

Reply comments  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

In the Matter of Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision

CG Docket No. 10-145

Comments of:  
Kelly Pierce  
3257 N. Clifton Avenue  
Chicago, IL 60657  
Tel: 773-472-7206

September 29, 2010

In its filing with the Federal Communications Commission, the Sprint Nextel Corporation leaves the impression that phones with voice output that would allow a blind person to largely access the voice calling services of the company are widely available. An independent investigation found that this was not the situation. This filer visited the only company-owned store in Chicago's Loop on September 17. The Sprint Nextel representative, Lewis, who was interviewed reported that the LG Rumor was no longer being sold by Sprint and was unavailable, even through an off site order, to someone seeking to start new service, despite the claims a few days earlier by its attorney in a filing with the FCC. Only the LG Lotus Elite could be obtained. Further, the LG Lotus Elite was available only with the branded premium Sprint service and a voice only multi-year contract that would cost about \$40 a month for 450 minutes of weekday service and unlimited evening and weekend calling as well as unlimited calls to other Sprint subscribers. As detailed in my previous filing, this price is three to four times the cost of conventional wireline service and many times greater than voice over Internet Protocol service from offerings from Magic Jack, Google voice, and Skype. The cost of these services is either free or \$20 a year, in the instance of Magic Jack. Like other large companies, the Sprint Nextel Corporation sells its basic service, wireless voice and data connectivity, through other brands, usually at a discount. Sprint Nextel's discount brands include Virgin Mobile, Boost Mobile, Assurance Wireless, and Common Cents Mobile.

Virgin Mobile offers 400 minutes of wireless voice service for \$20 a month.

Common Cents Mobile customers are charged 7 cents per minute or 7 cents per text. Subscribers can purchase a \$20 refill card for 30 days of service and a \$30 card for 60 days of service.

Additionally, the Common Cents brand rounds down unused parts of minutes instead of rounding up. However, subscribers forfeit any unused money at the end of a term. Assurance Wireless, one of Sprint's prepaid brands, provides a free cell phone and 200 free wireless minutes to low-income persons in 11 states. It is supported by the Lifeline Assistance program, part of the Low Income Program of the Federal Universal Service Fund (USF), which is administered by the Universal Service Administrative Company (USAC), and designed to ensure that quality telecommunications services are available to low-income customers at reasonable and affordable rates, according to a Sprint Nextel news release. Boost Mobile offers unlimited voice and data service for a low flat fee.

As can be seen, these services from the Sprint Nextel Corporation range from free to \$15 to \$20 a month, making the cost of wireless voice service about the same as wireline service in a major city from one of the largest wireline service providers. A detailed analysis of affordable wireless and wireline service is described in my previous filing. Sprint Nextel does not provide, support, or sell any self-voicing handset, such as the LG Lotus Elite currently available in Sprint stores that could be used by blind people independently for these services. In a community with three-quarters of its working age members out of the labor force living in poverty on social Security checks and many others unemployed, according to the Bureau of Labor Statistics, blind people have the clear need to access and use discount wireless services. The Commission's accessibility rules apply to these services just as much as they do to the premium, brand name services for which Sprint Nextel offers accessible phones. Hopefully, Sprint Nextel will use the upcoming Open Developer Conference it is hosting to work with handset manufacturers and others to explore and create accessible phones for these discount services. In the meantime, the Commission should immediately initiate enforcement activity to equalize accessibility between the various Sprint Nextel brands and services. While Sprint's partnership with code Factory is laudable, it is only one half of the access equation. The producer of Windows Phone 7, Microsoft, has not provided the assistance or support to code Factory so a Windows Mobile screen reader could be available when manufacturers switch to this new platform from earlier versions of Windows Mobile. To my knowledge, Microsoft has not announced a timeframe for when this accessibility gap would be closed. Sprint Nextel could work with Microsoft for greater accessibility for its phones. Without the cooperation of Microsoft, code Factory alone does not have the resources to develop an access solution for Windows Phone 7, according to a code Factory news release quoted in my previous filing. Even better, Sprint Nextel could encourage Microsoft to license or purchase the Code Factory application or develop something similar on its own for incorporation into the operating system as Apple and Google have done. Passively waiting for others to deliver access has led to the situation where we find ourselves today with no affordable accessible choices and little wireless accessibility for blind persons at any price.

In its comments, AT&T described its many services for people with disabilities. These include subsidies for purchasing the Mobile Speak screen reader for the Nokia e71 cellular phone. This phone supports an application called voice Aid that provides limited speech output. The audio support includes voicing of calls previously received, the contact list, and enunciation of numbers as they are dialed. The Voice Aid function on this and other Nokia phones could be enhanced to offer even greater accessibility and support than what it now does.

In its comments, AT&T says “it would be inadvisable for the Commission to adopt prescriptive regulation to mandate accessibility for all devices. Differentiation among mobile phones (and manufacturers) is good and leads to a healthy marketplace. Consumers who are blind, deaf-blind, or have low vision will gravitate toward the handset manufacturer, wireless provider, and other wireless ecosystem company that provides the features and functionality they need. Mandating universal accessibility requirements for all mobile phones would add costs to all of those phones, often to the detriment of those least able to afford it. In particular, low end phones would increase in price, further putting the financial squeeze on elderly or persons in lower income brackets who are already struggling in today’s economic climate. Instead, the Commission should continue to allow the wireless marketplace to develop as technology evolves.”

In theory, “Consumers who are blind, deaf- blind, or have low vision will gravitate toward the handset manufacturer, wireless provider, and other wireless ecosystem company that provides the features and functionality they need,” as AT&T says. For most blind people, the iPhone available exclusively from AT&T magically meets their needs. Yet, many blind people who want AT&T service and the iPhone cannot obtain it because they are outside the AT&T coverage area or call quality is poor. Therefore, many accessible options need to be available rather than a few that can supremely meet the needs of the blind. This does raise the prospect for universal access as a concept rather than a specific method or process, with accessible solutions for the blind available from multiple handset manufacturers, wireless providers, and other wireless ecosystem companies. Yet AT&T baldly claims that “Mandating universal accessibility requirements for all mobile phones would add costs to all of those phones, often to the detriment of those least able to afford it.” The company insists without any documentation whatsoever and proffering any engineering studies that “...low end phones would increase in price,” making wireless access unaffordable by “...putting the financial squeeze on elderly or persons in lower income brackets who are already struggling...” Essentially, AT&T completely and permanently dismisses the possibility of universal access to wireless services ever being available to the blind. Universal access to telecommunications services has been the bedrock of federal policy for decades. The Commission should not discard its proud legacy of enfranchising Americans to obtain empowering technological innovations simply by AT&T’s scare tactic that if accessible, self-voicing handsets were required for low-end services the elderly and the poor would be without wireless connectivity. Besides saying accessibility is impossible for low-priced services, AT&T provides no basis or evidence to show one group of consumers would benefit at the expense of another group. The groups are not mutually exclusive. People 80 years of age and older constitute eight percent of the population and account for 69 percent of blindness, reports an April 2004 peer-reviewed study that appeared in the archives of ophthalmology. The study was sponsored by the National Eye Institute, part of the Federal government's National Institutes of Health. Researchers from the Eye Disease Prevalence Research Group, a consortium of principal investigators who have conducted population-based eye disease studies at multiple sites, produced prevalence estimates of blindness and low vision in people age 40 and over by analyzing standardized data from several high quality studies. The derived prevalence rates were then modeled to the U.S. population using 2000 census data.

AT&T fails to recognize how technology that helps people with disabilities become more independent becomes highly affordable and universally available to all when they are adopted on

a mass scale. This includes the thousand-to-one price collapse for accessible reading systems starting with the Kurzweil Reading Machine, the 100-to-one price collapse for talking self-service banking through automated teller machines from Triton Systems, and the inclusion of closed captioning circuitry in televisions. When accessible technology is deployed on a mass scale, the cost to deliver such accessibility drops dramatically, making affordable access possible.

If the Commission continues to “allow the wireless marketplace to develop as technology evolves,” as AT&T asks and as the Commission has done for the past decade, we likely will find about the same access in the future as we have now. Voice Aid has been available for several years. Yet, Nokia has not evolved this technology to provide greater accessibility and usability, which could easily have occurred and should have occurred as AT&T argues. The e71 phone has the capacity to support a screen reader and other programs. If it can support something much more complex than Voice Aid, the phone would likely support a much more basic audio interface to provide basic access.

Rather than defend the lack of self-voicing cellular low-end phones, AT&T is encouraged to work with the disability community and the Commission to explore solutions and constructively consider options for greater accessibility. Stubbornly arguing over the problem of low-end handset accessibility for the blind does not create the accessible world of tomorrow. Experience has shown that when industry joins forces with the disability community and government extraordinary access solutions often result, as was described in my previous filing.

The Cellular Telephone Industry Association informs us in its filing that “Congress has also recognized that the cultivation of competitive and innovative communications markets requires a careful balancing of “achievable” accessibility solutions for advanced communications products and services. Congress expressly states that not every device must be accessible to every disability.” While true, congress did intend for people with disabilities to have access to a range of devices and services. It is not a statement to do nothing, as it seems is the posture for some CTIA member companies. In a September 20, 2010 response to a disability discrimination complaint regarding the lack of self-voicing handsets for the T-Mobile prepaid wireless service, the company told the Commission “section 6.5(a)(1), specifically mentioned in the complaint, applies to manufacturers, not service providers like T-Mobile.” Additionally, “T-Mobile notes that section 7.1 of the rules describes the entities subject to 47 C.F.R. Part 7 and does not impose affirmative obligations on service providers” This justification of refusing to provide access to prepaid wireless services and voice mail does not constructively advance the accessibility of blind people and those with disabilities. The Commission should systematically inquire to carriers such as T-Mobile and their vendors as to the lack of access to basic wireless service, particularly when they deny they have any responsibility whatsoever to provide accessible services at all.

Finally, as a first time filer, I would like to address the Commission regarding the filing process. The web pages with forms to file comments had much information on them, making what should be a simple process complicated. It was not possible to easily find the docket number for which I was filing. It would have been helpful to have a scroll down list of open dockets or keyword search in the title name. It was not readily apparent which file formats could be accepted by the

FCC. Once the Microsoft Word file was uploaded, it was not clear if the Commission received it. When I uploaded my original submission, I called the next day and an FCC staff member said that my submission was received but not the word processing document I believed I uploaded. I submitted the document again and receipt of my comments was confirmed by telephone. In the end, two copies of my comments were posted to the ECFS system. I would encourage the Federal communications Staff to adopt many of the practices of the United States Architectural and Transportation Barriers Compliance Board in how it accepts public comments. For example, the Access board allows comments to be submitted by e-mail without the need for extensive formatting for title, date, and docket number. Also, the Board allows third party submissions and those in non-text format. In the blind community, many express themselves on web logs and online forums. Some of these online comments when submitted by a third party could provide useful information from a diverse group of people as to the needs of blind users today. Also, many blind people express themselves through online audio programs called podcasts. These programs offer candid and vivid discussion of the barriers of the wireless world and its potential. I transcribed portions from one of these podcasts in my earlier filing. While I am trained as a writer and hold a Bachelor's degree in journalism, I found it rather tedious and time consuming to transcribe, edit, and narrate the incredible experiences from some of the most sophisticated blind users of wireless technology. I estimate it took me several times longer to produce their comments in written form than it would to excerpt portions of the discussion and orally narrate using audio editing software for FCC review. Americans, especially blind people, are communicating in methods and forms today different from formal written prose. To keep pace with the ideas of today, the Commission should embrace the new communication styles and methods rather than those from yesterday.