



## Minnesota State Council on Disability

August 28, 2013

To whom it may concern,

Established in 1973 by the state legislature, the Minnesota State Council on Disability (MSCOD) was created to advise the governor, state agencies, state legislature, and the public on disability policy. MSCOD advocates for policies and programs that advance the rights of Minnesotans with disabilities. Detailed below are our comments on the Sony, Amazon, and Kobo's Accessibility Exemption request from the Federal Communications Commission (FCC). Thank you for soliciting public comment on this important issue.

The Twenty First Century Communications and Video Accessibility Act ensures access to broadband, digital and mobile innovations for people with disabilities. If an e-reader includes any of these advanced communications services (ACS) features, not requiring accessibility standards excludes people with disabilities. This is discrimination and exclusion of people with disabilities.

Even though petitioners claim that e-readers are "designed primarily for purposes other than using ACS," e-reader manufacturers have chosen to include ACS ability on e-readers. To comply with accessibility requirements, manufacturers have the option to refrain from including ACS ability on e-readers (specified in the petition as a browser and social media applications) instead of receiving an FCC exemption to include inaccessible ACS technology.

The petitioners' Covington attorney specified that the e-readers in question are "not offered or shipped to consumers with built-in email, IM, VoIP or similar ACS client applications and the device manufacturer does not develop ACS applications for their respective device" and are "marketed to consumers as a reading device and promotional material about the devices does not tout the capability to access ACS." The device should be required to be accessible based on the ACS functions the device has, not how it is offered, shipped, or marketed.

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If the ACS functions are available on the device they can easily be promoted in other ways outside of the control of the manufacturer. For example, a November 25, 2010 USA Today article, "Top tech gifts: eReaders handy for more than reading" explains why e-readers are useful for people who may not be interested in reading due to its web capabilities. The petitioners state marketing for e-readers is limited to reading capabilities but given the current information age it is impossible to restrict information on the device's ACS capabilities if they are included. Restricting this access is a clear violation of the Twenty First Century Communications and Video Accessibility Act.

Additionally, the petition is silent on how this exemption would impact people with disabilities. The sources listed by petitioners include many marketing or opinion-based pages about e-readers and usage rather than balanced and fact-based information. No data about people with disabilities accessing the e-readers is included in the petition.

Further, e-readers are increasingly used for educational purposes and this exemption could pave the way for discrimination in schools. E-readers often provide cheaper book options for students and non-students and if these devices are inaccessible, people with disabilities will be paying higher costs than their peers. In some cases e-reader versions may be the only way for people to find a book. This exemption could limit a student's ability to access required classroom readings and overall limit book options for people with disabilities. This high potential for discrimination in book accessibility and price must be avoided.

Finally, the request for permanent exemption is not reasonable. It is unclear what future inaccessible devices would be acceptable under this exemption. Should FCC grant the exemption, an expiration date should be placed in the near future as future technology is unknown.

We respectfully request that the FCC upholds the integrity of the Twenty First Century Communications and Video Accessibility Act by rejecting Sony, Amazon, and Kobo's Accessibility Exemption request. This exemption would promote discrimination and exclusion of people with disabilities at all levels and ages, including youth. Please do not hesitate to contact the Minnesota State Council on Disability for further information related to this exemption request.

Sincerely,



Joan Willshire  
Executive Director  
Minnesota State Council on Disability