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June 15, 2010

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Ex Parte* Notice

CG Docket Nos. 10-213, 10-145, 10-51; WT Docket No. 96-198

Dear Ms. Dortch:

On Tuesday, June 14, 2011, Danielle Coffey, Telecommunications Industry Association (TIA); Mary Brooner, TIA; Brian Scarpelli, TIA; Wesley Gee, TIA; David Zielonka, TIA; David Hilliard of Wiley Rein LLP, representing TIA; David Dzumba, Nokia; John Godfrey, Samsung; and Paul Schomburg, Panasonic met with Elizabeth Lyle, Wireless Telecommunications Bureau (WTB); David Hu, WTB; Jane Jackson, WTB; Brian Regan, WTB; Renee Roland WTB; Jeffrey Tignor, WTB; Vijay Pattisapu, WTB; Karen Strauss, Consumer and Governmental Affairs Bureau (CGB); Rosaline Crawford, CGB; Eliot Greenwald, CGB; and Janet Sievert, Enforcement Bureau. A copy of the presentation given to the attendees of this meeting is appended to this filing.

Consistent with its filing on the implementation of the 21st Century Communications and Video Accessibility Act of 2010 (CVAA),¹ TIA communicated its belief that the most effective approach towards implementation of the CVAA will incorporate flexibility principles that will allow for innovation to thrive as manufacturers of devices providing advanced communications services (ACS) transition towards compliance of the Commission's rules. Towards this goal, TIA noted support for Section 716(h) giving the FCC flexibility to waive the accessibility requirements of Section 716 for any class of equipment that is (a) capable of accessing an advanced communications service; and (b) designed for multiple purposes, but is designed primarily for purposes other than using ACS. TIA and the Commission staff discussed various types of waivers

¹ See Comments of TIA, CG Docket Nos. 10-213, 10-145; WT Docket No. 96-198 (filed Apr.25, 2011).

and how the FCC might approach this authority for products and services in which ACS is not a primary purpose of the device.

Additionally, TIA urged the Commission to stay within the scope of the factors listed in the CVAA when reviewing the accessibility of an ACS product or service. TIA members discussed with the Commission staff the comprehensive process that manufacturers undergo when developing products, and that flexibility in recordkeeping requirements will avoid delays associated with added costs and time-to-market.

TIA also advocated for the creation of a complaint process that is fair and efficient and encouraged an emphasis be given to the informal resolution of complaints, as the most beneficial to all.

The Commission raised with TIA the inclusion in the statute of interoperable video conferencing and asked TIA its understanding of “interoperable.” TIA explained the historic meaning of the term includes cross platform and cross network capabilities, something that does not yet occur in commercially available video conferencing products and services. Therefore, TIA views the use of “interoperable” in the statute as prospective.

Finally, TIA advised the Commission to adopt a transition period of 24-36 months before full enforcement occurs, and that such a transition period is consistent with the public interest. This transition will ensure that manufacturers have sufficient time to adjust research and development processes and schedules consistent with typical product cycles of devices. As a supplement to educational outreach to consumers, a heightened effort by the Commission to educate manufacturers on how to comply with new regulations under the CVAA will allow for a streamlined transition to compliance.

Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, a copy of this submission is being provided to the meeting attendees. Please contact the undersigned with any questions in connection with this filing.

Respectfully submitted,

/s/ Danielle Coffey

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Telecommunications Industry Association Ex Parte

CG Docket No. 10-213

June 14, 2011



Telecommunications Industry Association

- TIA is a leading trade association for the ICT industry.
- Members manufacture or supply products & services used in global communications across all platforms.
- TIA is a leader in achieving voluntary standards forged by consensus.



Telecommunications Industry Association

- TIA has been an integral partner in the adoption of the 21st Century Communications and Video Accessibility Act of 2010.
 - Achieved early consensus on the HAC language in the CVAA
 - Participated in dialogue with consumer representatives throughout the legislative process
- TIA co-chairs the EAAC.



FCC Regulations for Implementing the CVAA are of Critical Importance

- The CVAA is ground-breaking legislation.
 - Carefully crafted to promote continued availability of accessible technology without hampering technological innovation
 - Section 716 of the CVAA applies a more rigorous standard than section 255, but also allows industry greater flexibility.
- A flexible regulatory approach is critical to implementing the CVAA successfully.



The FCC should use its Authority to Grant Blanket Waivers for those Devices whose Primary Purpose is not ACS

- Section 716(h) of the CVAA gives the FCC flexibility to waive the accessibility requirements of Section 716 for any class of equipment that is (a) capable of accessing an advanced communications service; and (b) designed for multiple purposes, but is designed primarily for purposes other than using ACS.
 - The Manufacturer, in the first instance, defines the primary purpose of a device.
 - Marketing, in the aggregate, should be the basis for determining if a device is ACS.



The FCC should use its Authority to Grant Blanket Waivers for those Devices whose Primary Purpose is not ACS

- Examples of equipment with a primary purpose other than ACS include game consoles, television receivers with VoIP capability, and, in many cases, computers and tablets.
- Blanket waivers should be addressed in the Report and Order adopting the rules.
 - Provides clarity to manufacturers and service providers
 - Manufacturers and service providers need to know the regulatory classification of a device before the design process begins, especially in those cases where the ACS is not a primary purpose.



The FCC should Stay within the Scope of the Factors listed in the CVAA to Review Accessibility of an ACS Product or Service

- Nature and Cost of steps needed to meet requirements with respect to specific product or service
- Technical and Economic Impact on the Operation
- Type of Operations of the Manufacturer or Provider
- Extent to which Provider or Manufacturer in question has offerings with varied functions, features and prices.



The FCC should stay within the Scope of the Factors listed in the CVAA to Review Accessibility of an ACS Product or Service

- Where a device has both telecom features and ACS features, Section 255 should apply to the telecom features and the CVAA should apply to the ACS features.
 - As clarified in the House Report, Section 255 should apply to interconnected VoIP
- The Rule of Construction has meaning and application greater than as an affirmative defense in a complaint
 - Works to the benefit of consumers with disabilities by allowing the Manufacturer to build a product helpful for one type of disability without burdening the product with complexity of accessibility for all disabilities.



The Complaint Process must be Fair and Efficient and Favor Informal Resolution of Complaints

- No interest is served by a lengthy, litigious complaint process.
 - Consumers will not have speedy resolution.
 - Personnel resources should be focused on developing products that meet consumer needs.
 - Documentation required in proposed rules is especially burdensome.
- Emphasis should be on informal resolution of complaints; apply FCC's limited resources to only the most difficult situations.
 - Require parties to attempt resolution before filing at the FCC
 - Provide 45 days from service of the complaint for a response



A Transition Period of 24-36 Months before Full Enforcement is in the Public Interest

- It is imperative that there is a concerted education effort focused toward industry and the FCC, not just consumers.
 - All interests need to see and work with ACS regulations through several product cycles.
 - Guidelines need to be developed and issued by FCC.
 - Manufacturers and Service Providers all need to develop tools that look across all products and services in a portfolio for accessibility features and functionality.