

**Letter to Michael Powell, Chairman, Federal Communications Commission,  
February 25, 2002**

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Michael Powell, Chairman  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Chairman Powell:

On behalf of the National Council on Disability (NCD), I am submitting the comments below in response to the FCC Notice of Proposed Rulemaking and Order, In the Matter of 'Schools and Libraries Universal Service Support Mechanism' CC Docket No. 02-6. As you know, NCD has a statutory charge to review all policies, programs and activities related to Americans with disabilities. As you know, NCD has expressed the need for FCC to include civil rights certifications (e.g., with ADA and related laws) with respect to the universal service and e-rate program applications and grants. Therefore, NCD supports the current NPRM's focus on the e-rate and the need for civil rights certifications by universal service program fund applicants.

**III. Notice of Proposed Rulemaking , A. Application Process, Section 4. Compliance with the Americans with Disabilities Act, Paragraphs 28 and 29**

NCD acknowledges that FCC has included this issue within the current NPRM. The universal service program has been operating for at least three years under the auspices of a federal agency.

Civil rights certifications are typically required in federal operated and/or federally assisted programs. NCD believes that the FCC should adopt such a practice immediately. Further, NCD believes that an efficiently designed monitoring system could be put into effect to verify and enforce compliance based on the results of random monitoring probes.

**VI. Procedural Matters, A. Paperwork Reduction Act Analysis, Section 1. Need for, and Objectives of, the Proposed Rules, Paragraph 84**

NCD has supported the need for an ADA certification in the FCC's Universal Service program for several years (e.g., see, as an example, footnote 58 of the FCC's current NPRM). To reiterate, without ensuring ADA certification and compliance (and

compliance with related statutes referenced by the ADA) by recipients of universal service discounts, the FCC cannot ensure that a fair and equitable distribution of benefits will accrue to millions of Americans with disabilities. In addition, noncompliance with ADA and other relevant civil rights statutes would run counter to the current Administration's stated commitment to the nation's civil rights laws, as specified in the New Freedom Initiative.

**VI. Procedural Matters, A. Paperwork Reduction Act Analysis, Section 5. Steps Taken to Minimize Significant economic Impact on Small Entities, and Significant Alternatives Considered, Paragraph 101**

NCD recognizes that according to FCC's own assessment "...the following proposals will have no significant economic impact on small entities: allowing, under certain circumstances, full discounts on Internet service that includes content, the proposed modification to the appeals process, requiring certification of compliance with the ADA, a proposed alteration to the rules regarding application of tariff rates to consortia, the proposed rule establishing the right of funding for all successful appellants and the funding methodology, and possible rule changes affecting over committed funding requests."

In closing, NCD acknowledges that the FCC is proposing these changes, and anticipates that, once approved, the changes will make a contribution to a better performing telecommunications system for people with disabilities throughout America.

Sincerely yours,

Marca Bristo, Chairperson  
National Council on Disability