

**Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)
)
Implementation of Sections 716 and 717 of) CG Docket No. 10-213
the Communications Act of 1934, as Enacted)
by the Twenty-First Century Communications)
and Video Accessibility Act of 2010)

**PN COMMENTS OF CTIA-THE WIRELESS ASSOCIATION® –
ACCESSIBILITY OF COMMUNICATIONS TECHNOLOGIES**

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CTIA-The Wireless Association® (“CTIA”)^{1/} submits these comments in response to the Public Notice issued by the Consumer and Governmental Affairs Bureau (“CGB” or “Bureau”) of the Federal Communications Commission (“Commission” or “FCC”) seeking comment from the public to inform the Commission’s preparation of the first biennial report required by the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA” or the “Act”).^{2/} CTIA welcomes the opportunity to provide information to the FCC on the ways the wireless industry is meeting the unique needs of individuals with disabilities and the requirements of the CVAA. As described in more detail below, CTIA respectfully submits that the Commission should report to Congress that:

^{1/} CTIA – The Wireless Association® is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the organization includes Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, Advanced Wireless Service, 700 MHz, broadband PCS, and ESMR, as well as providers and manufacturers of wireless data services and products.

^{2/} See *Consumer and Governmental Affairs Bureau Seeks Comment on the Accessibility of Communications Technologies for the First Biennial Report under the Twenty-First Century Communications and Video Accessibility Act*, Public Notice, DA 12-1125 (rel. July 12, 2012) (“Public Notice”); Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751 (2010) (as codified in various sections of 47 U.S.C.).

- Since the CVAA was signed into law, the U.S. wireless industry has continued to lead the market in offering consumers, including persons with disabilities, a wide-array of innovative and competitive wireless services and equipment. CTIA’s member companies provide wireless service to more than 300 million subscriber connections, offer more than 600 unique wireless devices, and lead the world in deploying 4G mobile broadband services.
- Consistent with Congress’ vision in the CVAA, wireless service providers, equipment manufacturers and third-party developers continue to enhance mainstream and offer specialized products to meet the accessibility needs of persons with disabilities.
 - Wireless service providers are enhancing network capabilities to offer an increasing array of services that benefit the accessibility community, including voice, text, data and service plans designed for persons with disabilities.
 - Wireless manufacturers continue to offer a wide-range of products and are designing handsets, smartphones and tablets with built-in accessibility solutions, such as text-to-speech and screen readers, hearing aid compatibility (“HAC”), displays with adjustable brightness, font sizes and haptic feedback, innovative text communications, multiple device form factors (e.g. touch, flip, candy bar, etc.) and, more recently, voice activated features. In addition, wireless manufacturers design devices to be compatible with Assistive Technology (“AT”) solutions, including hardware (e.g. alternate entry devices, TTYs, and adaptive keyboards) and software (e.g. screen readers).
 - Third-party applications are revolutionizing the accessibility of wireless services and devices and are enhancing accessibility in important sectors of our economy,

including education, healthcare, commerce and public safety.

- As a result of the wireless industry's significant efforts to inform and collaborate with the accessibility community about the innovative and competitive wireless ecosystem, persons with disabilities are better informed about the diverse range of wireless services, equipment and applications that are available to meet their needs.

CTIA appreciates the flexible approach the Commission has taken in adopting the new rules under the CVAA. The Commission can further help the industry prioritize and prepare for its obligations under the CVAA by expeditiously providing additional guidance and clarity regarding its expectations, particularly for any outstanding rulemakings and deadlines, and maintaining a flexible approach to recordkeeping requirements.

INTRODUCTION AND SUMMARY

The wireless industry recognizes that wireless devices and services are vital to the personal, business and emergency communications needs of the public, including persons with disabilities. CTIA's member companies provide wireless service to more than 300 million subscriber connections, offer more than 600 unique wireless devices, and carry *trillions* of text messages annually.^{3/} As FCC Chairman Julius Genachowski recently noted, “[a]round, the world, more people now have mobile phones than electricity or running water . . . [t]hat makes mobile phones the most pervasive technology in history.”^{4/} Collaborative efforts among industry, consumers and regulators, and an era of unparalleled technological innovation, have allowed the wireless

^{3/} See Dr. Robert Roche, *CTIA Survey Show More Wireless Devices than Americans*, CTIA BLOG (Oct. 11, 2011), available at <http://blog.ctia.org/2011/10/11/ctia-survey-show-more-wireless-devices-than-americans/>.

^{4/} FCC Chairman Julius Genachowski, Prepared Remarks to International CTIA Wireless 2012, at 2 (May 8, 2012) (“Genachowski Remarks”), available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db0508/DOC-313945A1.pdf.

industry to offer all consumers, including persons with disabilities, a level of choice and value unmatched by any time in our history.

The robust wireless ecosystem has already proven itself to be a market leader in accessible services and equipment. Wireless carriers and manufacturers are ensuring accessibility through innovative services and plans, and offering built-in accessibility features or compatibility with Assistive Technology (“AT”) and software to meet the unique needs of individuals with disabilities. Wireless manufacturers have designed handsets, smartphones and tablets with built-in accessibility solutions, such as text-to-speech and screen readers, hearing aid compatibility (“HAC”), haptic feedback, innovative text communications, and, more recently, voice activated features. Further, third-party applications are revolutionizing the accessibility of wireless services and devices and are enhancing accessibility in important sectors of our economy.

CTIA and its members are also engaging in voluntary collaborative initiatives with the accessibility community to ensure the widespread availability of and information on accessible wireless products and services. Indeed, persons with disabilities are better informed today about the variety of accessible devices and services available because of CTIA’s award-winning website AccessWireless.org and other collaborative efforts by the wireless industry and the accessibility community.

In addition to these efforts, the wireless industry is taking the necessary steps to ensure readiness to comply with the requirements of the CVAA. CTIA member companies are continuing to consult with the accessibility community at appropriate phases of product and service design. They are also actively working to meet the CVAA’s enforcement and recordkeeping requirements. To create an environment that continues to encourage such collaborative efforts and help ensure the wireless industry meets its upcoming requirements

under the CVAA, it is important that the Commission move forward with three things in mind: 1) conclusion of all outstanding rulemakings so that affected entities have the necessary time to plan for compliance before the rules come into effect, 2) continuation of a flexible approach to compliance with the Commission’s recordkeeping requirements, and 3) facilitation of an innovative ecosystem that allows the wireless industry to continue to lead the world in developing and delivering mobile broadband services and equipment.

I. THE U.S. WIRELESS INDUSTRY IS A MARKET LEADER IN ACCESSIBLE SERVICES AND EQUIPMENT

The robust and competitive wireless ecosystem offers tremendous opportunities for the wireless industry to meet the needs of persons with disabilities. Since well before the CVAA was enacted, service providers, equipment manufacturers, and application developers have made substantial efforts to increase the availability and affordability of accessible wireless services and devices. Wireless service providers and manufacturers have incorporated accessible features into their application requirements that encourage third-party applications to utilize built-in accessibility features, often yielding more efficient and affordable accessibility solutions than dedicated accessibility devices.

These efforts have not only allowed the wireless industry to comply with its obligations under Section 255 of the Act,^{5/} but have also put wireless service providers and device manufacturers well on their way to complying with the new obligations for Advanced Communications Services (“ACS”) and equipment that will come into effect in the near future. Moreover, the wireless industry has continued its commitment to engage in outreach and educational activities to assist the accessibility community in identifying the products and solutions that best meet their needs.

^{5/} 47 U.S.C. § 255.

A. Wireless Service Providers Increasingly Offer A Wide Array Of Accessible Services And Plans.

Wireless service providers are enhancing network capabilities to offer an increasing array of services that benefit the accessibility community, including voice, text, data and service plans specifically for persons with disabilities. As Chairman Genachowski stated, “[w]e are now ahead of the world in deploying 4G mobile broadband at scale – with 64% of the world’s 4G LTE subscribers here in the U.S.”^{6/} By investing in faster and more robust wireless broadband services, wireless service providers are responding to consumer demand and tailoring their service offerings to meet the needs of persons with disabilities.

For example, Sprint offers a Relay Data Only Plan, which includes unlimited e-mail, Internet access, Instant Messaging (“IM”), and domestic text and picture messaging for people who are deaf, hard of hearing or have a speech disability.^{7/} AT&T’s Text Accessibility Plan for wireless handsets, including Apple’s iPhone, similarly allows consumers who are deaf or hard of hearing to take advantage of unlimited Internet usage and text messages.^{8/} Verizon Wireless and U.S. Cellular also offer messaging-only plans that are designed for individuals who are deaf or hard of hearing as well as those individuals who want to use messaging as their primary method of communication.^{9/} T-Mobile offers a suite of unlimited data plans with flexible pricing.^{10/}

^{6/} Genachowski Remarks at 4.

^{7/} See Sprint, Sprint Relay Data Only Plan, <http://www.sprintrelaystore.com/?page=learnmoredata> (last visited July 24, 2012).

^{8/} See AT&T, Disability Services, Plans and Billing, <http://www.wireless.att.com/learn/articles-resources/disability-resources/hearing-aid-compatibility.jsp#tap> (last visited July 24, 2012).

^{9/} See Verizon Wireless, Nationwide Messaging Plan with No Voice Minutes, <http://www.verizonwireless.com/b2c/splash/messagingplans.jsp> (last visited July 24, 2012); U.S. Cellular, Messaging Only Plans, <http://www.uscellular.com/plans/text-only.html> (last visited July 24, 2012).

^{10/} See T-Mobile Release, *T-Mobile Unveils Affordable and Worry-Free Unlimited Data Plans* (July 20, 2011), available at <http://newsroom.t-mobile.com/articles/t-mobile-unveils-unlimited-data-plans>.

For individuals who are blind, have low vision, dexterity disabilities, or cognitive disabilities, Verizon Wireless offers free 411 assistance^{11/} and provides those customers' bills, as well as many of their product and services brochures, in alternate media formats such as in Braille and large print.^{12/} U.S. Cellular has partnered with an organization called "Horizons for the Blind" that translates written material into Braille and produces large print material for the visually impaired.^{13/} AT&T has been developing a speech recognition application programming interface ("API") known as WATSONSM, which includes seven different speech recognition and transcription capabilities and is programmed to learn different accents, dialects and speech patterns, among other things.^{14/} The WATSONSM API was recently opened up to developers, which will allow them to integrate its speech capabilities into their applications.^{15/} Through diverse and competitive service offerings, wireless service providers can and do respond to market demands by developing innovative ways to meet the unique needs of persons with disabilities.

B. Wireless Equipment Manufacturers Continue To Develop Innovative Devices That Include A Variety Of Accessible Features And Solutions.

^{11/} See Verizon Wireless, Accessibility Products and Overview, <http://aboutus.verizonwireless.com/accessibility/index.html> (last visited July 24, 2012) (noting that "[c]ustomer's (sic) whose disability significantly inhibits the ability to read a phone directory, dial a phone number, read a 411 text message response to an inquiry or remember a phone number may be eligible for the program").

^{12/} See Verizon Wireless, Accessibility Alternate Media Format, <http://aboutus.verizonwireless.com/accessibility/alternatemediamedia.html> (last visited July 24, 2012).

^{13/} See Horizons for the Blind, Welcome to Horizons for the Blind, <http://www.horizons-blind.org/> (last visited July 24, 2012).

^{14/} See AT&T Labs Research, AT&T Watson (SM) Speech Technologies, <http://www.research.att.com/projects/WATSON/index.html?fbid=e-efcuZ3wex> (last visited July 24, 2012).

^{15/} See Chris Velazco, *AT&T Opening Watson Speech Recognition to Developers With New APIs in June*, TECH CRUNCH (April 19, 2012), available at <http://techcrunch.com/2012/04/19/att-opening-watson-speech-recognition-to-developers-with-new-apis-in-june/>; Curtis C. Chen, *Developers Can Talk to AT&T's Watson API in June*, PROGRAMMABLEWEB.COM (April 23, 2012), available at <http://blog.programmableweb.com/2012/04/23/developers-can-talk-to-atts-watson-api-in-june/>.

Wireless equipment manufacturers continue to offer a wide-range of products and unique approaches to meet the needs of persons with disabilities. Many wireless devices today include built-in features including visual and vibrating alerts and notifications, speakerphones, text and IM applications, tactilely discernible keypads (e.g. QWERTY) and shortcut keys, displays with adjustable brightness and font sizes, predictive text and word completion (e.g. AutoText) and spell check, multiple device form factors (e.g. touch, flip, candy bar, etc.), and, more recently, voice activated features..

Blackberry® and Nokia devices, for instance, include many of these features in their devices to meet a number of accessibility needs.^{16/} The DROID™ by Motorola similarly embeds accessibility features, such as a large backlit touch screen and keypad with raised keys, for users with vision needs.^{17/} And in 2012, Research in Motion (“RIM”) introduced BlackBerry® Screen Reader, a feature which provides an audible output based on visual information displayed on screen, helping customers with visual impairments operate their BlackBerry® smartphone.^{18/}

Wireless manufacturers also incorporate accessible features into their application requirements that encourage applications developers to utilize built-in accessibility features,^{19/}

^{16/} See, e.g., RIM, Inc., BlackBerry® Accessibility Overview, www.blackberry.com/accessibility (last visited July 24, 2012) (listing accessibility solutions and features for individuals with hearing, vision, mobility, cognitive and speech disabilities); Nokia, Accessibility, <http://www.nokiaaccessibility.com/> (last visited July 24, 2012).

^{17/} See Motorola, Accessibility, <http://responsibility.motorola.com/index.php/consumers/accessibility/> (last visited July 24, 2012).

^{18/} See RIM, Inc., BlackBerry® ScreenReader, <http://mobileapps.blackberry.com/devicesoftware/entry.do?code=bsr> (last visited July 24, 2012). RIM also currently has 11 HAC BlackBerry® smartphone models available in the U.S.

^{19/} RIM, for instance, provides resources and tools, such as the BlackBerry Accessibility Developer and the BlackBerry Accessibility API to help developers better understand accessibility and what it means to build an accessible application. See RIM, Inc., BlackBerry® Development Guide, <http://docs.blackberry.com/en/developers/deliverables/20100/index.jsp?name=Accessibility+-+Development+Guide+->

and design devices to be compatible with Assistive Technology (“AT”) solutions, including hardware (e.g. alternate entry devices, TTYs, and adaptive keyboards) and software (e.g. screen readers, magnifiers, and text-to-speech and speech-to-text engines). For example, Apple’s iPhone includes, at no additional cost, standard AT features such as “screen magnification and VoiceOver, a screen-access technology, for the blind and visually impaired.”^{20/} Samsung’s Galaxy Nexus using Google’s Android operating system has preinstalled software that provides spoken, vibration and sound feedback to notify and alert users about various actions, such as launching an application, upcoming events, and receiving incoming calls.^{21/} Many of these mobile devices have now replaced expensive, immobile AT communications devices for individuals with disabilities at significantly reduced costs.^{22/}

+BlackBerry+Java+SDK6.0&language=English&userType=21&category=Development+Guides&subCategory= (last visited July 24, 2012).

^{20/} See Apple, Apple’s Commitment to Accessibility, <http://www.apple.com/accessibility/> (last visited July 24, 2012).

^{21/} See Google Android OS, Accessibility Overview, <http://support.google.com/android/bin/answer.py?hl=en&answer=2492341> (last visited July 24, 2012).

^{22/} The Commission has found some Assistive Technologies in the past to be prohibitively expensive. See FCC, *OBI Working Paper Series: A Giant Leap & A Big Deal: Delivering on the Promise of Equal Access to Broadband for People with Disabilities*, at 6-7 (April 2010), available at [http://download.broadband.gov/plan/fcc-omnibus-broadband-initiative-\(obi\)-working-report-giant-leap-big-deal-delivering-promise-of-equal-access-to-broadband-for-people-with-disabilities.pdf](http://download.broadband.gov/plan/fcc-omnibus-broadband-initiative-(obi)-working-report-giant-leap-big-deal-delivering-promise-of-equal-access-to-broadband-for-people-with-disabilities.pdf).

C. The Diverse Wireless Ecosystem Is Enhancing Accessibility In Wireless Devices And Improving Critical Sectors Of Our Nation.

The collaborative wireless ecosystem means that consumers, including persons with disabilities, can take advantage not only of the innovative products and services offered directly by wireless service providers and manufacturers, but applications offered by third parties that are designed to work with wireless products and services. Today, an ever-increasing number of third-party applications are being developed and offered to consumers that help improve the accessibility of wireless devices and services.

AT&T, for instance, offers a free download for its visually impaired Android users called “Mobile Accessibility Lite,” which consists of a suite of 11 mobile applications that allow visually impaired users to, among other things, make and receive phone calls, compose and read text messages, and access the Internet through speech recognition technology and sound/vibration feedback.^{23/} Similarly, customers of Sprint, Boost Mobile, and Virgin Mobile USA who are blind or have low vision have access to a free downloadable application for Android known as “Wireless Accessibility,” which features “a simplified user interface and textual information that is spoken aloud using voice synthesis to aid navigation of the device.”^{24/} Verizon Wireless also offers TALKS™ for certain devices, which converts the text on wireless

^{23/} See AT&T, AT&T Mobile Accessibility Lite for Android, <http://www.wireless.att.com/learn/articles-resources/disability-resources/mobile-speak-magnifier.jsp?wtSlotClick=1-007E23-0-1&WT.svl=calltoaction#11-applications> (last visited July 24, 2012).

^{24/} See Sprint News Release, *Sprint Launches Code Factory Mobile Accessibility Application for Free to Android Users Who Are Blind or Have Low Vision* (Feb. 29, 2012), available at http://newsroom.sprint.com/article_display.cfm?article_id=2194.

devices into speech, as well as a free software update for DROID™ users that assists with accessibility.^{25/}

In addition to improving access to wireless services and equipment, wireless applications are revolutionizing accessibility in education, healthcare, and commerce. Applications for Apple’s iOS and Google’s Android, for instance, have been found to help autistic children learn to develop communication, social, and fine-motor skills, such as writing or manipulating small objects.^{26/} Significantly beneficial to persons with disabilities, mobile health applications also make healthcare more attainable and individualized. For example, applications for DynaVox, as well as Apple devices, can help medical patients by providing “global positioning systems, one-touch planners that show pictures of their next activity and alarms that remind them verbally and in writing of appointments and what medicines to take.”^{27/}

Applications also can help individuals with disabilities with everyday aspects of their lives as consumers. An application called the LookTel Money Reader, for instance, helps persons with visual impairments identify currency by utilizing the cameras of a wireless device to “read money” and speak the value of the currency out loud.^{28/} An application called

^{25/} See Verizon Wireless, Accessibility: TALKS™ for Verizon Wireless, <http://aboutus.verizonwireless.com/accessibility/talks.html> (last visited July 24, 2012).

^{26/} See Pradnya Joshi, *Finding Good Apps for Children With Autism*, NY TIMES (Nov. 29, 2011), available at <http://gadgetwise.blogs.nytimes.com/2011/11/29/finding-good-apps-for-children-with-autism/>; Supraja Seshadri, *iPad Gives Voice to Kids with Autism*, CNN (May 15, 2012), available at <http://www.cnn.com/2012/05/14/tech/gaming-gadgets/ipad-autism/index.html>.

^{27/} See Michelle Fay Cortez, *Brain-Damaged Emma Finds a Voice With Grassroots iPad App*, BLOOMBERG (March 14, 2012), available at <http://www.bloomberg.com/news/2012-03-14/brain-damaged-emma-finds-a-voice-with-grassroots-ipad-app.html>.

^{28/} See Nick Bilton, *An iPhone App Helps the Blind Identify Currency*, NY TIMES BITS (March 9, 2011), available at <http://bits.blogs.nytimes.com/2011/03/09/an-iphone-app-helps-the-blind-identify-currency/>.

BlindSquare helps blind pedestrians “find locations on foot or while using public transportation.”^{29/}

Importantly, new forms of emergency communications over wireless services and devices are ensuring that persons with disabilities are included. In April 2012, CTIA and the wireless industry joined the FCC and Federal Emergency Management Agency to offer Americans a robust and reliable wireless emergency alert system.^{30/} Wireless Emergency Alerts (“WEA”), also known as Commercial Mobile Alert System or Personal Localized Alerting Network, is a national emergency alert system to send concise, text-like messages about imminent threats to a users’ WEA-capable mobile device. For persons with disabilities, a mobile user with a WEA-capable device will automatically receive these free text alerts that will have a unique audible signal *and* vibration cadence. Today, wireless providers representing nearly 97 percent of subscribers are participating in distributing wireless emergency alerts.

D. The Wireless Industry Continues To Engage In And Facilitate Substantial Outreach And Education Activities.

The wireless industry has continued a strong commitment to working with the accessibility community through conferences and meetings and through AccessWireless.org. Access to wireless technologies for persons with disabilities was a large part of CTIA’s annual wireless conference held earlier this year,^{31/} and CTIA member companies highlighted the exciting opportunities that wireless devices and services offer for persons with disabilities.^{32/}

^{29/} See Joann Pan, *BlindSquare: App Uses Foursquare Data to Help the Blind Navigate Streets*, MASHABLE (June 1, 2012), available at <http://mashable.com/2012/06/01/blindsquare-app/>.

^{30/} See CTIA, *Wireless Emergency Alerts on Your Mobile Device*, http://www.ctia.org/consumer_info/safety/index.cfm/AID/12082 (last visited July 24, 2012).

^{31/} See Matthew Gerst, *Accessibility is a Hot Topic at CTIA’s Annual Wireless Conference*, ACCESSWIRELESS.ORG (May 31, 2012), available at http://www.accesswireless.org/about-us/news/12-05-31/Accessibility_is_a_Hot_Topic_at_CTIA_s_Annual_Wireless_Conference.aspx.

^{32/} See *id.*

As the Commission is aware, CTIA recently re-launched AccessWireless.org, which now serves as the “first stop” for consumers searching for wireless accessibility information and tools.^{33/} Based on the recommendations of a CTIA convened body of representatives of persons with disabilities, CTIA member companies and FCC staff, the revamped site features direct links to service provider and manufacturer accessibility websites, tips for consumers before, during and after purchasing a new wireless device or service, and offers information relevant to individuals who are deaf or hard of hearing, blind, and physically, cognitively or speech impaired. It also has tools for industry employees to help customers that visit a service provider’s retail store and provides separate information for senior citizens who may not self-identify as having a disability. In addition, AccessWireless.org features information about accessible applications and the Wireless Rehabilitation Engineering Research Center’s five-part training videos about hearing aid compatible wireless handsets.

CTIA also has partnered with the Mobile Manufacturers Forum (“MMF”) to bring the Global Accessibility Reporting Initiative (“GARI”) to AccessWireless.org. GARI enables consumers, for the first time in the United States, to use a “Find a Phone” function to search for wireless handsets based solely on built-in accessibility features.^{34/} GARI helps customers identify phones with the features that may assist them with their particular needs and is a significant step towards centralizing accessibility into a searchable tool. The MMF has agreed to work with CTIA to build upon and enhance GARI and CTIA looks forward to participating in those efforts.

^{33/} See CTIA Press Release, *CTIA-The Wireless Association® Redesigns AccessWireless.org* (March 23, 2011), available at <http://www.ctia.org/media/press/body.cfm/prid/2064>.

^{34/} See Mobile Manufacturers Forum, *Mobile Accessibility*, <http://www.mobileaccessibility.info/index.cfm?lang=eng> (last visited July 24, 2012).

As a result of these significant efforts, AccessWireless.org is now more user friendly, more visually appealing and contains the most recent information about wireless accessibility, all in one place. The success of the redesigned website has been recognized by the Commission, which awarded AccessWireless.org the FCC Chairman's Award for Advancement in Accessibility.^{35/}

In addition to outreach efforts, the wireless industry continues take a number of steps to educate and inform the accessibility community about the variety of available wireless products, services and features. For example, CTIA's service provider and manufacturing members provide information about their accessible devices and services directly on their websites and wireless service providers have engaged in voluntary efforts to educate persons with disabilities and senior citizens about the benefits and utility of wireless services.^{36/}

Wireless service providers and manufacturers also train and educate personnel that work directly with consumers about accessibility issues. For instance, AT&T has established a customer service center specifically for customers with disabilities to help them learn more about accessible wireless products and services.^{37/} In 2011, RIM launched an internal training module

^{35/} See Matthew Gerst, *AccessWireless.Org Receives FCC Chairman's AAA*, ACCESSWIRELESS.ORG (Oct. 28, 2011), available at http://www.accesswireless.org/about-us/news/11-10-28/AccessWireless_Org_Receives_FCC_Chairman_s_AAA.aspx.

^{36/} See, e.g., U.S. Cellular, *Hearing Aid Compatible Phones*, <http://www.uscellular.com/uscellular/services/hearing-aid.jsp> (last visited July 24, 2012) (listing all currently available wireless devices along with the applicable HAC ratings); T-Mobile, *Accessibility Policy*, http://www.t-mobile.com/Company/CompanyInfo.aspx?tp=Abt_Tab_ConsumerInfo&tsp=Abt_Sub_AccessibilityPolicy (last visited July 24, 2012) (noting T-Mobile's hearing aid compatible handsets and their HAC ratings).

^{37/} See AT&T, *The National Center for Customers with Disabilities (NCCD)*, <http://www.wireless.att.com/learn/articles-resources/disability-resources/nccd.jsp> (last visited July 24, 2012) (describing AT&T's National Center for Customers with Disabilities, which is a specialized customer service center that includes representatives trained to help customers with disabilities by, for instance, arranging alternate billing formats such as Braille or large print and helping customers find a service plan that best fits them); see also, Verizon Wireless, *Accessibility Telecom Resources*, <http://aboutus.verizonwireless.com/accessibility/resources.html> (last visited July 24, 2012) (describing the

on Accessibility to customer-facing employees. The training includes information about RIM's Accessibility Policy and about how to interact and communicate with people with various types of disabilities. As only a few examples of the wireless industry's commitment to informing and educating the accessibility community about the innovative and competitive wireless ecosystem, CTIA and its member companies believe that the accessibility community is better informed about the diverse range of wireless services, equipment and applications that are available to meet their needs.

II. THE WIRELESS INDUSTRY IS TAKING THE NECESSARY STEPS TO ENSURE READINESS TO COMPLY WITH CVAA REQUIREMENTS

CTIA appreciates that the FCC has taken a flexible approach to implement the CVAA's rules and has worked with the wireless industry to ensure access to products and services for all wireless consumers. While setting a high-bar for accessibility, the CVAA and the FCC's rules ensure that wireless service providers, manufacturers and application providers have the flexibility to develop innovative solutions to meet the unique and diverse needs of all consumers. This flexible regulatory approach encourages collaborations among industry and consumers to develop forward-thinking solutions and, as a result, the wireless industry is now well poised to comply with many of the requirements of the CVAA. Notwithstanding this progress, however, some concerns remain, particularly with regard to the recordkeeping requirements, that the Commission may not consider covered entities' efforts sufficient if they are subjected to an enforcement proceeding. The Commission can further help the industry prioritize and prepare for its obligations under the CVAA by expeditiously providing additional guidance and clarity

Verizon Center for Customers with Disabilities that offers communications solution for customers with disabilities and consultants trained to address accessibility of telecommunications equipment and services, including local phone service, long distance/toll plans, directory listings, calling services, billing questions, Braille or large print bills, High Speed Internet service and FiOS).

regarding its expectations, particularly for any outstanding rulemakings and deadlines, and maintaining a flexible approach to recordkeeping requirements.

A. The Wireless Industry Continues To Advance Accessibility Throughout The Product Design Process, Including Consulting With Persons With Disabilities.

The wireless industry already actively considers the ability of persons with all disabilities, including hearing, visual, physical and cognitive impairments, who use wireless products and services, and takes the necessary steps to ensure that such disabilities are considered at the beginning of product and service design. Wireless carriers and equipment manufacturers regularly integrate accessibility considerations into their business operations, “from product development, human resources and talent retention to recruitment, marketing and customer service.”^{38/} These practices have naturally expanded to take account of the new CVAA requirements being implemented.

For example, since enactment of the CVAA, AT&T has incorporated into its standard project process “accessibility checklists,” which prompt the product development teams to think about how a person with a disability might use their product. AT&T also has expanded its efforts to collaborate with handset manufacturers and third-party accessibility, aging, technology and disability organizations to collect input on optimum accessibility specifications.^{39/} Further, AT&T has formed an Advisory Panel on Access and Aging, which meets quarterly and provides

^{38/} 3Gict, *White Paper Series: Accessibility, Innovation and Sustainability at AT&T*, at ix (2011), available at http://www.att.com/Common/merger/files/pdf/G3ict_White_Paper.pdf.

^{39/} *See id.* at 4-5.

advice and counsel to AT&T's subsidiaries, affiliates and leadership teams to discuss a number of matters, including AT, aging and cross-disability issues.^{40/}

Verizon Wireless is currently standardizing its processes to ensure that accessibility issues are considered throughout the design, build, and refresh/updating periods for devices and services covered by the ACS rules. Verizon Wireless also conducts quarterly calls with leading national disability advocates to update them on its activities and to solicit feedback. For example, Verizon Wireless has shared handsets with the American Foundation for the Blind Labs to evaluate and offer recommendations for their next generation of devices.^{41/}

Equipment manufacturers, such as Motorola, have similarly increased efforts to reach out regularly to disability advocacy groups, standards agencies and research organizations, and to work closely with the manufacturers of devices for people with accessibility needs, "so that their technology is compatible with [Motorola's] products."^{42/} RIM has worked hard to ensure that product accessibility is directly integrated into its design process by cooperating with peer organizations throughout the accessibility community to share best practices, conduct research and develop international standards for inclusive design.^{43/} Moreover, as noted above, the wireless industry has increased its interactions with the accessibility community through

^{40/} See AT&T, AT&T Advisory Panel on Access & Aging, <http://www.wireless.att.com/learn/articles-resources/disability-resources/advisory-panel.jsp?wtSlotClick=1-0054LR-0-1&WT.svl=calltoaction> (last visited July 24, 2012).

^{41/} See, e.g., Tara Annis and Morgan Blubaugh, *Product Reviews; An Accessibility Review of the Verizon Haven Cell Phone*, ACCESSWORLD (Nov. 2010), available at <http://www.afb.org/afbpress/pub.asp?DocID=aw110704>.

^{42/} Motorola, Corporate Responsibility: Accessibility, <http://responsibility.motorola.com/index.php/consumers/accessibility/> (last visited July 24, 2012) (explaining that its "designers draw on resources about accessibility needs through a dedicated intranet site").

^{43/} See RIM, *2011 Corporate Responsibility Report: The World in Your Hands* (2011), available at http://www.rim.com/company/corporate-responsibility/pdf/RIM_CR2011_Report.pdf.

AccessWireless.org to identify issues that might arise in connection with the purchase and use of wireless products and services, and find sensible, real-life solutions to any problems identified.

These processes, however, can only work when all entities involved understand what is being required of them, so that they can work towards a common goal. Particularly given the lead time necessary to rollout new equipment and services, it is imperative that the covered wireless entities understand precisely what they must do for a product or service to be considered “accessible” as far in advance as possible. Yet at this time, although many of the ACS requirements go into effect in the near future, the parameters of those requirements have not been fully clarified. As required by the CVAA, the Commission should continue efforts to provide prospective guidelines that can help the industry continue to collaborate with the accessibility community and prioritize issues and approaches to ensuring accessibility. Consistent with CTIA’s previous comments, the Commission should also bring all outstanding ACS rulemakings to a conclusion so that affected entities have the necessary time to plan for compliance before the rules come into effect.^{44/}

B. The Wireless Industry Is Preparing for Compliance With CVAA Enforcement And Recordkeeping Requirements.

The wireless industry is actively preparing and initiating measures to meet the enforcement and recordkeeping requirements of the CVAA. CTIA appreciates and agrees with the Commission’s efforts to provide an initial collaborative complaint process that will help to identify and resolve consumer complaints without the need for a burdensome administrative enforcement process.^{45/} These requirements were adopted after the FCC thoughtfully considered

^{44/} See Comments of CTIA-The Wireless Association, CG Docket No. 10-213, *et al.* (filed Feb. 13, 2012); Reply Comments of CTIA-The Wireless Association, CG Docket No. 10-213, *et al.* (filed March 14, 2012).

^{45/} See *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, etc., Report and Order

industry input and will efficiently allow the wireless industry and consumers to collaboratively reach solutions.

However, it is important the Commission recognize that development of an effective recordkeeping process may require some experience with the rules and their enforcement. The Commission should not penalize entities that are attempting in good faith to comply with the rules. The Commission has placed the burden on service providers and equipment manufacturers to maintain records to demonstrate compliance with the CVAA in the event that a complaint is filed, and has required them to submit certifications of their compliance, yet has not identified the records it believes suffice to comply with this requirement.^{46/} CTIA appreciates the FCC's decision to adopt a flexible approach to recordkeeping and refrain from mandating any one format for keeping records.^{47/} Such flexibility allows wireless carriers and manufacturers to maintain records and documentation in an efficient manner that best suits their individual needs. However, the lack of any guidance against which regulated entities can judge their individual recordkeeping systems places those entities at risk of being found in violation of the requirements, despite their best efforts to comply.^{48/}

In the absence of additional guidance on what types of records or processes will be considered sufficient to comply with the FCC's rules, the Commission should be open to working with the industry to address any questions regarding the adequacy of the form or content

and Further Notice of Proposed Rulemaking, 26 FCC Rcd 145 ¶¶ 233-38 (2011) (“*ACS Order and FNPRM*”).

^{46/} See *id.* ¶ 220.

^{47/} See *id.* ¶¶ 223-24.

^{48/} Indeed, rules that fail to provide sufficient guidance to allow regulated entities to understand what they must do are legally infirm. See *FCC v. Fox Television Stations, Inc., et al.*, 132 S. Ct. 2307, 2309 (2012) (holding that the “fundamental principle in our legal system is that laws which regulate persons or entities must give fair notice of conduct that is forbidden or required” and that “[r]egulated parties should know what is required of them so they may act accordingly”).

of a covered entity's records. To the extent that a member of the wireless community puts in a good faith effort to comply with the Commission's rules, they should not be punished with harsh penalties if their records are ultimately found to be insufficient or non-compliant. If the Commission wishes to adopt a flexible regulatory approach to recordkeeping, which the wireless industry commends, it should also maintain a flexible approach to ensuring compliance with that approach.

In addition, although the Bureau has stated an intent to issue a Public Notice announcing required compliance dates and providing certification filing instructions;^{49/} to "establish a system for online filing of annual certifications", to "release a public notice announcing this fact and providing instructions on its use", and to "update the Disability Rights Office section of the Commission's website to describe how annual certifications may be filed,"^{50/} none of these steps has yet occurred. It is imperative that the Commission act expeditiously to provide this guidance, so that regulated entities understand when requirements are in effect and what those requirements are. In light of the fast approaching deadlines, the Bureau should issue the anticipated Public Notices and other helpful guidance, so that service providers and manufacturers can adequately plan and prepare to meet the certification requirement.

In addition, the Commission should promptly resolve any rulemakings and issues in this proceeding that remain outstanding. The sooner the Commission acts, the more time the wireless industry will have to prepare for complying with the CVAA requirements. This will enhance the likelihood of successful compliance, as well as ultimately result in greater efficiencies and reduced costs, to the benefit of all consumers, including those with disabilities.

^{49/} See *ACS Order and FNPRM* ¶ 227, n.626.

^{50/} *Id.*

CONCLUSION

Since well before the enactment of the CVAA, the wireless industry has always made substantial efforts to respond to and meet the needs of persons with disabilities. CTIA and its members remain committed to this effort and to fulfilling their obligations under the CVAA. To facilitate and foster the industry's progress, the Commission should provide the further clarity and guidance requested herein.

Respectfully submitted,

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