

**Consumer Groups' Expectations of
Responsibilities and Goals for
the Disability Rights Office (DRO)
Federal Communications Commission**

The Consumer Groups submitting this document are:

- Telecommunications for the Deaf and Hard of Hearing, Inc.,
- National Association of the Deaf,
- Communication Service for the Deaf,
- Hearing Loss Association of America,
- California Coalition of Agencies Serving the Deaf and Hard of Hearing,
- Association of Late-Deafened Adults,
- Deaf & Hard of Hearing Consumer Advocacy Network, and
- American Association of the Deaf-Blind

Role of the Disability Rights Office:

- Serves the Commission with expertise, staffing, and other resources to address access needs of people with disabilities in telecommunications and information services
- Revise to be a stand-alone, independent office (like OET) that provides oversight function to ensure that all FCC proceedings and policies are consistent with the overall goal of ensuring access by people with disabilities to emerging technologies

Major Responsibilities:

- Addresses disability-related telecommunications matters, including, but not limited to, telecommunications relay services (TRS), access to telecommunications equipment and services by persons with disabilities, access to emergency information, closed captioning, and hearing aid compatibility
- Provides expert advice and assistance to the Chairman, the other four Commissioners, other Bureaus and Offices, other government agencies, consumers, industry, and others on issues relevant to persons with disabilities
- Initiates rulemakings, where appropriate, for the development of disability access policy
- Reviews relevant agenda items and other documents
- Coordinates with Bureaus and Offices to develop and propose policy recommendations to ensure that communications are accessible by persons with disabilities, in conformance with existing disability laws and policies, and that such recommendations support the Commission's goal of increasing accessibility of communications services and technologies for persons with disabilities. Educates the Commission on best practices to accomplish these crucial policy objectives.
- Works with other Bureaus and Offices to conduct audits and reviews in order to ensure that there is full compliance with and enforcement of the FCC's existing regulations for disability access

Implementation of Responsibilities:

- Reviews, acts, and reports on informal consumer complaints from people with disability-related issues. The staff in DRO should be aware of and sensitive to disability-related issues and therefore is better equipped to deal with such complaints.
- Establishes a close working relationship between the FCC and consumer groups to address the need for better access to and technological improvements in telecommunications and information services. Although the challenges are there and always evolving, technology can offer access solutions as well.
- Takes a proactive position in working collaboratively with the other Bureaus and Offices to address disability issues associated with policy development and public information, and makes recommendations to the Bureaus and Offices for action from the Chairman and the Commissioners.
- Reviews Commission meeting agendas and circulation items in advance, not only to ensure that there is no adverse impact on people with disabilities, but also when needed to proactively advance the needs of these communities associated with the subject of the rulemaking proceedings.
- Follows up on disability access related recommendations of the Consumer Advisory Committee.
- Serves as a resource support to the Consumer Advisory Committee and its working groups.
- Ensures sufficient staffing to carry out its functions, and meet its workload.
- Sets an example by being personally and professionally familiar with disability access and issues with a significantly higher number of staff with disabilities, especially in its leadership.
- Monitors industry developments for emerging technological innovations and new products, services and applications that offer solutions to accessibility, while maintaining ongoing communication in these areas with those in academia and research.
- Maintains the integrity of the TRS Fund through involvement with all stakeholders to ensure that sufficient reimbursement is made from the Fund only for legally authorized relay service calls and expenses.
- Exerts influence toward addressing the critical access needs of communities of people with disabilities, and providing sufficient guidance and adequate resources to industry to address those needs.
- Provides key consultation and leadership in enforcement of the FCC disability access requirements.
- Improves the navigability and content of its webpage so that it can become a useful resource for consumers, industry and governmental bodies.

Short-Term Goals

Within the next 12 months, consumers request that DRO take the following actions in these subject areas:

Closed Captioning

- Digital Conversion - Convene and actively participate in a task force to resolve technical issues concerning the provision of closed captioning on digital television programming; increase education and technical assistance to consumers and television providers/distributors with respect to digital captioning solutions

- Take action on the issues raised in the captioning quality petition filed in July 2004 by a coalition of consumer organizations that have still not been resolved
- Support the rescission of the Angler’s Exemption Order, and make individualized determinations on the pending requests for exemption from and in accordance with the closed captioning rules.

Telecommunications Relay Services

- Mandate the provision of captioned telephone relay services in each of 50 states, tribal lands, and other U.S. territories to achieve functionally equivalent telephone access for all Americans.
- Closely monitor and analyze progress of the implementation of the order requiring 10-digit NANP numbering and E911 services for Internet-based TRS users, and take appropriate action to ensure effective consumer outreach and education, as well as full implementation by all IP Relay and VRS providers.
- Sponsor a “summit” to solicit feedback from consumer groups and the TRS industry on ways to meet the relay service needs of people who are deaf-blind or are deaf and have low vision, and cannot access existing forms of relay service. Follow up with a notice of rulemaking, and then implement such a mechanism at the earliest possible time
- Grant the pending petition to clarify that TRS includes communications between and among people with disabilities and not only communications between an individual with a disability and one without a disability.

Other

- Grant the petition filed by member affiliates of the Coalition of Organizations for Accessible Technologies to allow use of the Universal Service Fund to subsidize low-income deaf, hard of hearing, late-deafened and deaf-blind individuals in their purchase of broadband service (through the Lifeline and Link-up programs) and to defray the cost of specialized telecommunication devices needed by people who are deaf-blind.
- Brief the Commissioners on the upcoming COAT legislation, “21st Century Communications and Video Accessibility Act and prepare statements and testimony as necessary and appropriate.
- Expand on the FCC’s successes in providing support services and accessibility tools for people who are deaf, deaf-blind, and hard of hearing in public meetings, information postings and outreach efforts, including communications in American Sign Language. (ASL), to allow people with various access needs to become better informed by the FCC. Ensure that those pages specific to DRO and disability issues as well as general consumer web pages throughout the FCC’s website are easily accessible by those with disabilities.

Long-Term and Ongoing Goals

In addition to the above, consumers request that over the next few years, DRO take the following actions in these subject areas:

Video Programming

- Work with the Enforcement Bureau to actively monitor compliance of the FCC’s rules on broadcasts of accessible emergency information.
- Perform compliance reviews of the TV industry to ensure compliance with rules requiring closed captioning of new and pre-rule TV programming. Initiate enforcement action when necessary.
- Convene a working group to develop technical and non-technical standards of TV captioning. Follow this with a rulemaking to get input on the proposed standards, and then issue an order to implement the standards.

- Review and make recommendations on modifying exemptions for captioning such as the \$3M revenue threshold and new networks' self-exemptions.
- Make policy changes to achieve real-time captioning of local news programming by all broadcasters regardless of market share by eliminating reliance on the use of the electronic newsroom (ENR) technology for such programming.
- Consider feasibility and authority of FCC action to require accessible user interfaces on video programming devices, to facilitate access to digital captioning features and controls.

Telecommunications Relay Services

- Achieve total interoperability of video relay services, and peer-to-peer video equipment.
- Improve oversight of Internet-based relay text and video services, including revisions to the certification process, periodic compliance audits of relay providers, actively monitoring of day-to-day compliance with FCC rules, and greater consistency and transparency in the creation and release of TRS rules.
- Review and determine whether to modify the scope of contributions to the Interstate TRS Fund with respect to the inclusion of IP-based communications providers, the setting of reimbursement rates, and the approval of expenses that are eligible for reimbursement from the Fund for Internet-based and other forms of relay services.
- Develop data regarding users and usage patterns of traditional TRS and Internet-based TRS to better understand the demographics concerning who is currently served or not, and why.
- Convene a task force to review the progress of ten-digit numbering and E911, and to gain perspectives on what is working and what needs remain to be addressed.

Emergency Access

- Work with related offices at DOT, NTIA, and DOJ to fulfill the potential and promise of the Next Generation E-911 project to enable direct communication by people with disabilities with public safety answering points (PSAPs) and emergency services through video, text and voice carried by wireline, wireless, and Internet-based communication networks.

Improved Implementation, Accountability and Enforcement

- Require greater accountability of companies covered under Section 255, including improved reporting and outreach obligations.
- Serve as a resource center and clearinghouse on disability access solutions in telecommunications and information services.
- Maintain an information and referrals program on accessibility matters within the FCC's jurisdiction through the offering of FAQs, vlogs, and other material on an FCC website that is easier to navigate and research.
- Conduct outreach across the nation on the rights of people with disabilities to telecommunications and other forms of accessibility during community events, such as exhibits, workshops and town hall meetings.
- Maintain and make publicly available a database of previous and outstanding disability access complaints; devise a schedule to resolve all such complaints. Includes hiring and/or training sufficient staff to handle incoming disability complaints in a timely fashion.

Hearing Aid Compatibility

- Work with the Wireless Bureau to oversee any additional changes in the hearing aid compatibility (HAC) regulations and assist that bureau in resolving any issues that might arise pertaining to HAC compliance.

Other

- Coordinate with the Access Board in the development of proposed recommendations to revise and update the Section 255 regulations.
- Coordinate with the Department of Justice in the development of proposed recommendations to update Titles II and III of the Americans with Disabilities Act with respect to provisions dealing with effective communication (including IVR systems).
- Take necessary actions to support captioned radio through HD technology as currently being tested by National Public Radio and its partners.
- Provide support, as needed, for federal investment in research and development activities conducted by the Department of Education and other agencies to promote universally accessible telecommunications products and services.

Criteria for New Leadership of DRO:

- a.) It is vital that DRO conducts its work as a reliable resource within the FCC organization.
- b.) Chairmen, Commissioners, Bureau Chiefs, and key staff members “come and go” at the FCC. Thus it is very important that DRO be “a constant” despite these changes.
- c.) As a whole, the FCC organization has a considerable way to go to be fully informed and sensitive to needs of people with disabilities in telecommunications and information services. The DRO staff is the key to fostering, promoting, and maintaining awareness and sensitivity to disability access needs and issues with the rest of the FCC staff and their outside contacts.
- d.) The Chief of DRO has a highly visible role in the disability community and with other officials at the federal level that oversee disability access policy.
- e.) The Chief and staff of DRO need to work more closely with consumers in the disability community. They need to come and participate in our events and activities in the community. Not only should their work be responsive to our needs, they need to maintain their awareness and understanding about our needs, aspirations, and expectations for access in the general community.
- f.) The Chief of DRO and staff should promote disability access at every opportunity with members of industry, consumer groups, state and local government officials, and even international contacts and government officials.
- g.) Last, but not least, the Chief of DRO needs to project an optimistic “can-do” attitude and approach with the disability community, the DRO staff, and all others that work with DRO. Over time and with a proven record of results from the FCC, disability access can then become more of a household word, and observed as a reality in the marketplace and society.