Achieving Accessibility:
The Wireless Industry's Perspective

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Ex Parte Presentation
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Challenge Accepted!

- Through AccessWireless.Org, CTIA has led the wireless industry's initiatives to help people with disabilities find accessible wireless handsets and services.
- FCC Accessibility & Innovation Initiative
  - Challenge to Industry: Educate consumers about the new and emerging opportunities wireless devices and services offer people with disabilities
  - Challenge Accepted: CTIA led the effort to work with consumer advocates, the FCC and member companies to update and expand the wireless industry's accessibility website, *www.accesswireless.org*.
- CTIA Accessibility Advisory Council
  - **Goal**: To create a "first stop" for wireless accessibility information that is a helpful tool for consumers.
  - **March 2011**: Based on input from an Accessibility Advisory Council, CTIA re-launched *AccessWireless.Org*.

CTIA Accessibility Advisory Council

- Participants
  - Consumer Advocates: AAPD, AFB, HLAA, NFB, TDI, Alzheimer's Association, and Autism Self Advocacy Network
  - Academic Research: Wireless RERC, Gallaudet University
  - FCC Staff: Consumer & Governmental Affairs; Wireless Bureau
  - CTIA Member Companies: AT&T, Apple, Clearwire, Motorola, Nokia, RIM, Sprint, T-Mobile, US Cellular, Verizon Wireless
- Recommendations
  - *Advice/Tips*
  - *Applications, Industry & Seniors*
  - *Simplify Content*
  - *Update/Timely Information*
  - *Ease of Use/Searchable*
  - *Visually Appealing*

CTIA The Wireless Association®

Welcome to AccessWireless.org

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- Wireless Accessibility Overview
- Wireless Accessibility Features
- Wireless Hearing Aid Accessibility
- About CTIA - The Wireless Association®

AccessWireless.Org is your portal to the wireless world for individuals with disabilities including persons who are deaf, blind, hearing impaired or have mobility or cognitive disabilities. Over the past 25 years, wireless devices and services became key to business and personal communications and our safety and security. Today, CTIA-The Wireless Association® member companies serve more than 270 million wireless consumers, offer more than 600 unique wireless devices, carry trillions of text messages on their networks and provide a wide variety of services and plans to meet your needs. The wireless industry welcomes the opportunity to meet the unique needs of the individuals with a disability.

AccessWireless.Org is available to help you access the innovative and diverse world of cell phones, smart phones, applications and services to meet your individual needs. The wireless industry offers numerous wireless devices with built-in accessibility features, service plans for individuals with disabilities and compatibility with the Assistive Technology (AT) tools you use to access wireless communications.

If you are searching for accessible wireless products or services, be sure to check AccessWireless.Org for information about wireless accessibility in general and accessible wireless features based on specific disabilities. Also, feel free to contact CTIA-The Wireless Association® if there is additional information on this site you would like to see added.

Quick Links

- Hearing Aid Compatibility Videos
- CTIA Presentation HLAA Milwaukee 2010
- Visit CTIA to learn more about the wireless industry
- (Text Only Version)

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AccessWireless.org

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Find a Phone | Resources for Industry | Resources for Seniors

Wireless For All

Welcome to the most complete website designed to help people with disabilities, seniors and their families to find a cell phone and service! CTIA-The Wireless Association® and the wireless industry created AccessWireless.org to be your "first stop" to learn about the ever-changing world of cell phones and wireless services, and discover those that meet your specific needs.

PHONES | CARRIERS & SERVICES

MANUFACTURERS | GUIDES & HOW TOs

Hearing

For people who need handsets with volume, text, video communication or hearing aid compatible features.

Read More

Vision

For people who need handsets with voice output, voice control or tactile features.

Read More

Mobility/Manipulation

For people who need easy to use handsets.

Read More

Speech

For people who need handsets for text-based communications.

Read More

Cognition

For people who need handsets that are easy to understand.

Read More

Key Features of AccessWireless.Org

- Search for Accessible Wireless Handsets
  - Mobile Manufacturer Forum's Global Accessibility Reporting Initiative ("GARI")
  - Compare handsets by accessibility features
- Applications
  - Major application storefronts
  - Mobile platform guides for application developers
- Hearing Aid Compatibility (HAC) Training Videos
  - Learn about the HAC rating system and HAC wireless handsets
  - Demonstrates a model carrier store sales experience
- Resources for Seniors
  - Tips to help senior citizens who may not recognize they have disabilities
- Resources for Industry
  - Tips to help customer service representatives helping customers with disabilities

The 21st Century Communications & Video Accessibility Act ("Act") Implementation (CG Dkt. Nos. 10-145 & 10-213)

- Primary Purpose
- "Achievable" Defined
- §716(j)'s Limitations
- Industry Flexibility & Limitations on Liability
- Informal Complaint Process
- When Do 255 or 716 Apply?
- Mobile Internet Browsers
- Competing Policy Goals

The Final Rules Should Provide Clarity that the Scope of the Rules Depends on the "Primary Purpose" of the Service or Product.

- "Advanced Communications Service" Should be Clearly Limited to those Services and Equipment that are Designed with the "Primary Purpose" of Advanced Communications.
  - Congress specifically noted that devices that are capable of accessing advanced communications but are "designed primarily for purposes other than accessing advanced communications" would be likely candidates for exclusion from accessibility requirements. (House Report at 26).
- The Proposed Waiver-Dependent Approach Is Unworkable for the Wireless Ecosystem.
  - New services, devices and network capabilities are appearing constantly.
  - The proposed waiver procedure works directly against Congress's intent that the accessibility requirements not compromise industry innovation.
  - The wireless ecosystem should not have to seek affirmative Government permission to innovate.
  - Adopting a "Primary Purpose" test would preclude the need for an unworkable waiver process.

The Final Rules Must Define "Achievable" With A "Reasonable" Basis.

- § 716(g) of the Act defines the term "achievable" to mean "with reasonable effort or expense" in considering the following factors:
  - (1) the nature and cost of the steps needed to meet the requirements of this [S]ection with respect to the specific equipment or service in question;
  - (2) the technical and economic impact on the operation of the manufacturer or provider and on the operation of the specific equipment or service in question, including on the development and deployment of new communications technologies;
  - (3) the type of operations of the manufacturer or provider; and
  - (4) the extent to which the service provider or manufacturer in question offers accessible services or equipment containing varying degrees of functionality and features, and offered at differing price points.
- The final rules should provide needed certainty that the FCC will only consider the enumerated factors in making an achievability determination.

The Final Rules Must Give Clear and Independent Effect to § 716(j)'s Limitation.

- § 716(j) of the Act requires that the final rules not require covered entities to make every function and feature of every device or service accessible to every disability.
  - Consistent with the Act, the final rules should – separate and apart from the question of whether accessibility is "achievable" – provide that not every product and service must be accessible, giving manufacturers and providers much needed flexibility to determine which of their products and services can and should be made accessible.
- Identifying "Important/Easy" Features is Not Supported by the Act and Would Not Further the Goals of the Act.
  - Government mandated features will inhibit innovation and competition.
  - Such an approach would inevitably create disputes over which features or disabilities are more "important" than others.
  - Any such list of features would quickly become outdated as technology progresses.

The Final Rules Must Provide Certainty that "Industry Flexibility" is Indispensable to Achieving Accessibility.

- Creative, open and customized solutions can provide highly individualized access for persons with disabilities only if providers and manufacturers have the certainty that such solutions will not result in unexpected liability.
- The Final Rules Must Limit a Covered Entity's Responsibility for Third Party Products And Services to Those Provided to Consumers.
  - § 2(a) of the Act provides "liability protection where an entity is acting as a passive conduit of communications made available through the provision of advanced communications services by a third party or where an entity is providing an information location tool through which an end user obtains access to services and information." (House Report at 22).
- "Relied On" Is the Only Exception to the Limitations on Liability from Third Party Products and Services. (§ 2(b)).
  - The final rules should only require covered entities to ensure the compliance of third party products and services that are relied on for compliance.
  - The Act precludes liability for underlying services or network facilities.

The Informal Complaint Process Should Promote Solutions for Consumers, Rather than Incenting a Litigious Process.

- The Existing Informal Complaint Process Works for Consumers and the Wireless Industry.
  - The proposed informal complaint process goes too far by imposing the burdens of the formal complaint process on the responding entity.
  - § 717 of the Act modified the enforcement process in terms of the Commission's procedural requirements and does not direct any specific revisions to the existing requirements for respondents.
- The Informal Complaint Process Should be Designed to Provide an Easy Means for Consumers to Resolve Their Concerns.
  - Early resolution among parties should be encouraged.
- § 717(a)(5) of the Act explicitly sets forth the recordkeeping obligations of covered providers and manufacturers, and limits them to three categories of documents.

Additional Considerations for the Final Rules

- When Do 255 or 716 Apply?
  - § 716(f) of the Act states that services and equipment subject to 255, including Interconnected VoIP, "remain subject to the requirements of section 255."
  - § 716(f) of the Act is clearly meant to address situations in which the equipment or service has aspects or features that might be covered by both section 716 and section 255.
    - § 716(f) of the Act states that "[t]he requirements of this section *shall not apply* to any equipment or services, including interconnected VoIP service, that are subject to the requirements of section 255 on the day before the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010…"(emphasis added).
  - Thus, the only logical reading of that provision is that § 716(f) is meant to apply to multipurpose devices or services, and provides the clear answer that section 255 applies in such situations.
- Mobile Internet Browser Accessibility for Blind & Low Vision Individuals
  - There is an increasingly diverse market of mobile operating systems, platforms and browsers.
  - An industry group should be formed to devise an appropriate and cohesive implementation plan.

Conclusions

- Accessibility Must be Balanced with Competing Policy Goals:
  - *Network Management*
  - *Security & Privacy*
  - *Public Safety & Emergency Services*
  - *General Consumer Issues*
- The wireless industry believes that the final rules should provide the greatest possible clarity, certainty, and flexibility to best ensure continued innovation and technological progress in making advanced communications service accessible.
- CTIA hopes the Commission's rules and procedures adopted under the Act continue to encourage the strong collaborative environment that has developed among the wireless industry and consumers to find solutions that further the goal of making wireless products and services accessible to all Americans.

Thank You!