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March 20, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA COURIER

Magalie Roman Salas, Secretary
Office of the Secretary – TW A306
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

RE: *In the Matter of Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, CC Docket No. 98-146*

Dear Ms. Salas:

On behalf of the Consumer Electronics Association (“CEA”), I am submitting an original and nine copies of CEA’s Comments in the above-captioned proceeding. Pursuant to filing instructions in paragraph 55 of the *Notice of Inquiry*, a diskette and two paper copies of CEA’s Comments have also been sent, by courier, to John Berresford in the Industry Analysis Division of the Common Carrier Bureau.

Please contact the undersigned if you should have any questions about this filing.

Sincerely,

B. Bartolome

Benigno E. Bartolome

*Counsel for the
Consumer Electronics Association*

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
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CC Docket No. 98-146

To: The Commission

**COMMENTS OF THE
CONSUMER ELECTRONICS ASSOCIATION**

The Consumer Electronics Association (“CEA”), by its attorneys and pursuant to Sections 1.415 and 1.430 of the Commission’s Rules, 47 C.F.R. §§ 1.415 and 1.430 , hereby respectfully submits its comments in response to the Notice of Inquiry (“NOI”) issued by the Commission in the above-captioned proceeding.¹ The Commission, by its NOI, seeks to evaluate the extent to which “advanced telecommunications capability” (also referred to as “broadband services”) is being deployed to all Americans in a reasonable and timely fashion.²

¹ See *In the Matter of Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996*, CC Docket No. 98-146, Notice of Inquiry, FCC 00-57 (rel. Feb. 18, 2000).

² The Commission notes that it is required to conduct this inquiry pursuant to Section 706 of the Telecommunications Act of 1996. See Telecommunications Act of 1996, § 706, Pub. L. No. 104-104, Title VII, Feb. 8, 1996, 110 Stat. 153, reproduced in the notes under 47 U.S.C. § 157.

As further explained below, while CEA generally supports the Commission's effort in this regard, it strongly urges the Commission to ensure that this effort will not result in the promulgation of burdensome or duplicative rules that will only serve to unnecessarily burden manufacturers, stifle technological innovations, and ultimately harm consumer interests.

I. STATEMENT OF INTEREST

CEA, a sector of the Electronics Industries Alliance, is the principal trade association of the consumer electronics industry. CEA members design, manufacture, distribute, and sell a wide variety of consumer electronics equipment that spans the audio, video, mobile electronics, communications, information technology, integrated home systems, and accessories markets. Its membership includes most major manufacturers of consumer electronics products as well as small companies that design, produce, distribute and service consumer electronics products. Because many consumer electronics devices potentially could be affected by any proposed rules that may result from this docket, CEA has an interest in the outcome of this proceeding.

II. DISCUSSION

As an initial matter, CEA notes that it has been actively involved in various FCC rulemaking proceedings and standards development committees to ensure that telecommunications and other consumer electronics equipment are accessible to persons with disabilities and to foster the development of assistive technology (*e.g.*, closed-captioning). CEA has previously supported the Commission's efforts to ensure that customer premises equipment and telecommunications equipment are accessible to, and usable by, persons with disabilities, as required under Section 255 of the Telecommunications Act of 1996. CEA was involved in various activities to increase access for those with disabilities, including participation in the

Telecommunications Access Advisory Committee (“TAAC”) which made recommendations for guidelines for the implementation of Section 255.

Additionally, CEA’s Television Data Systems Subcommittee (“TDSS”) was instrumental in assisting the Commission in developing standards for the provision of closed-captioning services. CEA has also been a strong proponent of the Commission’s efforts to implement Section 629 of the Telecommunications Act, which Congress adopted to assure that navigation devices become competitively available to all consumers.³ As Congress recognized, Section 629 is designed to accelerate rapidly private sector development of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition.⁴

In this proceeding, CEA recommends that the Commission refrain from adopting any additional rules to constrain equipment manufacturers or to influence unnecessarily product design and development. As a general comment, CEA believes that market forces and existing regulations are sufficient to ensure that equipment necessary to provide broadband services will be deployed to all Americans in a reasonable and timely fashion. Of particular concern to CEA about the NOI, however, is the Commission’s suggestion that additional rules might be needed to ensure the availability of broadband services and equipment to persons with disabilities.

Specifically, the Commission states:

³ Section 629 defines navigation devices specifically as “converter boxes, interactive communications equipment, and other equipment used by consumers to access multichannel video programming and other services offered over multichannel video programming systems.” Communications Act of 1934, as amended, § 629(a); 47 U.S.C. § 549(a).

⁴ See S. Conf. Rep. 104-230, 104th Cong. 2d Sess. At 113 (1996) (Joint explanatory statement of Committee of Conference).

We seek comment on whether persons with disabilities have the same access to advanced telecommunications capability as other persons. Do the broadband technologies being deployed pose any special access barriers to persons with disabilities? What needs to be done to ensure that new broadband technologies have accessibility features built into their initial designs in order for people with disabilities to have the reasonable and timely access contemplated by section 706?

We recently released rules implementing section 255 of the 1996 Act that require manufacturers of customer premises equipment and telecommunications equipment and providers of telecommunications services to design, develop and fabricate products that are accessible to, and usable by, persons with disabilities if readily achievable. How can we ensure that broadband services and equipment are designed, developed and fabricated to be accessible to and compatible with assistive technology?⁵

CEA believes that promulgation of additional rules in this area would only serve to duplicate the Commission's rules implementing Section 255 of the Telecommunications Act of 1996.⁶ While CEA and others are currently working to increase manufacturer awareness and understanding of the Commission's Section 255 rules, the establishment of new (and potentially conflicting) rules addressing broadband equipment would unnecessarily complicate that process and lead to greater manufacturer confusion and hesitancy in the deployment of new products. As such, any additional regulatory burdens on manufacturers would only serve to contravene Congress's and the public's interest in accelerating deployment of broadband services.

The Commission must recognize that market incentives, in many instances, already exist to encourage manufacturers to design telecommunications and other consumer electronics equipment for a broader market. Additionally, manufacturers are well aware of the competitive telecommunications market and will naturally respond to ensure that their products reach as

⁵ See NOI at ¶¶ 31, 32

⁶ See 47 U.S.C. § 255; *Access to Telecommunications Services, Telecommunications Equipment & Customer Premises Equipment by Persons With Disabilities*, WT Docket No. 96-198, Report & Order and Further Notice of Inquiry, FCC 99-191 (rel. Sept. 29, 1999).

broad a consumer market as possible. Manufacturers should not face substantial uncertainties in introducing new products. The Commission need not and should not attempt to expand its jurisdiction beyond the bounds of Section 255, or the scope of its current Section 255 rules, in ensuring that new broadband technologies are accessible to persons with disabilities.

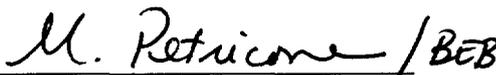
III. CONCLUSION

As stated in the foregoing, CEA generally supports the Commission's efforts to ensure that broadband technology is accessible to all Americans, including persons with disabilities, but urges the Commission to ensure that this effort will not result in the promulgation of unnecessary or duplicative rules that will only serve to unnecessarily burden manufacturers, stifle technological innovation, and slow-down the deployment of advanced telecommunications services.

Respectfully submitted,

CONSUMER ELECTRONICS ASSOCIATION

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