



Information Technology Industry Council
Leading Policy for the Innovation Economy

August 29, 2011

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Ex parte report regarding meeting on CG No. 10-213, WT No. 96-198, CG No. 10-145

Dear Ms. Dortch:

On August 24, 2011, the Information Technology Industry Council (“ITI”) met with Federal Communications Commission (hereafter, “the Commission”) staff in person and via teleconference to provide a demonstration of how manufacturers use of standards and technical specifications to provide accessibility to advanced communications services (“ACS”). In addition, meeting participants discussed other matters relative to the Commission’s Notice of Proposed Rulemaking implementing the Twenty-First Century Communications and Video Accessibility Act of 2010 (hereafter, “Accessibility Act”).

The ITI delegation consisted of Mr. Tom Wlodkowski of AOL, Inc.; Ms. Laura Ruby and Mr. Alex Li of the Microsoft Corporation; Mr. Peter Korn of the Oracle Corporation; and the undersigned. Representing the Commission were Ms. Jane Jackson, Mr. Patrick DeGrabba and Mr. Matthew Nodine of the Wireless Telecommunications Bureau.

Mr. Wlodkowski demonstrated how AOL technologies such as AOL Instant Messenger works on certain smart phones, utilizing the application program interfaces, or APIs, provided by the platform developer. The API provides essential building blocks that allow software developers to create applications consistent with the platform environment. When the APIs implement

global standards such as the W3C/WAI Accessible Rich Internet Applications standard, it ensures developers of assistive technology (“AT”) devices and applications of broad, stable market for their standards-enabled AT.¹ Ultimately, consumers benefit by virtue of an increase in interoperable and inexpensive accessible technologies.

Meeting participants also discussed other standards and technical specifications that may help developers comply with the provisions of the Accessibility Act, and therefore be afforded “safe harbor” status by the Commission as per Section 716. These included the W3C/WAI Web Content Accessibility Guidelines, Version 2.0 and Section 508 of the Rehabilitation Act of 1973, as amended, as well as other possibilities. ITI participants expressed confidence that providing appropriate, consistent safe harbors will help advance the goals of the Accessibility Act as expressed by both Congress and the Commission.

Participants also discussed the matter of enforcement of the forthcoming regulations, and how to determine which party is accountable in a product environment that consistent of multiple components, often provided by multiple developers. ITI again expressed support for a delay in the effective date of any enforcement provisions, to allow developers sufficient time to incorporate necessary changes to products within product development cycles. A transition period will also provide information technology and AT developers of ACS sufficient time to effectively adopt relevant standards and technical specifications.

Finally, there was a brief discussion regarding the informal complaint process outlined in the Accessibility Act. ITI expressed the view that some of the proposed requirements in the Notice of Proposed Rulemaking exceeded Congressional intent, and would in effect impose consider administrative and cost burdens on developers regardless if their products ever were the subject of a formal complaint. Commission participants replied that they are simply meeting the obligations of the law.

This concludes my report on the August 24 ex parte meeting between the aforementioned

¹ For detailed information regarding WAI-ARIA, see <http://www.w3.org/WAI/intro/aria>.

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Commission staff and the ITI delegation. We welcome any inquiries regarding the views expressed herein. Please direct any questions to the undersigned.

Respectfully,

/s/ Ken Salaets
Ken J. Salaets
Director, Global Policy

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