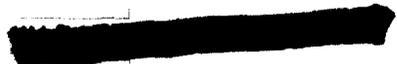


Proceeding: IMPLEMENTATION OF SECTION 255 OF THE TELECOMMUNICATIONS AC Record 1 of 1

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Portions of what are presented below have been previously presented earlier as "supplemental comments" to each of the proceedings re 96-198 and to 98-67.

There are similar questions posed by each of the proceedings that I feel that the FCC will frame its final rules identically regarding them.

The one area I feel confident is similar pertains to "enhanced services".

I understand I can submit this late filing and it likely will be considered as "reply comments" and receive as much weight as the other comments in the FCC's efforts to do what it considers to be appropriate.

I am arguing (proposing) that "enhanced services" should be within the scope of FCC authority. I am not certain what all is included under this category but I feel confident that interactive voice menus and voice mail are at least two things that meet the characteristics as being "adjuncts-to-basic". They are so common as to be a very real part of telecommunications today.

Now I would like to digress here to make a point. Think about how sound movies replaced the silents and became when this technological advance over silent movies. What a pity the captions could not have continued on into sound movies. They could have, but the general public and the movie makers did not give it enough thought that the deaf and hard of hearing were being treated unfairly. History seems to be repeating itself as private industry, government agencies and other organizations ignore the needs of the handicapped. Sure it will cost some money but aren't we worth it? I guess I am trying to argue strongly for a better ADA (and Section 255), and perhaps it is not relevant to the question of the FCC's authority but it is hard for me to be unemotional so please indulge me a little. Thanks

The following appears in my supplemental comments made on July 30, 1998. To the ECFS re Proceeding 98-67, well within the "reply comments" dates..

The argument I have made that to exclude the two systems (re interactive voice mail and voice menus) is to thwart the spirit of Section 255. I fear may not weigh heavily enough to permit the FCC to rule favorably. I fear that the Telecommunications Act may not specifically the end users of such systems, only manufacturers and providers of telecommunications services.

If this narrow view is taken the spirit of Section 255 is ignored.

I urge for a broad view of what constitutes "providers of telecommunication services".

I think that there is good reason and logic to consider users of telecommunications equipment as "providers of --- services" when they use the two systems I mention above. They are in essence providing "directory assistance" just the same in many ways as the actual providers who are usually considered carriers. In addition this "telecommunication service" is making possible the completion of telecommunications.

The foregoing constitutes the actual supplemental comments made as "brief comments" on July 30, 1998.

In the interest of clarifying the above it is my reading of the NPRM that the FCC is leaning towards considering some other "enhanced services" (such as call waiting etc.) as within the scope of Section 255. In view of my comments above, should we not also consider interactive voice menus and voice mail?

End of the "brief" and/or "supplemental" comments of July 30, 1998

Additional Comments for this "late Filing" follows.

Is there much of a chance FCC will rule to include "enhanced services" ? I certainly hope so because probably more than 95 percent of the comments by disability organizations and individuals do favor it ? I have preliminarily reviewed the comments and find the comment re "deeply concerned" to be a fair sentiment of the disabled organizations and individuals.

I have indicated in a supplemental comment to the FCC (see above) that I feel the "end users" of such software/ hardware are in essence allowing themselves to be "providers of telecommunications services", albeit perhaps unknowingly, and thus subject to FCC rules. Unfortunately the supplemental does not appear as part of the down-loadable comments re the site furnished by Pam Gregory of the FCC re her email to Telecom list on 8/11/98.

http://www.fcc.gov/Bureaus/Common_Carriers/Comments/fcc_98055/9855com

Most of the comments from the disabled seem to follow the suggestion that congress could hardly have intended to exclude such services. I am a retired hard of hearing senior citizen living alone and find the interactive voice systems extremely difficult (often inaccessible) and I think I know what could be done to considerably improve the systems. However, no suggestions except voluntary acceptance thereof is going to be helpful unless the FCC will take it upon itself to be regulators in this area.

Having been retired for some time I do not know much about "voice mail systems" except the ones offered by phone companies to individuals that operate similar to standard answering machines. I think that for organizations using the systems they are more complex and for the hard of hearing present somewhat of an obstacle course. I use an answering machine with the greeting "Hello - some people on this line are very hard of hearing, please speak as slow as you can ----". Regardless, it seems to me the organizations involved has control of how the greetings and system works and in a real sense is a provider of telecommunications services, and should take into consideration that some of its employees are hard of hearing and callers to their line are likewise hard of hearing. Such organizations should do whatever it can to be accommodative. Unfortunately many really need to have some regulations in place to let them know about their organizational telecommunication services weaknesses. I have seen the comments of frustration by the employees of organizations using the system so I know how really inaccessible they can be. Think of the lost manpower when a handicapped employee has someone else interpret what the messages say, when with a better system such a repetition would be unnecessary..

Similarly the end users of the software/hardware installing interactive menu systems need to be prodded into doing the right thing; i.e., to furnish a means to always allow a hard of hearing or other disabled and the deaf (through the relay services) to talk to a human, or to perhaps furnish a slow messages option similar to the Spanish option (with hopefully one of the options in this layer to be able to talk to a human). The rules to require these would be considered as legal because such organizations are providers of telecommunications services.

As a layman, do not understand the statements made in the proceedings and made by some of the industry comments that try to explain that the FCC does not have it within its scope to include "enhanced services". They seem awfully complicated and in some cases contorted. In other words I do not believe it is anywhere near clear cut that the laws clearly exclude "enhanced services" (that are not clearly information services or what have you). And by the way, just what are information services ? Are the white and yellow pages considered information services ? Are electronic voiced words information as well ? As several comments have stated it is common sense that the Congress intended to include important services such as interactive voice menus and voice mail as being accessible by the disabled, and not excludable.

I have now reviewed most of the industry original comments and hard copies of same received through today. .

I have concern that if, as some in the industry seems to think, it is a foregone conclusion then why doesn't the FCC just say it and let us begin to lobby congress (with FCC's help hopefully).

Under the circumstances I urge the FCC to announce a decision regarding "enhanced services" as early as possible. Then of need be we can get on with the lobbying work that may be needed.

I also included in the letter:

"I have indicated in a supplemental comment to the FCC that I feel the "end users" of such software/hardware are in essence allowing themselves to be "providers of telecommunications services", albeit perhaps unknowingly, and thus subject to FCC rules. "

If the above view is accepted then in spite of the fact that the "Telecommunications Act of 1996 was primarily a law pertaining to the Telecommunications Industry, it nevertheless had far reaching effects in so far as the disabled are concerned. To quote part of a sentence by a recent correspondent "it is an extremely important piece of legislation, on par with the ADA".

I am searching for reasons the FCC may be able to interpret that part of the Act as really extending to the end user, perhaps thinking along the lines I mention re end users.

Leaving out the reason that is offered (it is clearly outside the scope") I would like to know why industry is opposed to the inclusion of some of the "enhanced services". How does that affect them? One of them, SBC, in "reply comments" stated in so many words it is not opposed and would work in its own organization to take voluntary steps to create new products etc. including information services that address the needs of consumers with disabilities. However, if one thinks about their comments they likely will do only what they are legally required to do. Really seriously, what deleterious effect will it have on the industry?

I appreciate that many end user organizations would have to hire additional personnel to handle calls for which they are not now providing any humans to respond to such calls. But these are probably in the minority and like the ADA the rules could limit its requirements say to employers with 50 or more people. After all if organizations can have Spanish options they can do so for hard of hearing and other disabled. In fact they need to have themselves made aware of the alienation's they are causing. We are a much larger population than the Spanish speakers, one way to have the end users become aware of the problem is to have some rules on the subject(s).

While statements may be true as to what the law an overall may require, individual sections of laws are subject to interpretation and until the FCC makes a definite ruling on the matter I will continue to hope and try to persuade the FCC to interpret Section 255 to look at what Congress intended in this particular section. Did or did not the Congress intend that Section 255 is to be far reaching in aiding the disabled to have as equal a use of telecommunications to the non-disabled as possible?; and, in that context the law does cover the providers of "enhanced services" even though they are not considered as "providers of telecommunication services for other purposes..