

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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Advanced Communications Provisions of the)
Twenty-first Century Communications and) CG Docket No. 10-213
Video Accessibility Act of 2010)
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**NATIONAL ASSOCIATION OF THE DEAF,
TELECOMMUNICATIONS FOR THE DEAF AND HARD OF HEARING, INC.,
HEARING LOSS ASSOCIATION OF AMERICA,
ASSOCIATION OF LATE-DEAFED ADULTS,
AMERICAN ASSOCIATION OF THE DEAF-BLIND
DEAF AND HARD OF HEARING CONSUMER ADVOCACY NETWORK, AND
CALIFORNIA COALITION OF AGENCIES SERVING THE DEAF AND HARD
OF HEARING
COMMENTS ON ADVANCED COMMUNICATIONS**

The National Association of the Deaf (“NAD”), Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), Hearing Loss Association of America (“HLAA”), Association of Late-Deafened Adults (“ALDA”), American Association of the Deaf-Blind (“AADB”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), and California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”) (hereinafter “Consumer Groups”) submit these Comments in response to the *Public Notice* issued by the Consumer & Governmental Affairs Bureau (“Bureau”) of the Federal Communications Commission (“FCC” or “Commission”) requesting interested parties to comment on the advanced communications provisions of

the Twenty-first Century Communications and Video Accessibility Act of 2010 (“Accessibility Act”).¹

Consumer Groups seek to promote equal access to telecommunications, including advanced communications, for the 36 million Americans who are deaf, hard of hearing, late-deafened, or deaf-blind so that they may enjoy equal opportunities to and the benefits of the telecommunications revolution to which they are entitled.

Advanced Communications

Section 101 of the Accessibility Act defines “advanced communications services” to mean (A) interconnected VoIP service; (B) non-interconnected VoIP service; (C) electronic messaging service; and (D) interoperable video conferencing service.²

Interoperable video conferencing service is further defined to mean “real-time video communications, including audio, to enable users to share information of the user's choosing.”³

Industry Flexibility, Interoperability, and Compatibility

The Commission requests information about the types of third-party applications or peripheral devices that are available and acceptable for manufacturers to employ in making equipment compatible to individuals with disabilities.

With respect to hearing aid (and cochlear implant) compatibility, this capability is required, currently, to be built-in to telephone and telephone-like equipment with speakers typically held to the ear. Such capability, when provided, must be built-in to

¹ Public Notice, *Consumer & Governmental Affairs Bureau and Wireless Telecommunications Bureau Seek Comment on Advanced Communications Provisions of the Twenty-first Century Communications and Video Accessibility Act of 2010*, DA 10-2029, CG Docket No. 10-213 (rel. Oct. 21, 2010) (“Public Notice”).

² Pub. L. No. 111-260, § 101(1) (amending Section 3 of the Communications Act).

³ *Id.*

equipment used to access interconnected and non-interconnected VoIP services. Third-party applications (such as software) are unlikely to be available or effective, and peripheral devices (such as devices to attach to equipment, like the “cap” devices to attach to telephone receivers used decades ago) are unnecessary and unacceptable.

With respect to equipment used for interoperable video conferencing services, third-party applications may be available and acceptable for manufacturers to employ in making equipment compatible to individuals who are deaf or hard of hearing. For example, third-party applications or modifications to existing software or services may be needed for an individual who uses American Sign Language to access a video conferencing service directly and through a video relay service (“VRS”). To achieve this interoperability, the use of peripheral devices should be unnecessary, but interoperability and compatibility with existing peripheral video conferencing devices may be achieved through available third-party applications or modifications to existing software or services. The following examples are provided for purposes of illustration.

Company A uses a video conferencing service to communicate with individual or multiple Company A employees or clients who are situated in various locations. Employee X is deaf and communicates using American Sign Language. The video conferencing service must enable Employee X to see and be seen by the video conference call participants. In addition, Employee X must be enabled to connect to and use VRS (to see and be seen by the VRS communications assistant, and for the VRS communications assistant to hear and be heard by the video conference call participants) to participate equally in the video conference call. The connection with VRS must be enabled through the video conferencing service.

Company B provides video conferencing equipment and/or services to the public. Customer Y is deaf and communicates using American Sign Language. The video conferencing service must enable Customer Y to see and be seen by the called/calling party (the other video conference call participant). In addition, the video conferencing service must enable Customer Y to connect to and use VRS (to see and be seen by the VRS communications assistant and for the VRS communications assistant to hear and be heard by the other video conference call participant, when VRS is needed to provide services on the call. The connection with VRS must be enabled through the video conferencing service, if achievable, using split screen or multi-user conferencing technology so both the participant and the VRS communications assistant can be seen by Customer Y.

Currently, VRS users, like users of other video conferencing equipment and/or services can connect with other users of the same equipment and/or services. In other words, video conferencing equipment and service can make and receive direct, “point-to-point” video conferencing calls with users of the same equipment and/or services. As a result, multiple “silos” or “walled gardens” of users are being created. VRS users employ a transmission system based on North American Numbering Plan (“NANP”) 10-digit numbers. This system must be adopted and/or adapted by other video conferencing equipment and service providers to make their systems interconnected and interoperable with other systems, including but not limited to the system employed by VRS users. Video conferencing capability is not only beneficial to individuals who rely on VRS, but for millions of individuals who are deaf or hard of hearing who benefit from visual

communication cues such as speech reading, facial expressions, body language, and gestures.

In addition, video conferencing equipment and services must enable the delivery of two-way voice communications. This capability will enable “hearing carry over” (“HCO”) and “voice carry over” (“VCO”) capability for relay service users. When handsets are provided, such handsets must also be hearing aid compatible. Further, video conferencing equipment and services must enable the delivery of voice communications in an accessible format, through the display of real-time captioning. Such captioning may be provided remotely by a captioned telephone relay service, captioned conferencing relay service provider where available, or a caption service provider. Such captioning services, when provided, must be compatible with screen reader or other technologies used to convert text to Braille for access by individuals who are deaf-blind.

As such, the Commission should interpret “devices commonly used by persons with disabilities to achieve access” to include market devices and software and specialized equipment used by people who are deaf or hard of hearing.

Performance Objectives

Performance objectives related to accessibility, usability, and compatibility of advanced communications should be general enough to permit flexibility and innovation, but specific enough with respect to interoperability and the effective outcomes to be achieved.

Conclusion

For the reasons described herein, Consumer Groups urge the Commission to take the steps necessary to ensure that *all* Americans have equal access to telecommunications, including advanced communications, regardless of the technology.

Respectfully submitted,

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