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April 3, 2007

By electronic filing:

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Ex Parte Presentation**
CG Docket No. 03-123
CG Docket No. 05-231
CG Docket No. 06-181

Dear Ms. Dortch:

On March 30, 2007, representatives of disability organizations met with Jay Keithley, Thomas Chandler, Greg Hlibok, Diane Mason, and Rend Al-Hondhiry of the FCC's Consumer and Governmental Affairs Bureau (CGB) to discuss various disability issues. The following individuals attended the meeting: Claude Stout of Telecommunications for the Deaf and Hard of Hearing, Inc., Rosaline Crawford of the National Association of the Deaf, Terry Portis of the Hearing Loss Association of America, Jenifer Simpson of the American Association of People with Disabilities, Cheryl Heppner of the Association of Late-Deafened Adults, Sheri Farinha of the California Coalition of Agencies Serving the Deaf and Hard of Hearing (by phone connection), and the undersigned for the Rehabilitation Engineering and Research Center on Telecommunications Access.

The meeting had the following purposes:

1. to review specific issues related to disability access;
2. to discuss ways for the Disability Rights Office (DRO) to better meet the needs of constituency groups; and

3. to discuss ways that consumer groups can work with the FCC and industry to resolve pending issues in the shortest turnaround time possible.

The following specific issues were raised at the meeting:

1. Captioning quality – The group sought information on when the FCC will resolve the joint petition on captioning quality, filed in 2004. At present, the captioning rules place the entire burden of reporting errors, omissions, and other problems with TV captioning on consumers. Among other things, this petition addressed ways that government, industry, and consumers can more equitably share in this burden. Attendees explained that they recently responded to 548 captioning waiver petitions and provided the FCC with an electronic copy of the summaries and recommendations for responding to those waiver petitions. The group asked the FCC to rescind the Angler’s Order, and revert to the existing undue burden four-point criteria to address those and future captioning waiver petitions. Finally, the group asked CGB to provide improved leadership in the enforcement of its closed captioning requirements, a matter that is especially important with respect to providing access to emergency broadcasts.
2. Universal numbering plan – Universal numbering is needed for emergency access (location information), interoperability among VRS providers and consumers, to enable incoming and outgoing calls to and from TRS users who are deaf or hard of hearing, to address relay fraud, and to assist in identifying calls as interstate or intrastate for funding purposes. The FCC was asked how quickly this will be resolved in coordination with the North American Numbering Committee (NANC).
3. Digital television – The group noted the increasing number of issues and challenges that people with hearing loss are confronting when attempting to buy digital televisions and obtain captioning access to digital television programming. We asked about the extent that people with disabilities are included in the FCC’s plans to ensure a smooth transition to digital television between now and February 2009.
4. Internet relay fraud – The group asked for an update on the FCC’s efforts on Internet relay fraud issues and the extent to which there has been coordination with other federal agencies, such as the Departments of Justice and Commerce, on this topic.

5. Emergency communication/preparedness – An FCC Report & Order authorizing multicasting for radio reading services was to be released but it was taken off the Commission agenda last July. The group asked that consideration be given to reviving this report so that captioned radio services can become a reality.
6. Relay conference captioning – Relay conference captioning is available only with Federal Relay and under contract with five states. Individuals who rely on captioning for conference calls are frustrated when they find that their states do not provide this service. The group asked that this service be uniformly available in all states.

The following broad matters were raised at the meeting:

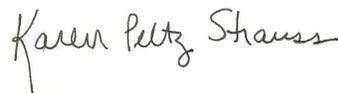
1. Informal consumer complaints – Concerns were raised that disability-related complaints have not been handled in a timely way. It was suggested that these complaints should be referred directly to the DRO, because the expertise in this office makes its staff better equipped to deal with such complaints than the FCC's general complaint division. Also, the number and classification of disability access complaints related to telephony (e.g., on telecommunications relay services (TRS) , hearing aid compatibility, Section 255) need to be made a part of official FCC quarterly complaint reports.
2. Technological advances – DRO should make an improved effort to stay informed about technological innovations in telecommunications and media services. New technologies can often eliminate disability barriers and the FCC should be familiar with these as they are developed.
3. Improved communication with disability groups – DRO should undertake efforts to improve communication and its working relationship with consumer groups representing people with disabilities. Attendees invited DRO staff to participate in informal and special functions within the consumer community.
4. Ombudsman – As the FCC's disability "ombudsman," DRO should take a proactive position in representing people with disabilities in meetings and consultations with other bureaus on policy development. In addition, DRO should review Commission agenda and circulation items in advance, not only to ensure that there is no adverse impact on the needs of people with disabilities, but also to proactively advance these needs when they are impacted by rulemaking proceedings. In this manner, DRO and CGB should act

as a “filter” for disability access issues and make recommendations to other bureaus and FCC Commissioners.

5. CAC recommendations – DRO should follow-up on recommendations of the Consumer Advisory Committee, including those made by the two working groups – the TRS Working Group and the Disability Access Working Group. These included recommendations to mandate captioned telephone, 10-digit numbering for VRS, “plug and play” for HDTV, access to Internet-enabled services, and improvements in the quality of closed captioning.
6. Expand size of DRO – DRO should expand its staff so that it can better handle the current workload to address disability access issues.
7. TRS and functional equivalency – DRO and CGB should not lose sight of the fact that the Americans with Disabilities Act’s mandates for telecommunications relay services were designed to create a universal service program for communication between and among people who are deaf and hard of hearing and their hearing contacts. The TRS Fund ensures that those with hearing and speech disabilities do not pay more for telecommunications services than their hearing counterparts. This is a requirement of law; TRS is not merely an “accommodation,” and it is not within the FCC’s discretion to enact policy that provides anything less than functional equivalency.

This letter is being submitted for inclusion in the record of the above-referenced proceedings pursuant to the Commission’s rules.

Sincerely,



Karen Peltz Strauss