

August 12, 2009

Chairman Julius Genachowski  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: 20th Anniversary of the Americans with Disabilities Act

Dear Chairman Genachowski:

In anticipation of the 20<sup>th</sup> anniversary of the Americans with Disabilities Act (ADA), we must take time to celebrate our nation's progress while also refocusing efforts where the goal of functional equivalency remains unmet. In light of this, it is incumbent on federal agencies to reassess their policies and take any necessary steps to promote functional equivalency for people with disabilities. The FCC, in particular, must take a major role in this effort. Indeed, the ADA tasks the FCC with overseeing a telecommunications relay services (TRS) program that provides deaf and hard of hearing individuals with communications capabilities that are functionally equivalent to services available to hearing individuals.

Several areas of the TRS system require renewed FCC attention. Fortunately, the Commission has been presented the opportunity to address many of the inequities that exist for deaf, hard of hearing, and speech impaired individuals. Recently, my client, Purple Communications, asked the Commission to address several issues to give such individuals the opportunity to better participate in the everyday business of the global economy. I wholeheartedly endorse this request. One issue, however, deserves the Commission's immediate attention. Today, conference calls play a major role in connecting companies with their clients and employers with their employees throughout the Nation. Deaf, hard of hearing, and speech impaired individuals cannot participate fully in the business world without complete access to these services. Indeed, to eliminate any discrimination against such individuals, the ADA requires that these individuals have functionally equivalent access to communication services in today's workplace. For this reason, the FCC should clarify that minutes associated with multi-party TRS calls between deaf and hard of hearing individuals and persons who may or may not have such disabilities are reimbursable from the interstate TRS Fund. With this clarification, the FCC would remove a significant obstacle to further employment of deaf and hard of hearing individuals.

This clarification has received significant support from the deaf and hard of hearing community and also by Representative Ed Markey, the former Chair of the House

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Subcommittee on Telecommunications and the Internet. Indeed, Representative Markey recently explained – in his introductory remarks for the “Twenty-First Century Communications and Video Accessibility Act” – that his bill “clarifies that TRS services are intended to ensure that people who have hearing or speech disabilities can use relay services to engage in functionally equivalent telephone communication with all other people, not just people without a hearing or speech disability.”<sup>1</sup>

Great strides have been made in the pursuit of functional equivalency since the ADA was signed into law nearly 20 years ago. Unfortunately, much work remains. Accordingly, I urge you to prioritize disability rights issues in the upcoming months, including the issue of TRS conference calls discussed above.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Tony Coelho". The signature is written in a cursive style with a large, stylized "T" and "C".

Tony Coelho

Cc: Commissioner Michael J. Copps  
Commissioner Robert M. McDowell  
Commissioner Mignon Clyburn  
Commissioner Meredith Attwell Baker

<sup>1</sup> 21<sup>st</sup> Century Communications and Video Accessibility Act, H.R. 6320, 110th Cong. (June 19, 2008).