

To Whom It May Concern:

When we all celebrated the enactment of the historic Twenty-First Century Communications and Video Accessibility Act (CVAA) almost three years ago, we were promised by our bipartisan champions on Capitol Hill, by the U.S. Congress, and the President of the United States, that one day, things would be significantly different. We were promised that the experience of people with vision loss in terms of our/their independence and full participation in American life through the full and fair use of today's most ubiquitous technologies would be forever changed.

We were thrilled to know that there would be much more video description available on TV, and indeed today there is. We were gratified to know that the manufacturers and service providers of some of the most commonly used communications technologies, such as electronic messaging and mobile phone web browsing, would no longer be able to ignore the needs of people who are blind or visually impaired. And we were hopeful that emergency alerts would finally be meaningful for our community, and it looks like they will be.

But we were also promised, and the new law requires, that TVs and TV-like equipment would need to be fully accessible to us. Now, in what is essentially the proverbial eleventh hour in the series of federal regulatory proceedings implementing the CVAA, the seemingly shameless consumer electronics lobby is demanding, with implied threats to go to court if they don't get their way, to strip the CVAA of its TV accessibility obligations and to violate the vision of a more accessible technology society that the CVAA represents.

So what do our tech lobbyist "friends" want?

Well, to answer this question, you need to know just a little bit about how the CVAA works. The CVAA says that your cable or satellite provider needs to make the equipment, the settop boxes and other such devices they give you to get their programming, accessible to you upon your request. While this is a good thing in comparison to how things have been, it is a compromise, and one that advocates reached with cable and similar providers as a condition for their willingness to allow the CVAA to become law. So, with regard to cable and satellite providers, they don't necessarily need to make all, or even most, of their equipment accessible as a matter of course; they merely have to accommodate your request for equipment you can use by providing you with something, even if it is not state-of-the-art.

In contrast, the CVAA requires that TVs and TV-like equipment, essentially anything that receives or plays back video programming of any kind, a ton of very cool technology out there, must be accessible by default; TVs and TV-like equipment will only be allowed to be inaccessible in a given instance if, and only if, fairly strict legal exceptions apply. This means that, unlike the cable and satellite sector which may regularly traffic in inaccessible equipment so long as they can ultimately give us something we can use upon our request, makers of TVs and TV-like equipment are charged with the clear responsibility to fundamentally change their behavior in a way that would exponentially increase the commercial retail availability of the accessible and most popular video-related consumer electronics on the market.

Ok, but what are those lobbyists up to?

With forked-tongued craftiness, the consumer electronics lobby is, even as we speak, assuring the Federal Communications Commission (FCC) of industry's commitment to the needs of people with disabilities while, without blushing, propounding some of the most contorted legal reasoning that we have seen yet. They are using the full weight of their over-indulged influence to pressure the FCC into applying the inferior, more limited cable and satellite requirements to TVs and TV-like equipment.

If these "friends" of ours in the tech lobby get their way, rather than being able to shop for the digital TV or other video player you want and to have a robust array of choices just like everyone else, I, and other blinded individuals, will be forced to beg for an accessible product directly from the manufacturer. Rather than being able to enjoy the product you want to buy, you may even be expected to live with an inferior model, if you can get an accessible inferior model at all. Why are the tech lobbyists proposing this manifestly unfair arrangement? quite simply, their scheme would let their client companies off the hook for doing the right thing but leave consumers with little recourse.

Please ensure that greedy lobbyist do not gut the ADA, as well as my rights to a equal digital communications system, that is compliant with the IEEE, and 508, as well as 504 equal access standards for electronic media.

If the lobbies win, I will have to end up begging for an accessible TV or similar equipment directly from

A manufacturer. This is categorically unacceptable to me. It was the obvious intention of Congress, and it is the expectation of people who are blind or visually impaired across America, that accessible TVs and TV-like equipment will be readily and regularly available at commercial Retail stores. The FCC must remember that the so-called "upon request" compromise that we reached with the cable and satellite industries neither involved the consumer electronics lobby at the time nor applies to their client companies now. The FCC needs to fully understand that people with vision loss will not stand for the consumer electronics lobby's proposed gutting of one of the most popular form of entertainment, or the advancement of technology to the disabled, thru new high technology devices, and laws, that protect my equal rights to sight, or equal access and the ability to live the highest quality of life.

The FCC must understand how frustrating it is to use many devices as a blinded person... It is very aggravating to attempt to simply adjust the volume or channels on your equipment, to simply

Play a show or movie, to find and activate your TV's video description Controls, and to otherwise make full use of your TV or TV-like equipment. I am requesting that the FCC remain neutral, and represent me adequately, to ensure that I, as a blinded veteran, will be able to use my TV, and all other electronic entertainment devices, to the fullest extent possible.

Respectfully,
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