

**Comments of the Carl and Ruth Shapiro Family
National Center for Accessible Media at WGBH (NCAM)**

**Regarding
Broadband Accessibility for People with Disabilities Workshop II:
Barriers, Opportunities, and Policy Recommendations
NBP Public Notice # 4**

GN Docket Nos. 09-47, 09-51, 09-137

Introduction

WGBH/NCAM is pleased to provide feedback on the FCC's upcoming October 20th workshop on Broadband Accessibility for People with Disabilities. In the interest of timeliness and the FCC's immediate need for feedback regarding the organization of the suggested panels, these comments will only address the Public Notice's request for logistical recommendations for the structure of the panels, individuals recommended to address the various issues raised, and finally, suggested demonstrations of broadband technologies that presently serve people with disabilities or show promise in doing so.

Subsequent comments will be filed which address the research, demographic and other questions asked in the National Broadband Plan Public Notice #4.

Tentative Panels and Questions

- 1. Accessibility and Affordability Barriers Faced by People with Disabilities.** This panel will discuss barriers to broadband accessibility and affordability for (i) people with hearing disabilities; (ii) people who are blind and have vision disabilities; (iii) people with speech disabilities; (iv) people who are deaf-blind; (v) people with mobility disabilities; and (vi) people with intellectual disabilities and social communication disabilities, including autism.

- 2. Technological Barriers and Solutions**
This panel will discuss technological barriers, solutions, and costs as they relate to broadband networks, services, equipment, software, content, and tech support.

These first two panels could be combined into one, laying out the present-day challenges and known and anticipated issues regarding the adoption and usage of broadband by people with disabilities. The barriers and concerns need to be put on the record and documented through substantive filings to assure that the National Broadband Plan, and subsequent public and private actions taken in response to it, do not build-in technological, attitudinal or financial barriers for people with disabilities. Information about the existing barriers have been documented, FCC and NTIA filings have included much of this information, and the problems have been well-recognized, if not widely, at least by a community of researchers and users who have been grappling with these issues for years. A qualified panel can delineate the known and anticipated cases succinctly in a combined effort (see list of suggested panelists below).

By combining these panels into one, the FCC can allow more time in other panels for exploring the opportunities and policy advances that can have a positive effect going forward. These subsequent discussions can be forward-looking and innovative and can help build the record for changes in architecture, deployment, technology, funding and regulatory policies that need to be put in place to assure that, going forward, our nation can assure that broadband services are fully inclusive of people with disabilities.

In discussing "solutions," the panel, and the Commission in its report to Congress, should focus on the long term: how can the FCC upgrade its focus on accessibility to address the continual technological changes that will always present new opportunities as well as barriers to accessibility? The FCC needs to examine and anticipate the underlying dynamics of technological innovation and change and avoid the traditional "reactive mode" that is inefficient and ineffective and results in a regulatory regime that shortchanges both consumers *and* industry.

Discussion topics for these panels could include:

- The "sociology of technology" as opposed to technology itself: adoption barriers, information scarcity, and the accessibility value chain
- Data-driven intervention: monitoring the market to find out where it's failing to allow for surgical interventions
- Econometric tools: what is the total social cost of inaccessibility, and how can it be efficiently reduced? Tools needed to analyze the continuing universal design vs. assistive technology questions
- Coordination among Federal programs (FCC, NTIA, OSTP, others), and between the Federal government and the states

Suggested panelists for panels 1 and 2, whether separate or combined (contact information available upon request)

- Alan Brightman - Senior Policy Director, Special Communities, Yahoo!
- Tom Wlodkowski - Director of Accessibility, AOL
- Jenifer Simpson - Senior Director, Telecommunications & Technology Policy, AAPD
- Gregg Vanderheiden - Director, Trace R&D Center, University of Wisconsin
- Brian Fontes - CEO, National Emergency Number Association
- Norman Williams - Senior Research Engineer, Technology Access Program, Gallaudet University
- Jim Tobias - President, Inclusive Technologies, Inc.

3. Furthering National Purposes and People with Disabilities

Representatives of and advocates for the disability community and other experts will discuss the potential for broadband to further health care, education, public safety and homeland security, job creation/worker training, civic participation/community development, and other national purposes for people with disabilities.

This panel can begin to explore the rich and varied opportunities, many yet unrealized, presented by a well-planned national broadband strategy that recognizes and anticipates America's diversity of users, the changing nature of our population, the changing nature of each individual

throughout his or her lifespan, and the flexibility required of us and our technologies in our schools, workplaces, homes and communities. It deserves a substantial amount of time for explanation and demonstration of possible futures, near-term and long-term, that broadband technologies present us. It may even make sense to split this panel into two sections, allowing time for all of the subtopics to be well-covered by such individuals as:

Suggested panelists for panel 3, (contact information available upon request)

- June Isaacson Kailes - Disability Policy Consultant, Associate Director, Center for Disability Issues and the Health Professions
- Martha Kanter - Under Secretary, U.S. Department of Education
- Marcie Roth - Senior Advisor, Disability Issues, Department of Homeland Security/FEMA
- Elizabeth Davis - President, EAD Associates
- Kathy Martinez - Assistant Secretary, Office of Disability Employment Policy, U.S. Dept. of Labor
- Larry Goldberg - Director, Media Access, WGBH Educational Foundation

4. Federal, State, Local, and Tribal Resources to Make Broadband Accessible and Affordable to People with Disabilities

This panel will discuss funding and other resources at the federal, state, local, and tribal level that promote or could promote broadband accessibility and affordability for people with disabilities.

Regardless of where the funding comes from, the needs and opportunities discussed in the previous panels will require a coordinated effort by all Federal agencies, in consort with state, local and tribal entities. A public panel of this sort, made up of representatives of the many agencies noted in the PN, can only be speculative in that the anticipated answer from each is likely to be "we don't have the budget." But today's lack of budget is a short-sighted response when addressing a National Broadband Plan for the coming decades, so participants on this panel, which could be limited to a shorter time frame than the others, should be made up of senior department officials and others who can be asked to envision any number of future scenarios that can help drive the deep-seated changes needed to assure a fully inclusive broadband for this country.

Suggested panelists for panel 4, (contact information available upon request)

- National Telecommunications and Information Administration: Larry Strickling or Ana Gomez or Mark Seifert
- Department of Agriculture: Secty. Vilsack or Jonathan Adelstein
- Department of Labor: Asst. Secty Kathy Martinez
- Department of Education: Hal Plotkin, advisor to Under Secretary Martha Kanter
- Health and Human Services: David Blumenthal, M.D., M.P.P., National Coordinator for Health Information Technology
- State Resources: Deborah Buck, Executive Director, Association of Assistive Technology Act Programs (ATAP); Diane Golden, Director, Missouri Assistive Technology

5. Policy Solutions and Recommendations Panel

This panel will represent a wide variety of stakeholders and will discuss specific policy recommendations that should be included in the National Broadband Plan. Among other things, the panel will discuss whether additional legislative and regulatory action is needed to address accessibility and affordability challenges; what non-regulatory actions the FCC could or should take to promote accessibility to broadband by people with disabilities; and what actions other federal agencies, state, local and tribal governments, industry and industry consortia and other national and international industry/consumer/government consortia, the disability community, consumer groups, and other non-profits should take to promote accessibility.

As in the earlier Barriers and Solutions panel, this panel must examine forward-thinking, institutional changes that can address technology barriers at their root causes and in the earliest development stages. Should something like an "accessibility impact statement" be devised to assure that societal impacts of technology innovations are being considered, if not directly addressed? Can additional legislative and regulatory interventions be lessened if public and private sector leaders incorporate inclusive design and market strategies into the earliest stages of their planning? What incentives can help drive such innovative thinking? Is there an accessibility "cap-and-trade" construct that could work among communications and media technologies?

Certainly the recent histories of implementation and enforcement of regulations such as section 255 and 508 as well as the Commission's closed captioning rules should be examined in light of the rapid changes brought on by new digital platforms and technologies. But panelists should also be asked to bring to the discussion ideas for avoiding the failures of these regulations to fully protect consumers and to fully encourage innovation by industry. Panelists such as those listed below can go beyond suggesting small adjustments to the enforcement process to achieve the spirit of the accessibility laws.

Suggested panelists for panel 5, (contact information available upon request)

- Karen Peltz Strauss - Telecommunications Accessibility Consultant
- Susan Palmer Mazrui - Director, Federal Regulatory Affairs, AT&T Wireless
- Larry Goldberg - Director, Media Access, WGBH Educational Foundation
- Jeff Kramer - Executive Director, Strategic Alliances, Verizon
- Jim Fruchterman - President & CEO, Benetech
- Colin Crowell - FCC

Exhibits of assistive technologies

Though some time should be available during the panels for short demonstrations of specific points, a series of exhibits inside the Commission Hearing Room, fully capable of using live broadband technologies, should be available for viewing before the Workshop, during breaks and after the Workshop is over. The principle FCC staff responsible for crafting the National Broadband Plan Report to Congress should be strongly encouraged to view these exhibits. Suggested technologies (and exhibitors) include:

- Accessible online education: WGBH's Teachers Domain is used in almost every school system in the country and contains numerous accessible media resources.¹
- Accessible online media: Hulu.com, iTunes, President Obama's Inauguration and addresses to Congress and school-children, AT&T's Careers web site videos, and many other examples of compelling online media that entertains, educates and aids employment can be demonstrated by WGBH's National Center for Accessible Media (NCAM).
- Video relay services - any number of providers can demonstrate this key technology, though multiple competing vendors needn't all be at the table, the concept of sign language via IP needs to be shown and a single demonstration should suffice.
- Screen readers and enlargers: there are still many people who don't understand how people who are blind or who have low vision can use computer technologies - any number of individuals or vendors can demonstrate the basics of screen readers and enlargers.
- Bookshare - rapidly increasing the timely availability of books and newspapers in accessible formats for people with visual impairments, physical disabilities and/or learning disabilities.

Summary

The Commission has begun an essential process in its development of a National Broadband Plan, and the supporting Workshops and inquiries that will build an important record for assuring full inclusion of all Americans in our existing and next-generation broadband infrastructure and services. The panels must both address and look beyond today's barriers to craft a new mechanism for a new approach - one which will embark on each emerging technology innovation with a vision of serving any and all Americans who wish to participate, regardless of disability. It is only with this ground-up approach can we avoid repeating these very discussions in the years, decades and generations to come.

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¹ Teachers' Domain is public TV's online library of more than 1,000 free media resources, featuring media from NOVA, Frontline, Design Squad, American Experience, and other public broadcasting and content partners. Teachers' Domain resources correlate to state and national standards and include video and audio segments, Flash interactives, images, documents, lesson plans for teachers, and student-oriented activities.