

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE 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

**REPLY COMMENTS OF THE  
CONSUMER ELECTRONICS MANUFACTURERS ASSOCIATION**

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## SUMMARY

In its examination of the comments submitted by the parties, Consumer Electronics Manufacturers Association (“CEMA”) found four particular areas of concern. In the first instance, CEMA observes that many commenters caution that the Commission must not broaden the statutory focus of Section 255 in its implementation of an appropriate and workable procedural framework. In particular, CEMA notes that there is little in the record to support the imposition of damages or private rights of action under Section 255. Indeed, most commenters argue persuasively that both go beyond the language and intent of the statute. CEMA believes, moreover, that the public interest would best be served if the Commission would embrace a more conciliatory, and less litigious approach to implementing Section 255.

Second, a considerable number of commenters expressed concern that the statutory term “readily achievable” must focus on the expense and practicality concerns the Commission proposed. CEMA and most commenters agree that, within this definition: (1) financial resources of parent companies are not relied upon to make calculations; (2) cost recovery is adequately factored into the assessment; and (3) an accessible product within a product-line should satisfy requirements for compliance with Section 255. CEMA agrees with the commenters that these elements are integral to the cost calculus necessary to determine whether an accommodation is “readily achievable.”

Third, there appears to be broad agreement among advocacy groups and industry representatives alike that Section 255 cannot be construed to require manufacturers to achieve universal accessibility in each and every product. Commenters agree that the market has and will continue to produce equipment useful to persons with disabilities so long as burdensome and excessive regulations do not interfere. CEMA urges the Commission to acknowledge and

address the concerns expressed by commenters who fear that overly broad regulations will stifle innovations that are particularly beneficial to persons with disabilities.

Finally, CEMA and a substantial majority of commenters request that the Commission modify its procedural framework to ensure that the process is fair and equitable. The proposed modifications include: (1) mandating the use of informal conciliation measures as a precondition to filing a complaint with the Commission; (2) the implementation of a standing requirement; (3) imposing a statute of limitations; (4) allowing manufacturers longer periods for response to complaints; (5) implementation of strict measures to protect proprietary information submitted by manufacturers during the process. CEMA believes that such modifications will greatly improve the Commission's proposed framework for hearing disputes between manufacturers and users with disabilities.

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**REPLY COMMENTS OF THE  
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The Consumer Electronics Manufacturers Association (“CEMA”), by its attorneys, hereby replies to the comments filed in response to the Commission’s Notice of Proposed Rulemaking concerning the implementation of Section 255 of the Telecommunications Act of 1996.’

**I. THE COMMISSION SHOULD REFRAIN FROM BROADENING THE STATUTORY FOCUS OF SECTION 255.**

CEMA and its member companies strongly support the production of telecommunications equipment and customer premises equipment that is accessible to persons with disabilities. Nonetheless, CEMA recognizes that a substantial number of commenters in this proceeding have expressed concern that the Commission’s proposed measures for

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<sup>1</sup> *Implementation of Section 255 of the Telecommunications Act of 1996: Access to Telecommunications Services, Telecommunications Equipment, and Customer Premises Equipment by Persons with Disabilities*, Notice of Proposed Rulemaking, WT Dkt. No. 96-198, FCC 98-55 (Apr. 20, 1998).

implementing Section 255 of the Telecommunications Act of 1996 go far beyond what is allowed by the statute's text and intent.<sup>2</sup> As many commenters noted, the application of Section 255 is limited by its own language. The language does not grant the FCC authority to promulgate mandatory rules or to impose monetary penalties.<sup>3</sup>

CEMA has always been strongly committed to serving the goals Congress expressed in Section 255. CEMA agrees with the commenters, however, that the FCC's proposed requirements, in the long run, will be counterproductive.<sup>4</sup> An inflexible mandatory framework will stifle innovation. Manufacturers will be forced to allocate more resources into reporting and compliance, and will be left with fewer incentives to produce specialized products designed to meet the needs of disabled users.' As the majority of commenters agreed, informal mechanisms will provide a more conciliatory framework for implementing the objectives of Section 255, and will more closely resemble what Congress intended.

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<sup>2</sup> CEMA concurs with the views expressed by Bell Atlantic, that "[T]he Commission should begin implementing Section 255 with a light regulatory hand and add more intensive regulatory mandates only if and when it proves necessary." Comments of Bell Atlantic at 3.

<sup>3</sup> See, e.g., Comments of Brightpoint at 6-7; Comments of the Cellular Telecommunications Industry Association at 14; Comments of Nextel at 8; Comments of the Telecommunications Industry Association at 97-98.

<sup>4</sup> Comments of the Multimedia Telecommunications Association at 19 (noting that "it is unnecessary and counterproductive to adopt a complaint process that treats every consumer contact with the Commission as a potential complaint."); see also Comments of BellSouth Corporation at 1 O-1 1.

<sup>5</sup> Comments of the Multimedia Telecommunications Association at 12 (arguing that the market is the most appropriate mechanism by which to ensure compliance with Section 255).

CEMA therefore urges the Commission to place its emphasis on conciliatory, informal mechanisms rather than burdensome enforcement and compliance procedures. With Section 255, Congress intended for the Commission and the Access Board to develop “guidelines” for access to telecommunications equipment by persons with disabilities. The Commission’s implementation of Section 255 accordingly should be limited to informal, conciliatory measures that will assist manufacturers in serving the needs of their disabled customers. CEMA supports this objective, and agrees with the majority of commenters who oppose rigid, adversarial procedures, and the unauthorized expansion of Section 255 to permit monetary damages.<sup>6</sup>

**II. THE COMMENTING PARTIES AGREE THAT THE DEFINITION OF “READILY ACHIEVABLE” SHOULD BE FOCUSSED ON EXPENSE AND PRACTICABILITY.**

The overwhelming majority of commenters in this proceeding found that the proper reading of “readily achievable” in the context of Section 255 should focus on expense and practicability. Because of limited resources and competitive markets, manufacturers will be unable to bear unreasonable expenses beyond their financial abilities.<sup>7</sup> If the Commission were to implement Section 255 in a way that would require certain companies to dramatically alter their production and customer services, there is serious risk that competition in the market for such goods will decrease as manufacturers exit the market because their businesses are no longer

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<sup>6</sup> Comments of Ameritech at 10-19 (arguing persuasively that Section 255 precludes private actions for damages including complaints for damages under Sections 207 and 208).

<sup>7</sup> Nextel Comments at 6 (citing *Neff v. American Dairy Queen Corp.*, 58 F.3d 1063, 1069 n. 15 (5th Cir. 1995)).

profitable.’ Unquestionably, lessened competition in the market for telecommunications equipment and CPE will most harshly affect those users whose needs are most specialized.’

CEMA observes three prominent elements in the Commission’s proposed calculation for whether an accommodation is “readily achievable” that caused the majority of commenting parties to express serious concern. CEMA echoes these concerns, as set forth below.

**A. Financial Resources Of Parent Companies**

The substantial majority of commenting parties agree that the financial resources of a parent company should not be a factor in determining whether an accommodation is “readily achievable.”<sup>8</sup> Instead, the Commission must limit this calculation to include only the financial resources directly controlled by the unit responsible for the design and production of the relevant equipment.\* As one common carrier **commenter** pointed out: “Forced transfers of assets from one affiliate to another or between regulated and unregulated services would violate the Commission’s own affiliate transaction rules, 47 C.F.R. § 64.901-904, and similar state

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<sup>8</sup> See Comments of the Multimedia Telecommunications Association at 10-1 1 (stating that “it would be counter-productive for the Commission’s Section 255 regulatory process to try to second-guess manufacturers’ particularized ‘readily achievable’ decisions.”).

<sup>9</sup> *Id.*

<sup>10</sup> Comments of Bell Atlantic at 7 (“In absence of fraud or other ‘sham’ arrangements, there is no justification for attempting to force one affiliate to finance the activities of another”); see *also* Comments of SBC Communications at 11; Comments of the Information Technology Industry Council at 27-28.

Comments of Lucent Technologies at 8-10 (arguing that the Commission should not artificially treat specialized units of large firms differently from small firms with respect to their ability to bear costs associated with accessibility modifications).

requirements.”<sup>12</sup> Moreover, modern corporations are not willing to subsidize their separate business units.<sup>13</sup> Units that are unable to meet the objectives set by the corporate leadership are most often discontinued. A cost calculation that is limited to the resources directly controlled by the business unit responsible for the design of a certain product will better reflect the market dynamics. This approach, as advocated by other commenters, will provide a more accurate picture of the ability of the manufacturer to bear the cost of equipment modifications.

## **B. Cost Recovery**

CEMA agrees with those commenting parties that argue that the ability to recover costs generated by the addition of accessibility features is an important element in determining whether an accommodation is “readily achievable.”<sup>14</sup> As CEMA has noted, the definition of “readily achievable” is based on the premise that a manufacturer’s obligation to modify the equipment it designs and produces must reflect its financial ability to do so.<sup>15</sup> This financial ability consists not only of appropriate pricing mechanisms for accessible products, but also market demand considerations: if prices (for the accessible product, or for other products that

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<sup>12</sup> Comments of Bell Atlantic at 7. CEMA believes that unregulated manufacturers should not suffer greater exposure to the possibility of forced transfers of assets than should such regulated entities.

<sup>13</sup> CEMA made this point in its initial comments. Comments of the Consumer Electronics Manufacturers Association at 13.

<sup>14</sup> Comments of the Information Technology Industry Council at 3 1-33 (noting that innovation will suffer if costs are not included in the calculation and that affordability and demand are key factors); Comments of BellSouth at 9 (quoting the Notice of Proposed Rulemaking “cost recovery is a factor that a company should weigh in making its determination of what is readily achievable.”); Comments of the Cellular Telecommunications Industry Association at 7-8 (arguing that direct costs, opportunity costs, and compliance costs be factored into the “readily achievable” analysis).

<sup>15</sup> CEMA Comments at 1 O-1 2.

may supply the “internal subsidy” for the accessible product) are set too high in an attempt to recover these new costs, then demand will falter, sales will decline, and unprofitability will ensue.<sup>16</sup> As profitability is the primary factor on which corporate leadership bases decisions to continue or to discontinue a product line or a business unit, it is clear that the public interest requires that the ability for cost recovery be a permissible consideration for manufacturers in making determinations as to whether accessibility features are “readily achievable” or not.

CEMA thus disagrees with the National Association for the Deaf (“NAD”), which argues that including the element of cost recovery in the “readily achievable” calculation will provide manufacturers with a loophole to evade the requirements of Section 255.<sup>17</sup> The examples that NAD provides, (e.g., that stadium owners are not permitted to recover the costs of wheelchair ramps under ADA) are fallacious. Stadium owners *do* recover the costs of wheelchair ramps, not through charges on the use of the ramps, but through increased lease charges or ticket prices. CEMA is not necessarily of the view that manufacturers should be able to pass through the increased costs directly to the consumers of accessible products, although this may be appropriate in certain situations where profitability would otherwise be eliminated. CEMA merely submits that cost recovery is a factor in economic reality and provides additional, indispensable information to manufacturers on which to base their determination of whether an accommodation is “readily achievable.”

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<sup>16</sup> New accessibility features may spur demand for products, in which case market forces, and not regulation, will govern cost recovery. See Comments of TIA at 25 n.10. Based on market research and experience, manufacturers, not the FCC, are best positioned to make determinations on marketability and pricing of accessible products.

<sup>17</sup> Comments of the National Association of the Deaf, at 23-26.

### C. **Product-By-Product vs. Product-Line Approach**

CEMA agrees with the overwhelming majority of commenters that a manufacturer's whole product line should be taken into account in determining whether a company is in compliance with Section 255.<sup>18</sup> Implementation of Section 255 on a product-by-product basis will be too costly, and inefficient." As CEMA discusses below, many companies have manufactured equipment that is particularly useful for users with certain disabilities. Requiring these companies to modify such equipment to achieve universal accessibility will not benefit disabled users because disabled users have specialized, and often incompatible, needs. A framework that encourages innovation and the production of specialized equipment will be preferable for disabled users and less costly for manufacturers.<sup>20</sup>

### III. **THE COMMENTING PARTIES AGREE THAT SECTION 255 CANNOT BE CONSTRUED TO REQUIRE EVERY INDIVIDUAL PRODUCT TO BE MADE ACCESSIBLE FOR EVERY TYPE OF DISABILITY.**

Several commenters provided useful examples of how impracticable, burdensome rules could adversely affect manufacturers, and, in the end, reduce the range of products that are accessible to disabled users.<sup>21</sup> In particular, companies that have focused on manufacturing a

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<sup>18</sup> Comments of **BellSouth** at 12; Comments of Motorola at 6-24; Comments of the Telecommunications Industry Association at 9- 17.

<sup>19</sup> Comments of Motorola at 7-10; Comments of the Telecommunications Industry Association at 10- 13.

<sup>20</sup> Comments of Motorola at 36-37.

<sup>21</sup> See, e.g., Comments of the Telecommunications Industry Association at 15 ("While recognizing that manufacturers cannot produce universally accessible products, the FCC's proposal would permit a series of piecemeal complaints based on different functional limitations and needs that would effectively require manufacturers to defend their ability to achieve the impossible -- a universally accessible product -- not only once, but over and over again.(").

product that is very useful for those with specific kinds of disabilities would be adversely affected by regulations that would require them to adapt the product for use by persons with certain incompatible types of disabilities.<sup>22</sup> One apt illustration was provided in the comments submitted by Conxus.<sup>23</sup> The Pocketalk device, described by Conxus, has been particularly useful as a pager messaging retrieval system for visually-impaired users. Because of the great success of this feature and its utility to the visually-impaired community, Conxus is pursuing additional means of serving the needs of these users. To require that Conxus adapt each of its innovations to serve incompatible needs of persons with other disabilities would be to discourage its impressive efforts to serve disabled users.

This dilemma is not limited to Conxus. Other comments indicate that, in many cases, the same properties that make a product ideal for certain disabled users make the product inaccessible to others.<sup>24</sup> As industry representatives and advocates for persons with disabilities agree, this dilemma is something the competitive market is better suited to address than government regulation.<sup>25</sup> The Commission simply must not penalize the efforts of companies who have made substantial efforts to develop specialized equipment for disabled users. In light of these compelling examples provided by the commenting parties, CEMA submits that Section

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<sup>22</sup> Comments of Conxus at 3.

<sup>23</sup> *Id.*

<sup>24</sup> Comments of Nextel at 5-6.

<sup>25</sup> Comments of Telecommunications for the Deaf, Inc. at 7 (“TDI acknowledges that at times it may not be feasible to incorporate all potential access features into one product. In this case, it may be reasonable to consider products ‘functionally similar’ if they provide similar features and functions that are close in price. Because ‘readily achievable’ is a relatively low standard, it is possible that more access overall will be achieved with this approach.”).

255 should not be construed by the Commission to require companies to diversify into products they are not equipped to manufacture or market.

Logically, Section 255 also should not be construed to require companies to modify equipment designed for multiple uses, merely because someone finds a telecommunications-related use for it.<sup>26</sup> As TIA points out, manufacturers potentially face hardship if equipment intended for non-telecommunications uses is brought within the ambit of Section 255. TIA provides the example that a radio-intercom system, if connected to the public switched network, could trigger application of Section 255, although it was not intended by the manufacturer to be used for telecommunications.<sup>27</sup> A manufacturer must choose between offering a useful product, and potential exposure to the obligations of Section 255 if someone connects it to the public switched network, or not manufacturing the product at all. CEMA therefore urges the Commission to consider the intent of the manufacturer in determining whether Section 255 applies to multi-use equipment. The examples provided by the commenting parties demonstrate that manufacturers attempt to address the needs of many different markets with their products. The pace of technological progress makes adaptation of certain technologies to the telecommunications context practically unforeseeable. The Commission thus should not deter innovation by applying Section 255 to multi-use equipment not intended for telecommunications.

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<sup>26</sup> TIA Comments at 57-62.

<sup>27</sup> *Id.* at 60-61.

#### **IV. THE COMMENTS DEMONSTRATE THAT CERTAIN PROCEDURAL MODIFICATIONS ARE NECESSARY TO MAKE THE COMMISSION'S PROPOSED FRAMEWORK WORKABLE.**

CEMA believes that disabled users will secure greater benefits from industry innovations through a more conciliatory approach that allows manufacturers the flexibility to produce goods to meet their special needs. Needlessly adversarial, burdensome regulations will hinder meaningful cooperation between disabled users and producers. To the extent that the Commission nevertheless decides to impose mandatory procedures regardless of the built-in limitations in the language of Section 255, CEMA agrees with the overwhelming majority of commenters that the following modifications to the proposed framework are necessary.

##### **A. Mandatory Conciliation Measures**

The comments demonstrate that informal consultation between disabled users and manufacturers is indispensable for both groups in prioritizing their objectives for making the most equipment accessible to disabled users. The record suggests that the Commission should thus modify its proposed framework to require that individuals bring their complaints directly to manufacturers to allow alternative resolution of such complaints.<sup>28</sup> Only after informal consultation has been attempted should the Commission accept formal complaints against manufacturers. The dispute resolution process proposed originally by the Telecommunications Industry Association (“TIA”) would have mandated a sixty-day dispute resolution process between the consumer and the manufacturer. CEMA agrees with TIA, and several other

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<sup>28</sup> See, e.g., Comments of Bell Atlantic at 8-9; Comments of SBC Communications, Inc. at 15; Comments of the Information Technology Industry Council at 36.

commenters, that the Commission should require potential complainants to first initiate informal conciliation with the appropriate manufacturers before filing a complaint before the FCC.<sup>29</sup>

## **B. Standing**

The overwhelming majority of commenters agreed that the Commission's proposed framework will be both unfair and unmanageable if a requirement to show standing is not imposed.<sup>30</sup> As the commenters attest, standing is a threshold legal question.<sup>31</sup> Its absence from the Commission's proposed complaint process inevitably will lead to the filing of frivolous claims that will waste the resources of the Commission and the targeted manufacturers.<sup>32</sup> Such complaints will divert the Commission's valuable time and resources away from legitimate

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<sup>29</sup> Comments of the Telecommunications Industry Association at 63. *Accord* Comments of **Airtouch** Communications, Inc. at 7 (“[T]he Commission should do more than ‘encourage potential complainants to contact the manufacturer or service provider to attempt to resolve the problem before lodging a complaint. This contact -- and some statement that such contact failed to solve the problem -- should be a preliminary requirement of any complaint.”); Comments of the Multimedia Telecommunications Association at 21 (arguing that the Commission should impose a pre-complaint requirement that consumers contact the relevant manufacturer before filing a complaint).

<sup>30</sup> Comments of Self Help for Hard of Hearing People, Inc. at 23-24; Comments of Brightpoint at 5-6 (arguing that the Commission should limit standing to individuals with disabilities or advocate organizations); Comments of **BellSouth** Corporation at 11; Comments of SBC Communications at 20; Comments of United States Telephone Association at 15; Comments of Motorola at 50.

<sup>31</sup> Comments of Nextel at 9 (“[S]tanding is an essential element to any legal claim.”) (citing *Steel Co. v. Citizens for a Better Environment*, 118 S. Ct. 1003, 1015 (1998)).

<sup>32</sup> Comments of Ameritech at 9-10 (providing example that “able-bodied descendants of a disabled individual may be entitled to initiate claims against carriers on disabilities issues many years after the original claimant had died.”); Comments of Brightpoint at 6 (“[M]anufacturers of peripheral devices that are alleged to be ‘commonly used’ by individuals with disabilities to achieve access could use Section 255 as leverage to force other manufacturers to alter product design or purchase their products. . . .”).

claims, and will expose manufacturers to needless **expense**.<sup>33</sup> As CEMA and other commenters have argued, the absence of a threshold requirement for complainants to show some form of direct injury must not be allowed to promote abuse of a framework intended to serve the goals of Section 255.<sup>34</sup>

### C. **Statute of Limitations**

CEMA agrees with the majority of commenters that a statute of limitations is necessary for the Commission's proposed enforcement framework to be **workable**.<sup>35</sup> Manufacturers must not be exposed to stale complaints with that could potentially create advantages for complainants for "sitting on their rights." CEMA reiterates its suggestion that a statute of limitations be set at two years from the time of accrual, consistent with the limitations period in Section 415(a) of the Communications Act applicable to common carriers. The record strongly supports **CEMA's proposal**.<sup>36</sup>

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<sup>33</sup> Comments of Bell Atlantic at 9 ("Dispensing entirely with standing would invite complaints by competing manufacturers or service providers designed not to address any legitimate concern, but to harass competitors.").

<sup>34</sup> *Cf.* Comments of Nextel at 9; Comments of **Airtouch** Communications, Inc. at 7; Comments of Lucent Technologies at 1-1 2; Comments of the Telecommunications Industry Association of America at 77-78.

<sup>35</sup> Comments of Ameritech at 9; Comments of **BellSouth** at 12; Comments of the Cellular Telecommunications Industry Association at 17-19; Comments of the Telecommunications Industry Association at 86.

<sup>36</sup> See, e.g., Comments of **BellSouth** at 12; Comments of the Cellular Telecommunications Industry Association at 17-1 9; Comments of the Telecommunications Industry Association at 86.

#### **D. Response Periods**

The comments addressing the Commission's complaint response periods were virtually unanimous in agreement that the periods the FCC proposed are far too short for manufacturers to provide meaningful **explanations**.<sup>37</sup> As the commenters agreed, the process will be much more efficient if, during this phase of the process, manufacturers are able to provide more comprehensive information than a five-day period will allow.<sup>38</sup> As CEMA suggested, and commenters agreed, a thirty-day period for response would be much more reasonable and conducive to the **process**.<sup>39</sup>

#### **E. Mechanisms to Protect Proprietary Information Submitted By Manufacturers**

A substantial number of commenters called for the Commission to instill additional safeguards to protect manufacturers' proprietary information in the proposed complaint **process**.<sup>40</sup> CEMA wishes to underline these concerns. Commenters emphasized that

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<sup>37</sup> Comments of the National Association of the Deaf at 35; Comments of the Telecommunications Industry Association at 72-76; Comments of Ameritech at 8-9; Comments of Bell Atlantic at 9; Comments of the United States Telephone Association at 15-17; Comments of Nextel at 10. Comments of the Multimedia Telecommunications Association at 24-26.

<sup>38</sup> Comments of Lucent Technologies at 10 (observing that the **5-day** period is particularly inadequate considering that complaints may be addressed to manufacturers of equipment developed anywhere in the world); Comments of SBC Communications at 18 (pointing out that if a complaint can be resolved within 5 days, then it is most likely to have been resolved during informal processes during the pre-complaint referral process).

<sup>39</sup> CEMA Comments at 22-23; Comments of Lucent Technologies at 11.

<sup>40</sup> See, e.g., Comments of the Cellular Telecommunications Industry Association at 25; Comments of the Information Technology Industry Council at 40; Comments of Lucent Technologies at 12-13; Comments of Motorola at 53-54; Comments of Philips Consumer Communications at 14-15; Comments of the Telecommunications Industry Association at 89-91.

the proposed framework does little to hinder abuse of the discovery process.<sup>41</sup> As CEMA noted, in certain situations, it may be impossible for the Commission to protect proprietary information adequately.<sup>42</sup> CEMA therefore urges the Commission to provide for some means of redress if the information is illegally disseminated. Specifically, CEMA urges the Commission to adopt the proposals submitted by Philips and TIA, which would require that all confidential business information submitted pursuant to a non-disclosure requirement only be made available for inspection at the offices of the Commission, with a Commission employee in attendance.<sup>43</sup> Also, as provided in these proposals, photocopying of such information should not be permitted. Likewise, CEMA supports the proposition made by Philips, TIA, and Motorola, that a complainant's refusal to sign a non-disclosure agreement should result in the dismissal of the complaint.<sup>44</sup>

## V. CONCLUSION

For the reasons set forth above and in its initial comments, CEMA urges the Commission to focus its implementation efforts on the narrow goal of Section 255 -- to provide consumers with disabilities with accessible equipment to the extent that such accommodations are "readily achievable." CEMA also urges the Commission to incorporate modifications to its

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<sup>41</sup> Comments of the Cellular Telecommunications Industry Association at 25; Comments of the Information Technology Industry Council at 40; Comments of Lucent Technologies at 12-13.

<sup>42</sup> CEMA Comments at 23-24.

<sup>43</sup> TIA Comments at 89-9 1; Comments of Philips Consumer Communications at 14- 15.

<sup>44</sup> Comments of Motorola at 53-54; TIA Comments at 89-91; Comments of Philips Consumer Communications at 14- 15.

procedural framework that will increase fairness and efficiency in the implementation of Section 255.

Respectfully submitted,

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