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NATIONAL ASSOCIATION OF THE DEAF

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

August 11, 2000

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street SW - The Portals
Washington, DC 20554

(Transmitted via facsimile to 202-218-1414)

Re: FCC CS Docket No. 00-30 Ex Parte Filing

Dear Ms. Salas,

Yesterday Jim House of TDI and I met with Royce Dickens of the Cable Services Bureau and John Berresford of the Common Carrier Bureau to discuss certain concerns posed by the proposed merger of AOL and Time-Warner to the Internet community, which are summarized in brief herein. Attending the meeting on behalf of the Disabilities Rights Office of the Consumer Information Bureau was Jenifer Simpson and Brian Millin, sign language interpreter with the same office.

At the start of the meeting, Mr. House and I provided brief information on our respective organizations. We also distributed hard copies of the letter that was sent by the NAD to FCC Chairman William Kennard on July 26, 2000 regarding the subject of instant messaging and a NAD-issued press release that went with this letter. TDI signed on with the NAD on both items. The letter to Chairman Kennard included the complete text of the resolution on instant messaging which carried by vote of delegates at the recent 45th Biennial NAD Conference. Also distributed were hard copies of the current GA-SK newsletter issue, an official publication of TDI.

The discussion that ensued covered the subjects of instant messaging and interactive television. On behalf of our respective organizations yesterday, Mr. House and I sought to bring attention to actual as well as potential accessibility issues posed by the proposed AOL-Time Warner merger. Of particular concern to the 28 million deaf, late-deafened, hard of hearing, and deaf-blind constituents we represent is the matter of instant messaging, which has become a vitally important communications tool. Wireless two-way pagers, now spreading like wildfire among our constituents, have begun to incorporate instant messaging features, and we fully expect this feature to expand into general usage by the public at large. For many of us who use wireless pagers with instant messaging, this form of communication is fast replacing TTY usage. We pointed out the relevance of instant messaging usage with wireless pagers as falling within FCC regulatory oversight, under Section 255 of the Telecommunications Act. Also discussed were increasingly popular communications and computing equipment with limited physical capacities for the downloading of numerous instant messaging protocols, e.g., web viewing apparatus lacking hard drives (examples include I-Opener and WebTV), wireless two-way pagers, and even personal digital assistants. The current lack of across-the-board instant messaging open access and interoperability presents a very

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serious barrier to access to everyday aspects of our lives, particularly the employment arena. Already we are feeling the effects of being left far behind (considering the advent of digital cellular telephones, which remain inaccessible). Instant messaging, in a nutshell, has resulted in attainment of new horizons for telephony.

Also covered was the subject of interactive television, which also presents accessibility concerns from the standpoint that we have yet to see the requisite access features built into such programming. Surely, since such services would be offered within the broadcast signal, regulatory measures would be needed to ensure provision of captioning as well as video description access for individuals with hearing and vision disabilities. The proliferation of web videos without captioning is already causing us great concern, thus we also wish to bring attention to the matter of interactive television access. The FCC has already issued separate reports and orders on the subjects of digital television, closed captioning, and video description, all of which merit these important emerging and convergent mediums, much less our family members, friends, and colleagues.

Why, then, are we raising these accessibility issues in conjunction with the AOL-Time Warner merger? The answer is simple, by looking at the sheer size of both organizations, and the fact that initiatives are already being proposed by both that will have an impact on the accessibility needs of the 28 million deaf, late-deafened, hard of hearing individuals in this country.

We therefore have respectfully asked the FCC to take our specific communications accessibility concerns into consideration as they deliberate on the complexities as well as far-reaching possibilities posed by the AOL-Time Warner merger.

Regardless of what transpires, exciting times are ahead, and our desire is to be on the cutting edge, along with everyone else. Closing the digital divide is of paramount importance to us. The NAD and TDI will send a more detailed explanation of the above concerns next week as comments to the record.

Sincerely,



Nancy J. Bloch
Executive Director
NAD



James D. House
Director, Member Services & Public Relations
TDI

cc: Royce Dickens
John Berresford
Jenifer Simpson
Claude Stout, TDI Executive Director
NAD Board of Directors
TDI Board of Directors
(Also distributed to other parties as specified in FCC ex parte filing requirements for this proceeding)