



September 20, 2011

VIA ELECTRONIC FILING

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

RE: Notice of *Ex Parte* Meeting
CG Docket No. 10-213; WT Docket No. 96-198; CG Docket No. 10-145

Dear Ms. Dortch:

On Friday, September 16, 2011, the Coalition of Organizations for Accessible Technology (“COAT”), represented by, Jenifer Simpson, Senior Director for Government Affairs, American Association of People with Disabilities (AAPD); Eric Bridges, Director of Advocacy and Governmental Affairs, American Council of the Blind (ACB); Mark Richert, Director of Public Policy, American Foundation for the Blind (AFB); and Andrew Phillips, Policy Attorney, National Association of the Deaf (NAD); and also Claude Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI) and Christian Vogler, Ph.D, Co-Principal Investigator, RERC on Telecommunication Access, Director, Technology Access Program, Gallaudet University, met with Rick Kaplan, Chief, Wireless Telecommunications Bureau (WTB); Jane Jackson, Associate Bureau Chief, WTB; Elizabeth Lyle, WTB; Melissa Gidden Tye, WTB; Karen Peltz Strauss, Deputy Chief, Consumer & Governmental Affairs Bureau (CGB); Eric J. Bash, Associate Bureau Chief, Enforcement Bureau (EB); and Darryl Cooper, EB.

This outreach meeting, called by the WTB, discussed a proposed draft of rules on Advanced Communications Services (“ACS”) that will soon be on circulation. We expressed appreciation for all of the work that has been done by everyone at the FCC on ACS. However, we shared some concerns and reminded those at the meeting about the overarching purpose of the law and the need to ensure that 54 million individuals with disabilities are able to fully utilize ACS.

We expressed our concerns that the Commission's likely approach to CVAA applicability to certain software products or services may be far too narrow to accord with the letter

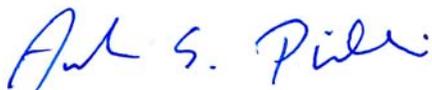
and spirit of the CVAA. It seems that the WTB draft will leave certain valuable software products uncovered by the law and apply the law only to equipment and service providers. We raised the point that that video communication software needs to be tied neither to equipment, nor service providers. For instance, H.323 video and audio communication is peer-to-peer and does not require a service provider at all. In addition we mentioned that Diaspora (a Facebook alternative), and BitTorrent (file sharing) are large-scale examples of peer-to-peer systems without service providers; it is technically possible for video communication software to follow the same model. Moving forward with this approach will leave a dangerous gap in the law and potentially leave millions of people with disabilities unable to access important communication software. Further, we pushed for clarification on what consists of a service in service provider and whether certain programs may be covered or not. We made it clear that to achieve the purpose and intent of the law, these forms of stand-alone software must be covered.

We were also concerned about the implications of postponing rules defining interoperable video conferencing service as well as small entity in the small entity exemption. For interoperable video conferencing services, we stressed the need to interpret the rules as a mandate for interoperability or that ACS must be built with the goal of interoperability. However, if such a requirement is not found, then interoperability should be interpreted reasonably and following the intent of the law. Thus the definition of interoperable needs to focus on the ability to communicate through video and not be defined in a way that will leave this part of the law moot. We addressed the fact that, according to the industry definition of “interoperable” as “inter-platform, inter-network, and inter-provider,” not even VRS would be considered interoperable, even though it is subject to FCC rules on interoperability.

Moreover, we shared concerns about defining a small business entity in a way that will not exempt rural service providers as people with disabilities who live in rural areas need accessibility just as much and sometimes more than those in urban areas. We understand that there will be further opportunities for comments on these two issues and look forward to these opportunities.

Finally, we expressed disappointment with the proposed decision to set the phase-in period for complaints at two years. We explained that this is too long a wait for accessible technology. Further, concerns were raised about the possibility of a 2-year term being extended in the future.

Respectfully submitted,

A handwritten signature in blue ink that reads "Andrew S. Phillips".

Andrew S. Phillips, Esq.
Policy Attorney
National Association of the Deaf

cc: Rick Kaplan, WTB
Jane Jackson, WTB
Elizabeth Lyle, WTB
Melissa Gidden Tye, WTB
Karen Peltz Strauss, CGB
Eric J. Bash, EB
Darryl Cooper, EB