



**CTIA**

*Building The Wireless Future.*

Cellular Telecommunications Industry Association

EX PARTE OR LATE FILED

May 14, 1999

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**MAY 14 1999**

Ms. Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, SW  
12th Street Lobby, TW-A325  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re: *Ex Parte* Presentation  
WT Docket No. 96-198**

Dear Ms. Salas:

On April 20, 1999, the Cellular Telecommunications Industry Association ("CTIA") represented by Brian Fontes, Senior Vice President for Regulatory Policy and Administration, and Andrea Williams, Assistant General Counsel, met with Kathryn Brown, FCC Chief of Staff, concerning the Commission's implementation of Section 255.

At the meeting, CTIA reported on the progress of its multi-disciplinary approach on accessibility issues. Other issues discussed include: 1) the feasibility of the FCC invoking its ancillary jurisdiction to expand the definition of basic service for purposes of implementing Section 255; 2) the ramifications of such action on other Commission proceedings such as universal service and CALEA; 3) the likelihood of parties seeking administrative and judicial review of a decision that directly or indirectly expands the definition of basic services; and 4) the unintended consequences that would impede rather than further the implementation of Section 255.

CTIA's delay in filing this *ex parte* was inadvertent, and we apologize for any inconvenience that may have occurred. The substance of CTIA's presentation in the meeting is set forth in the attached document.

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Pursuant to Section 1.1206 of the Commission's Rules, and original and one copy of this letter and its attachments are being filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill K. Brunt". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

Jill K. Brunt

Attachments (1)

**CTIA**  
**SUMMARY OF DISCUSSION**  
**SECTION 255**

1. **Section 255 Proceeding: An opportunity for the Commission to reevaluate its role and function in promoting a competitive wireless telecommunications environment.**
  - Develop a new regulatory model for competitive telecommunications whereby the Commission provides general rules, rather than imposing detail requirements that can homogenize and stifle the technological innovation necessary to stimulate growth in a variety of accessible wireless products and services.
  
2. **“Readily Achievable” Analysis**
  - Develop a broad definition that is flexible to meet the ever-changing competitive telecommunications market.
  - Rules imposing detailed documentation and reporting requirements to determine whether action is “readily achievable” redirects personnel and resources away from addressing accessibility concerns of wireless consumers with disabilities.
  
3. **Complaint Process**
  - Service providers and manufacturers provide Commission with point(s) of contact, within their respective organizations, who are responsible for addressing consumers’ inquiries and complaints related to accessibility.
  - FCC should direct consumers’ inquiries and complaints to the point of contact before initiating the Section 208 complaint process. Service providers and manufacturers must be provided a reasonable period of time (60 days) to contact the consumer and resolve the issue.
  - Proposed “5-day fast track” complaint process is unrealistic given FCC’s resources, sets up unreasonable expectations with respect to consumers with disabilities, and .
  - Legal Standing – CTIA supports TIA’s proposed language<sup>1</sup>
  
4. **Monitoring Compliance and Enforcement**
  - Role of the Commission in a competitive environment is monitoring the market and taking enforcement action when and if the market fails.
  - FCC current enforcement process can ensure compliance, *i.e.*, audits, investigation, Notice of Apparent Liability, Forfeitures, Fines. There is ample evidence in which the Commission has employed such processes successfully to ensure compliance, *i.e.*, political broadcast rules, broadcasting and cable EEO rules, etc.
  
5. **Product Line Approach**
  - CTIA recommends adoption of TIA’s proposed definition of product line and implementation of a product line approach under Section 255.<sup>2</sup>

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<sup>1</sup> “A person or persons with a disability or someone filing a complaint on behalf of a specific identifiable individual with a disability (such as an organization that represents people with disabilities, or a parent, spouse, or legal guardian.” *See TIA’s Ex Parte Filing, January 8, 1999.*