposes for which it was enacted. See Comments of NAD,

IV. In Determining the Scope of Section 255, Functionality Should be the Test

The FCC seeks input on the extent to which **software** should be covered under Section 255. As we noted earlier, the distinctions among various technologies, including the distinctions among network **functions**, telecommunications equipment, and software, are merging. The FCC's proposal to cover only **software** marketed or bundled with CPE makes little sense in this environment. We agree with consumer groups that have urged Section 255 coverage for **software** that is needed or used for telecommunications functions. Comments of TDI at 11; Comments of SHHH at 8; Comments of NAD at 18- 19; Comments of American Foundation of the Blind (AFB). Similarly, where multi-purpose equipment serves telecommunications **functions**, mandates should be in place requiring access to those functions, regardless of the original intent of those functions.

V. The FCC's Analysis of the Readily Achievable Standard Should be Consistent with the ADA Analysis of this Standard.

Section 255 requires access solutions to be incorporated where these solutions are readily achievable. COR agrees with the Commission that readily achievable determinations need to be made on a case-by-case basis, but joins other parties to this proceeding that have concluded that the Commission's analysis of the "readily achievable" defense has deviated too **far from** the interpretation of this standard under the Americans with Disabilities Act. (ADA). See e.g., Comments of AFB, President's Committee on Employment of People with Disabilities at 13; Calliomia Public Utilities Commission at 10. Taken to its logical conclusion, the Commission's interpretation of this term would effectively nullify the entire intent of Section 255.

citing, e.g., United States v. DeRosier, 473 F. 2d 749, 751 (5th Cir. 1973) (liberally construing Civil Rights Act of 1964); other cites.

The Commission's discussion of the readily achievable defense seems to reflect the Commission's basic premise that the provision of access is essentially a burden, rather than an advantage, to our society at large. This is reflected, for example, in the FCC's proposal to permit consideration of the extent to which an accessible product can compete with other, inaccessible products. By permitting such a comparison, the FCC is, in effect, sanctioning the sale of inaccessible products. It is also shown in the Commission's decision to allow consideration of opportunity costs. The FCC has defined opportunity costs in part as the costs associated with "reduc[ing] product or service performance in some other way." NPRM ¶104. These costs are difficult, if not impossible, to quantify, and erroneously imply that the provision of **access** will reduce product or service outcome for the rest of the population. In fact, the incorporation of access features, even where these have not been intended to be specifically for the purpose of providing access, has consistently been useful for the population at large. The comments of the Telecommunications Industry Association (TIA), for example, list numerous features built into telecommunications products which have had a plethora of uses for both disabled and **non-disabled** persons alike. Among other things, TIA cites as examples (1) the vibrating pager, designed for factory workers laboring in a noisy environment, but **useful** for people with hearing disabilities and (2) the speakerphone, **useful** for business executives as well as for persons with mobility disabilities. Comments of TIA at 4. Similarly, the Personal Communications Industry Association (**PCIA**) has reported in its comments, that "designing products with the disabled community in mind has been an economically rewarding decision for many companies." Comments of PCIA at 6.

The FCC also proposes permitting consideration of the extent to which a **manufacturer** or service provider is able to recover the costs of increased access, as well as market factors in readily achievable determinations. We oppose consideration of either of these factors. “Readily achievable” is already a low standard, and one that **affords** covered entities relief where their resources are unable to support accessibility expenses. Introduction of cost recovery as a consideration is unprecedented in disability law, and inconsistent with the Department of Justice’s analysis of this test under the ADA. See Comments of the NAD at 25. Additionally, allowing companies to consider the potential market for an accessible product ignores the fact that Section 255 was created specifically **because** market demands have been **insufficient** to bring about **accessibility**.⁴

In line with this reasoning, the Access Board guidelines prohibit changes in products that will decrease or have the effect of decreasing the “net accessibility, usability, or compatibility of telecommunications equipment or CPE.” The Commission raises the concern that this doctrine may impede innovation and technological advances. But the Commission’s concerns fail to recognize the overarching intent of Section 255: to expand, not curtail access. Accordingly, COR supports, as aptly phrased by AFB, a “**no net decrease**” rule. Where a product or service offers access for individuals with disabilities, upgrades or revisions of that product should ensure continued access, even if the actual method of providing such access needs to undergo revision.

See e.g., Comments of the NAD at 27; Comments of SHHH at 16-17. i s n o t

⁴ Indeed, as noted by SHHH (at 15) and the NAD (at **26**), historically, it has taken acts of Congress, rather than market forces, to bring about telecommunications access. Comprehensive requirements for nationwide relay services, television decoders, closed captioning on cable television, hearing aid compatibility, and volume control were all products of legislative and regulatory proceedings. See also Comments of TDI at 19.

adopted, we run the risk of having history repeat itself i.e., access needs will continue to be ignored as innovative technologies are deployed for the rest of the population.’

Traditionally, a readily achievable analysis has entailed a balancing of the costs of achieving access with the resources available to the covered **entity**.⁶ In keeping with this precedent, we support a definition of readily achievable that allows consideration of the resources available to the legal entity responsible for a product or service and urge consideration of a parent company’s resources to the extent that those **resources** are available to its subsidiary.

Comments of NAD at 24-25; Comments of SHHH at 14.’ Because access in the

⁵ The example provided by SHHH offers a lesson in what happens when access needs not considered as new technology takes over the old. Although **wireline** phones are hearing aid compatible for individuals who are hard of hearing people, digital wireless telephones were created without such **compatibility** in mind. The FCC should ensure that other new technologies do not take steps backwards for individuals with disabilities.

⁶ Even CEMA agrees that “[b]y incorporating the ADA’s definition of ‘readily achievable,’ Congress sought to ensure that a manufacturer’s obligation to **modify** the equipment it produces would reflect its financial ability to do so.” Comments of CEMA at 11. We disagree with **CEMA’s** conclusion, however that the Commission does not have authority to require manufacturers to absorb any of the costs for making products accessible, as this is the very nature of disability mandates. Although it is preferred by individuals with disabilities and companies alike that compliant members of the industry will profit through the incorporation of access solutions, the primary goal of accessibility legislation, such as the ADA and Section 255, is to ensure access to individuals with disabilities, even if this sometimes means out of pocket expenses. The safeguards provided by the readily achievable standard, however, ensure that a covered entity will not need to make expenditures beyond those that are easily affordable.

⁷ While some parties to this proceeding have **argued** that the FCC should be permitted to consider the cumulative costs of access features in determining what is readily achievable, comments of TIA at **30, 36, 45**; Motorola at 36, the FCC should make clear that in permitting the “cost of other barrier removal actions as one factor in determining whether a measure is ‘readily achievable’” under the ADA, the Department of Justice did not intend for the costs of providing access for one disability to be applied to a readily achievable determination for access by another disability. Similarly, contrary to the suggestion of **the** Consumer Electronics Manufacturers Association (CEMA), it is not ‘possible to satisfy accessibility requirements through other products already available in the market.’ Comments of CEMA at 13. Each manufacturer has an independent obligation to comply with Section 255’s mandates.

telecommunications context can only be achieved where a technical solution exists, we **also** support consideration of the technical **feasibility** of access solutions, although we urge that the FCC make clear industry's ongoing obligation to search for such solutions. Efforts to incorporate technically feasible solutions should be made during the initial design, development and **fabrication** of a product or service, as well as when the product or service receives substantial upgrade or revision. See Comments of Motorola at 3 5; **NAD** at 3 1; AFB.

VI. The Commission's Complaint Process Should be Efficient, Effective, and Consumer Friendly

A. A Longer Fast Track Process May Effectively Resolve Simple Complaints

We applaud the Commission in its efforts to turn around complaints as expeditiously as possible. However, as holds true for other parties to this proceeding, we remain concerned that that the five days allotted for a response to an initial Section 255 complaint will be insufficient, and will lead to endless requests for extensions of time during this initial process. Accordingly, we support the many commenters who proposed that respondents be required to initially respond to a complaint within 10-15 days, see e.g., comments of AT&T at 12-13; comments of Bell Atlantic at 8, but be **afforded** no more than 30 days to **fully** respond to a consumer inquiry or complaint. See e.g., Comments of SHHH at 29; Comments of TDI at 21.

We oppose any requirement for consumers to have to first notify manufacturers or service providers before bringing a complaint to the FCC. Contra Comments of TIA at 65; Comments of CEMA at 21. It is **COR's** understanding that the fast track is not intended to create a litigious atmosphere; rather it is intended to afford a means of resolving complaints amicably, before these complaints need to move on to the informal or formal complaint processes. What **COR** appreciates about the **fast** track is the willingness of the FCC to assist consumers in locating

covered entities and in facilitating the resolution of complaints. Often it is difficult for consumers to access companies directly, and the FCC's involvement during this stage should prove to expedite the resolution of complaints in simple cases. We do urge, however, that the FCC provide comprehensive training to **staff that** will be handling Section 255 complaints. FCC staff assigned this **responsibility** need to be acquainted with all disability laws that have a bearing on telecommunications access as well as the scope and coverage of Section 255. Such staff also need to receive training in the various methods of communicating with people who have disabilities, See also Comments of NCD at 33.

B. Standing Requirements Should be in Place

The FCC has proposed that complaints filed under Section 255 not be subject to a standing requirement. Section 255 is silent on the issue of standing. It is important to recognize, however, that Section 255 is a unique provision of the Telecommunications Act, and is, indeed, unique in FCC jurisprudence. Section 255 is not concerned with **licenses**, permits, and the myriad of complex issues **affecting** common carriers, manufacturers, providers, and other players in the telecommunications market. Instead, Section 255 is a civil rights provision, intended to ensure telecommunications **access** to individuals with disabilities. Because it **has** a consumer-oriented focus, Section 255 was not enacted to provide a new vehicle for the airing of essentially commercial disputes. COR is concerned that without a standing requirement, the Commission may be inundated with disputes among competitors. With significant financial interests and backing, commercial entities embroiled in a Section 255 complaint could quickly overwhelm agency staff and absorb scarce resources. As the Commission itself recognizes in the **NPRM**, its regulations are intended to foster responsiveness to the needs of consumers with disabilities and

the **efficient** allocation of Commission resources. If diverted by complex competitive complaints, the Commission could be hampered in furthering the true purposes of Section 255, i.e., meeting the needs of individuals with disabilities who have wrongfully been denied access to telecommunications equipment and services.

Accordingly, COR recommends that the Commission limit standing to persons and entities who are aggrieved as well as individuals or organizations who are acting on behalf of persons who are aggrieved. In addition to individuals with disabilities, this would include others wishing to communicate with such individuals, as well as employers, educational institutions, and others who are prevented from offering accessible programs and environments because of the lack of access features in particular telecommunications products and services.

COR **further** understands that the Commission may still decide that corporations already complying with Section 255 may act as watchdogs to assure that other manufacturers and providers similarly meet the statute's requirements.* Should the Commission view Section 255 in this light, and decide to expand the standing requirement beyond those entities that are aggrieved by a company's practices, we urge the Commission to impose additional requirements for companies wishing to file what are essentially commercial complaints

⁸ This would be in keeping with other provisions of the Telecommunications Act where the entry of entities into the telecommunications industry has been conditioned on compliance with **regulatory** requirements for licenses and permits. The new licensee's competitors in these situations have sometimes been in a position to police the granting of a Commission license in accordance with the Act and its implementing regulations. See 47 U.S.C. **§402(b)(6)** (any person "aggrieved" by Commission action has standing to seek judicial redress); FCC v. Sanders Bros. Radio Station, 309 U.S. 470,476 (1940) (a station which might be financially injured by issuance of license to a new station has standing to appeal Commission's grant).

against a competitor. Specifically, before the FCC is willing to entertain these competitive complaints, the FCC should require the complainant to meet the following requirements:

- The complaining company should be required to first submit its complaint to the alleged non-compliant competitor,
- The complaining company should be required to file the complaint with the manufacturer or provider within 60 days of learning of the potential violation of Section 255; and
- Both parties should be required to undertake good faith efforts to resolve the matter, including third party intervention or other informal dispute resolution for 90 days, before seeking the Commission's intervention.

As noted above, COR prefers that standing be limited to aggrieved consumers or the individuals or organizations acting on behalf of those consumers. In the event that the Commission seeks broader **standing**, COR believes that the above and similar restrictions can ensure that complaints brought under Section 255 will fulfill the consumer-oriented, civil rights intent of Section 25 5.

C. The FCC Should Waive all **Filing Fees for Section 255 Complaints**.

Because consumers, rather than companies, will be filing the majority of complaints under Section 255, filing fees can only serve to deter efforts to seek redress under this law. Thus, we support the FCC's proposal to eliminate filing fees against equipment manufacturers and urge the Commission to waive such fees against all service providers, including common carriers, because such fees are not in the public interest. NPRM ¶155.

D. Time Limits Should be Eliminated for Filing Section 255 Complaints, but Imposed for **Resolving These Comolaints**

COR is in agreement with the Commission's tentative decision not to impose time limits on complaints. A consumer may not discover that a product or service is inaccessible until well

after he or she has purchased it, especially given the divergent uses that most products and services have.

In contrast, COR **firmly** believes that Congress intended for the Commission to act promptly with respect to its resolution of complaints. Toward this end, Congress reduced the time allotted for agency action on complaints under Section 208 from 12 to 5 months. As SHHH notes, a delay in resolving complaints under Section 255, can “**cause** incalculable harm to consumers with hearing loss that will never be compensated by an ultimate monetary award.” Comments of **SHHH** at 27. The speed with which telecommunications innovations are occurring attest to the need for swift complaint resolution to ensure optimum access to telecommunications products and services by individuals with disabilities. As we have already seen once equipment and services become embedded in our telecommunications network, it becomes **difficult**, if not impossible - and usually quite expensive - to retrofit those covered items for accessibility. Accordingly, COR strongly urges adoption of a rule requiring Commission action on Section 255 complaints within five months. See also Comments of the NAD at 37.

E. The Right to File Formal **Complaints** Should be Unrestricted.

The FCC has proposed allowing formal complaints only within its discretion. **NPRM ¶14**. Yet it is only during the formal complaint process that the consumer will have full discovery rights, should a complaint not be resolved during the fast track or **informal** complaint processes. Denying consumers the absolute right to bring a formal complaint, when consumers already have had their private right of action removed in the Act itself, would effectively deny consumers their

right to due process under law. Surely Congress had not intended such a result when it made the complaint **procedures** and remedies under Sections 207 and 208 available under Section 255.⁹

VII. The FCC has Available a Full Range of Remedies for the Enforcement of Section 255

As noted above, in its Conference Report on Section 255, Congress made clear that the broad range of remedies under **Sections** 207 and 208 are available for compliance with the provisions of Section 255. The plain language of that Report makes these remedies, including monetary damages and injunctive **relief** available for **all** complaints brought under the access provision, not just those brought against common carriers. Similarly, the remedies under Sections 312 (permitting revocation of FCC authorizations and cease and desist orders) and under Sections 501-504 (e.g., monetary forfeitures under Section 503(b)) should be available for the enforcement of Section 255.

VIII. Conclusion

COR appreciates the opportunity to submit these comments to the Commission. We urge the Commission, in **drafting** its final Section 255 rules, not to lose sight of the essential purpose of Section 255 - to enable individuals with disabilities to enjoy the technological innovations being

⁹ Conf. Rep. No. 104-230, 104th Cong., 2d Sess. (19%) at 135. AT&T also opposes a restriction on **filing** formal complaints as one that “**could** seriously prejudice the ability of manufacturers and service providers to demonstrate their compliance with Section 255. . .” AT&T at 14.

made in our nation's present and **future** telecommunications products and services.

Respectfully submitted,



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