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October 14, 2010

Ms. Marlene H. Dortch  
Federal Communications Commission  
Office of the Secretary  
445 12th Street SW  
Washington, DC 20554

Re: AT&T's comments to Accessible Mobile Phone Options for People Who Are Blind, Deaf-blind, or Have Low Vision, CG Docket No. 10-145

Dear Secretary Dortch:

The National Federation of the Blind (NFB) would like to respond to comments made by AT&T in regard to accessible mobile phone options for people who are blind. In this letter, we will directly address claims made by AT&T. As the nation's largest and oldest organization of blind people, we represent the stakeholders in this matter and a large group of potential and current AT&T customers. We hope our comments will be taken into consideration. For our complete feedback and recommendations, we urge you to look at our original comments sent on September 13 and resent on September 30.

In a letter dated September 14, 2010, AT&T claims:

"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."

The current marketplace cannot be considered "healthy" when there are severely limited options for blind consumers, despite major developments in technology. With revolutionary innovations, such as touch-screen handsets and Bluetooth devices, the current marketplace should reflect a trend toward growing accessibility. However, the current marketplace instead reflects overwhelming inaccessibility for blind users, with only *one* handset manufacturer that offers a mobile phone that provides all of the features and functionalities blind consumers

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need. The Apple iPhone is the only product available that is accessible to blind users without the purchase of third-party access software, and it costs several hundred dollars. Furthermore, even the purchase of third-party access software does not guarantee full accessibility because the software is often not fully compatible with the user's handset. AT&T has conceded that "compatibility with assistive technology remains a challenge." Changes in technology have created a digital divide where blind consumers can only gravitate toward one of the most expensive handsets on the market. We reject the notion that the existence of a single, costly option provides enough differentiation for a healthy marketplace.

AT&T is claiming that standards for accessibility would add costs to the detriment of those least able to afford it. The lack of accessibility regulations has created a marketplace in which blind people, who face a 70 percent unemployment and underemployment rate, can only use one of the most expensive phones on the market, or else purchase expensive third-party software to make inaccessible handsets accessible. The needs of blind consumers are simply not being met, while technology is continuing to advance and prices are rising. The current cost of both accessibility (the Apple iPhone) and inaccessibility (no other affordable options) is to the detriment of the disabled consumers, who often have fixed incomes. The hypothetical situation posed by AT&T is the current situation for blind consumers.

AT&T has also claimed that blind people can benefit from innovations that are not geared toward accessibility, such as enhanced battery life and increased processing power and transmission speeds. Specifically, AT&T's response points to a more effective screen reader or larger, more contrasting displays as positive consequences for blind users because of non-accessibility-focused improvements in technology. There are two important points that need to be made in response. First, we have already addressed the extensive problem of compatibility when it comes to third-party access software like screen readers. Second, how much can a blind person truly benefit from enhanced battery power on an inaccessible phone? Other than the EnV line of phones from LG Electronics and the Samsung Haven, all moderately-priced handsets have only basic accessibility, meaning that the only features a blind person can use are dialing a number and answering a call. These basic handsets may also have enhanced battery life, but how beneficial is that feature if the user cannot read the caller ID, enter and retrieve phone book entries, or send and read received text messages? The National Federation of the Blind does not accept this type of second-class access and does not consider blind people secondary beneficiaries when it comes to innovations. We encourage manufacturers to work toward meeting the needs of disabled consumers by focusing on innovations with the primary goal of increasing accessibility.

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Like most service providers and manufacturers, AT&T has indicated that “specialized telecommunications equipment for low incidence disabilities can be costly to develop and to purchase.” This claim is often used by industry as a reason against regulation, but this explains the very reason why government intervention is needed. We do not have unrealistic goals or impractical demands, but as a low incidence disability, the blind simply do not have the market power as a consumer group to see results as we strive to close the digital divide. Consequently, regulatory action is needed to steer the market in the direction of increased accessibility. The Commission must recognize that the use of mobile phones and technology is a fundamental part of modern life and society, and blind consumers need to have access to telecommunications equipment to maintain their independence and productivity. We ask that this right to access be upheld with guidelines for nonvisual access so that blind consumers are no longer left behind in the marketplace.

The National Federation of the Blind applauds AT&T for offering the Apple iPhone, exploring the feasibility of pairing refreshable Braille displays with high-end handsets, establishing a National Call Center for Customers with Disabilities, and supporting the idea of an online clearinghouse to open dialogue between consumers and industry on accessible mobile technology. However, AT&T and other service providers and phone manufacturers have simply not done enough to meet the needs of blind and deaf-blind consumers. Until full access is achieved, the Commission should establish accessibility guidelines to encourage innovations that meet the needs of disabled consumers and hold the industry accountable. As technology evolves, our laws need to evolve to reflect its evolution and continue to protect the rights of the disabled. Access to wireless mobile technology has been and will continue to be denied to blind people until the Commission and industry actively pursue protecting blind people’s right to access.

Sincerely,



John G. Paré Jr.  
Executive Director for Strategic Initiatives  
NATIONAL FEDERATION OF THE BLIND