August 12, 2011

Via Electronic Filing
Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: *Ex Parte* Presentation, CG Docket Nos. 10-145, 10-213, WT Docket No. 96-198

Dear Ms. Dortch:

On August 11, 2011, Christopher Guttman-McCabe, Vice President, Regulatory Affairs, CTIA – The Wireless Association® ("CTIA") and Matthew Gerst, Counsel, External & State Affairs, CTIA met with Rick Kaplan, Chief, Wireless Telecommunications Bureau ("WTB") and Elizabeth Lyle, Special Counsel for Innovation, WTB.

CTIA believes that the Commission should implement the Twenty-First Century Communications and Video Accessibility Act ("CVAA") by providing clarity in the rules, certainty in their application, and the flexibility that will ensure the U.S. wireless industry continues offering the most innovative products and services in the world to all consumers, including persons with disabilities. CTIA hopes the Commission's rules and procedures adopted under the CVAA 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.

Consistent with its comments and reply comments in the above-captioned proceedings,[1] CTIA addressed concerns with the Commission's proposed implementation of the CVAA. CTIA also provided a summary of our industry leading efforts to educate consumers with disabilities about accessible wireless equipment and services through www.AccessWireless.Org. To help guide the meeting, CTIA provided attendees with the attached Power Point slides, which summarize the items discussed.

In addition, the following items were discussed during the meeting:

- **Informal Complaint Process**: CTIA stated that the goal of the Commission's informal complaint process should be to provide an easy means for consumers to resolve their concerns, and should avoid a litigious process that shifts attention

[1] *See* Comments of CTIA-The Wireless Association®, CG Docket Nos. 10-213 & 10-145, WT Docket No. 96-168 (filed Apr. 25, 2011); Reply Comments of CTIA-The Wireless Association®, CG Docket Nos. 10-213 & 10-145, WT Docket No. 96-168 (filed May 23, 2011).

away from the consumer by imposing the burdens of the formal complaint process on the responding entity. Further, CTIA noted that Section 717 of the CVAA modified the enforcement process in terms of the Commission's procedural requirements. Section 717 of the CVAA does not direct any specific revisions to the existing requirements for respondents.

- **"Primary Purpose" Analysis**: CTIA stated that allowing service providers and manufacturers to determine whether the "primary purpose" of equipment or services are "Advanced Communications Services" will provide industry with needed clarity to continue offering innovative products and services, and will facilitate the United State's continued leadership in a global mobile ecosystem.

- **Application of Section 255 to Multi-Purpose Equipment and Services**: CTIA noted that the plain reading of Section 716(f) which 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 enactment [of the CVAA]…" clearly applies the Section 255 standard to multi-purpose devices or services that support interconnected VoIP and other "grandfathered" services.

- **Limitation on Liability & Rule of Construction**: CTIA noted that Section 2 of the CVAA provides covered entities the certainty that they will not be held responsible for third party entities and asked that the final rules provide greater clarity with respect to Section 2. CTIA also noted that the final rules must give independent effect to Section 716(j) which states that the CVAA "shall not be construed to require a manufacturer of equipment used for advanced communications or a provider of advanced communications services to make every feature and function of every device or service accessible for every disability."

Pursuant to Section 1.1206 of the Commission's rules,[2] this letter is being electronically filed via ECFS with your office and a copy of this submission is being provided electronically to the meeting attendees. Please let the undersigned know if you have any questions regarding this filing.

Sincerely,

/s/ *Matthew Gerst*

Matthew Gerst
Counsel, External & State Affairs
CTIA-The Wireless Association®

Attachment

cc: Rick Kaplan
Elizabeth Lyle

[2] 47 C.F.R. § 1.1206.