

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

In the Matter of)	
)	
Implementation of Sections 716 and 717 of the)	CG Docket No. 10-213
Communications Act of 1934, as Enacted by the)	
Twenty-First Century Communications and Video)	
Accessibility Act of 2010)	
)	
Petition for Waiver of Sections 716 and 717)	
of the Communications Act and Part 14 of the)	
Commission's Rules Requiring Access to)	
Advanced Communications Services (ACS) and)	
Equipment by People with Disabilities)	

**COALITION OF E-READER MANUFACTURERS
PETITION FOR EXTENSION OF WAIVER**

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To: Chief, Consumer and Governmental Affairs Bureau

PETITION FOR EXTENSION OF WAIVER

I. INTRODUCTION AND SUMMARY

Pursuant to 47 U.S.C. § 617(h)(1) and 47 C.F.R. §§ 1.3, 14.5, the Coalition of E-Reader Manufacturers¹ (“Coalition”) hereby requests that the Bureau extend the waiver of the advanced communications services (“ACS”) accessibility rules that was granted to the class of basic e-readers on January 28, 2014. Coalition members are committed both to the accessibility of their ACS-related products and to making reading accessible to people with disabilities, and the requested extension will not harm either of these goals. The Coalition members offer multiple devices at many different price points that are designed with ACS in mind and are accessible.²

¹ The Coalition of E-Reader Manufacturers consists of Amazon.com, Inc.; Kobo Inc.; and Sony Electronics Inc.

² Amazon, for example, manufactures the accessible Kindle Fire line of tablets, which starts at \$139 and supports access to ACS features as well as access to Kindle e-books. *See Accessibility for Kindle Fire*, AMAZON, <http://www.amazon.com/gp/feature.html?docId=1000632481> (last visited Aug. 29, 2014).

In addition, Coalition members' e-reading apps that provide access to publications available on e-readers are available at no cost on a wide variety of accessible platforms, including tablets and smartphones.

The Coalition's extension request is limited to e-readers, which are single-purpose reading devices. The established record demonstrates that consumers overwhelmingly (i) use e-readers for accessing text-based works (*i.e.*, reading) and (ii) do not use e-readers for other purposes, such as advanced communications services. An extension of the waiver is warranted on the merits because nothing has changed to support a finding that ACS is a "co-primary" purpose of the device. Further, the stringent class definition set forth by the Commission in the Waiver Order ensures that devices will lose the waiver if they incorporate ACS features. An ongoing extension of the waiver is therefore justified.

II. THE COMMISSION SHOULD EXTEND THE WAIVER BECAUSE E-READERS REMAIN SINGLE-PURPOSE NON-ACS DEVICES

When the Bureau granted the class waiver for basic e-readers on January 28, 2014, it correctly defined the class to include:

[A]ny mobile electronic device that is capable of accessing ACS, designed primarily for the purpose of reading text-based digital works, such as books and periodicals, and meets each of the following requirements:

- (1) The device has no LCD screen, but rather utilizes a screen that is designed to optimize reading.
- (2) The device has no camera.
- (3) The device is not offered or shipped to consumers with built-in ACS client applications and the device manufacturer does not develop ACS applications for its respective device, but the device may be offered or shipped to consumers with a browser and social media applications.

- (4) The device is marketed to consumers as a reading device and promotional material about the device does not tout the capability to access ACS.³

The Bureau was careful to ensure that this definition distinguished e-readers covered by the waiver from other devices that remain subject to the ACS accessibility rules. The Bureau noted that its decision to limit the waiver to a one-year period was made without prejudice to an extension request, and that the Bureau would consider whether “basic e-readers come to include ACS as a co-primary purpose.”⁴

In evaluating waiver requests under 47 C.F.R. § 14.5, the Bureau considers “[w]hether the equipment or service is designed to be used for advanced communications purposes by the general public” and “[w]hether and how the advanced communications functions or features are advertised, announced, or marketed.”⁵ In the period since the waiver was granted, it has remained the case that e-readers are designed primarily for purposes other than ACS. E-readers are single-purpose devices designed for accessing text-based works (*i.e.*, reading), and they incorporate technical and software features that maximize the quality of the reading experience. E-readers are not designed for other purposes.

³ *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; Coalition of E-Reader Manufacturers’ Petition for Class Waiver of Sections 716 and 717 of the Communications Act and Part 14 of the Commission’s Rules Requiring Access to Advanced Communications Services (ACS) and Equipment by People with Disabilities*, CG Docket No. 10-213, Order, DA 14-95 ¶ 7 (rel. Jan. 28, 2014) (“*Waiver Order*”). The Coalition hereby requests that all prior filings by the Coalition in this docket, including *ex parte* letters by the Coalition, be included in the record for Commission consideration of the instant waiver request.

⁴ *Id.* ¶ 25.

⁵ 47 C.F.R. § 14.5(a)(2)(i)–(ii).

As the Bureau rightly concluded when it granted the waiver, e-readers are marketed for reading and not for ACS.⁶ E-reader marketing materials produced since the waiver was granted continue to confirm this conclusion. For example, recent online advertising materials for the Kindle Paperwhite describe the device as “the best device for reading,” stating that the device is “lightweight,” “carries over a thousand books,” allows users to “read day or night,” and is “the best way to read, period.”⁷ Similarly, recent online advertising materials describe Kobo eReaders as “[t]he ultimate in readability” and note that the devices are “carefully crafted to deliver a superior reading experience.”⁸

Consistent with the design and marketing of e-readers, media reports and consumer reviews, including those published since the waiver was granted, have continued to demonstrate that the public perceives e-readers as a single-purpose tool for reading and value them for that purpose. For example, a column in USA Today addressing the differences between e-readers and tablets states that “e-readers are ideal for people who simply like to read. They’re designed primarily for downloading electronic books, magazines and newspapers from a wireless store.”⁹ A recent consumer review of the second-generation Kindle Paperwhite states that the device is

⁶ See *Waiver Order* ¶ 18 (“Contrary to the assertions of some commenters, an independent review of the manufacturer marketing materials for these devices further supports a finding that their primary purpose is for reading, rather than ACS.”).

⁷ See *Kindle Paperwhite detail page*, AMAZON http://www.amazon.com/dp/B00JG8GOWU/ref=nav_shopall_k_kdppnwf (last visited Aug. 29, 2014). See also *Vacation Getaway with Kindle Paperwhite, the Best Device For Reading*, YouTube (Feb. 19, 2014), available at http://www.youtube.com/watch?v=LJqldmCLTdo&list=PLzscuKSqJrKUyjoI55ZVCEy_X-IQExTy8&index=1.

⁸ *Explore eReaders*, Kobo, <http://www.kobo.com/devices?store=ca-en&style=onestore#ereaders> (last visited Aug. 29, 2014).

⁹ Marc Saltzman, *e-Book Readers vs. Tablets: Which One Is Right for You?*, USA TODAY, Feb. 23, 2014, <http://www.usatoday.com/story/tech/columnist/saltzman/2014/02/23/ereaders-vs-tablets/5575963/>.

“not a tablet, not a computer, *my Paperwhite Kindle represents books for me.*”¹⁰ Similarly, a review of the Kobo Aura noted that the device “doesn’t offer much in the way of bells-and-whistles, but then that’s what an e-reader should be like. It’s not a tablet—it’s about reading books.”¹¹

Access to ACS is available only through the e-reader browser, which is included to facilitate reading-related uses, such as viewing hyperlinks that are inserted into e-books and periodicals, looking up information in an online dictionary or other online information sources like Wikipedia, or accessing Wi-Fi to download e-books. As the Bureau acknowledged when it granted the waiver, “[u]sing a browser to post information to a social media website (*e.g.*, Facebook), look up information on the web, access Wi-Fi, or purchase or download an e-book is not evidence of ACS; nor does it support a finding that ACS is a primary or co-primary purpose of these devices.”¹²

This conclusion is buttressed by industry data regarding consumer usage which establishes that e-reader browsers are rarely launched.¹³ More recent data confirms that in the past year nothing has changed.¹⁴ For example, in a random sample of active e-reader devices

¹⁰ *Amazon Kindle Paperwhite Second Generation Review*, HANSELMAN.COM (Apr. 10, 2014), available at <http://www.hanselman.com/blog/AmazonKindlePaperwhiteSECONDGENERATIONReviewPlusNewKindleSoftwareUpdate.aspx>.

¹¹ Paul Sawers, *Kobo Aura: A Compact E-Reader That Packs a Punch*, THE NEXT WEB (Oct. 9, 2013, 3:38 PM), <http://thenextweb.com/gadgets/2013/10/09/the-kobo-aura-a-compact-e-reader-that-packs-a-punch-review/>.

¹² *Waiver Order* ¶ 17.

¹³ See Letter from Gerard J. Waldron, Counsel for Amazon.com, Inc.; Kobo Inc.; and Sony Electronics Inc., to Marlene Dortch, Secretary, FCC, at 3–4 (Nov. 29, 2013) (describing consumer usage data revealing that, over a one-week observation period, “less than seven percent of [e-reader] users had launched the browser *for any purpose*”).

¹⁴ The Bureau’s previous decision took note of “the absence of apps for integrated e-mail clients” on e-readers. *Waiver Order* ¶ 16. In fact, e-readers contain no pre-loaded ACS applications. (continued...)

over a period of one week (July 30, 2014 – August 5, 2014), with a total sample size of 414,139 units of a recent e-reader model manufactured by a Coalition member, only 4.2 percent of the users launched the browser at all, for any purpose. Over 95 percent of users in the sample did not even launch the browser during the sample period. The sample further showed that users who launched the browser left it open for an average time of just over four minutes per session. This usage pattern is consistent with brief look-ups on Wikipedia or visiting links within books, rather than regular use of ACS. This conclusion is supported by additional sample data establishing that 41 percent of the browser sessions were launched from within books or from other locations within the reading interface. Based on the strong assumption that users who launched the browser directly from within books or the reading application were not using the browser for ACS, we can infer that, at most, only 2.5 percent of all sample users may have launched the browser for ACS-related purposes. And the true percentage is certainly well below 2.5 percent, because this subset includes launch of the browser to look up information on Wikipedia and other publications. This recent sample data makes clear that ACS is simply not a co-primary purpose of e-reader devices.

In the time since the waiver was granted, e-readers' primary purpose and reading-focused design has not changed. In fact, it is now clearer than ever that the convergence of basic e-readers with other classes of devices with ACS as a co-primary purpose such as tablets is not occurring.

Even for e-readers with pre-loaded Facebook functionality, this pre-loaded functionality encompasses only posts to the social network. *See* Letter from Gerard J. Waldron, Counsel for Amazon.com, Inc.; Kobo Inc.; and Sony Electronics Inc., to Marlene Dortch, Secretary, FCC, at 1 (Sept. 30, 2013). The Bureau therefore misstated the facts in the Waiver Order when it identified “the availability of social media apps on these devices that are capable of providing two-way interactive ACS between individuals.” *Waiver Order* ¶ 18. That statement was in error at the time and remains contrary to the record.

The lack of change to e-readers' purpose and design is not surprising given the history of e-readers: while early e-reader models included a few more capabilities before tablets and smartphones were launched (e.g., reading-related games and the ability to load music and audio files), e-readers have been and are designed and marketed as distinct products serving a single purpose: reading. The contrast between a single-purpose e-reader and a multi-purpose tablet or smartphone is stark and evident throughout marketing materials.¹⁵ The Bureau's suggestion that "rapid advances in battery and computing technology may very well resolve the Coalition's concerns" have not come to fruition.¹⁶ Moreover, it is not evident how these hypothesized technology changes, even if they do occur, would cause manufacturers to alter the streamlined design of e-readers as single-purpose devices. The Coalition members make multi-purpose tablets that are capable of ACS and support their use by customers with disabilities, but those are different devices that serve a different consumer need.

III. A WAIVER EXTENSION SERVES THE PUBLIC INTEREST

Grant of the requested extension serves the public interest by remaining consistent with Congress's goals in creating the waiver provision, which was designed to promote technological innovation by excluding devices "designed primarily for purposes other than using [ACS]."¹⁷

¹⁵ See *supra* notes 12-13. In this regard, the Waiver Order misstates the situation when it discusses "the evolution of e-reader devices, which began as a single class of devices . . . but which since, has branched off into two types of devices: basic e-readers that are optimized for and primarily used for reading . . . and multipurpose devices that have various ACS capabilities and must be accessible to people with disabilities under the CVAA." See *Waiver Order* ¶ 21. The latter category of device does exist but it is a tablet or a smartphone; it is not an e-reader, which continues to be a single-purpose device optimized and primarily used for reading.

¹⁶ See *Waiver Order* ¶ 21.

¹⁷ 47 U.S.C. § 617 (h)(1)(B); see also H.R. Rep. No. 111-563 at 26 (2010) ("[A] device designed for a purpose unrelated to accessing advanced communications might also provide, on an incidental basis, access to such services. In this case, the Commission may find that to promote (continued...)

Denial of the waiver would dissuade the public interest because it could discourage manufacturers from offering browsers on devices that have little or nothing to do with ACS. The emergence of the “Internet of Things”—which has resulted in browsers being added to smart refrigerators, thermostats, Internet-connected watches, and other devices—should be celebrated, rather than burdened with requirements that go far beyond what Congress intended. So long as such devices are not designed or primarily used for ACS, they, like e-readers, should not be subject to the ACS accessibility regulations.

Grant of the requested extension also serves the public interest by advancing the availability of single-purpose non-ACS devices. E-reader customers want and enjoy devices that are optimized solely for reading.¹⁸ Although achievability is not a part of the waiver analysis, the Coalition again emphasizes that Commission-mandated design, feature, and component requirements would increase e-readers’ cost, weight, size, and complexity.¹⁹ Single-purpose

technological innovation the accessibility requirements need not apply.”); S. Rep. No. 111-386 at 8 (2010) (same).

¹⁸ See Brad Moon, *Which is Better for Reading? An E-Reader or a Small Tablet?*, GEEKDAD (Mar. 21, 2014), <http://geekdad.com/2014/03/better-reading-e-reader-small-tablet/> (“[D]espite the falling price of tablets, E Ink e-readers still maintain their key advantages: less screen glare[,] high contrast display that’s easy to read outdoors[,] battery life measured in weeks or months instead of hours[,] lighter[,] less expensive[,] generally speaking, less fragile.”); Shelly Palmer, *eReader vs. Tablet—Kindle Fire HDX vs. iPad Mini with Retina vs. Kindle Paperwhite—What to Buy?*, HUFFINGTON POST (Dec. 13, 2013), http://www.huffingtonpost.com/shelly-palmer/ereader-vs-tablet--kindle_b_4439560.html (“The Paperwhite is a device dedicated to reading and it is priced accordingly. . . . The Kindle Paperwhite isn’t a tablet, but that’s not why you’re buying it. A Paperwhite will never replace a Kindle Fire or iPad mini, but it’s not supposed to.”).

¹⁹ See *Coalition Petition* at 9. These considerations are particularly important for e-reader users with certain physical limitations, including many elderly users. See, e.g., Grant Watt, *Good News for the “Oldies,” Kindle Paperwhite 3G Customer Review*, AMAZON (July 3, 2014), <http://www.amazon.com/review/R13VETN9L0QHY0> (“Excellent weight for older people. Very clear to read and internal light is a blessing.”); Derry and Bill Dean, *Easy to Use and Great for Reading, Kindle Paperwhite 3G Customer Review*, AMAZON (Feb. 10, 2014), <http://www.amazon.com/review/R2WPE2B55PFRDP> (“I have found this Kindle to be very user friendly and light weight for older people like me.”)

devices must be great at their single purpose, or else they will not succeed. Single-purpose devices must also be low cost, particularly when low-cost general purpose PCs, tablets, and smartphones are already widely available.

In similar contexts, the Commission has found that requiring a fundamental change to a device is undesirable and contrary to Commission policy.²⁰ As described above and in prior filings, fundamental changes to e-readers' hardware and software would be required to bring e-readers into compliance with the ACS accessibility rules. These fundamental changes would hamper the ability of e-readers to optimize the reading experience.²¹

IV. THE RECORD CANNOT SUPPORT DENIAL OF THE EXTENSION

A. There Is No Evidence That ACS Is a Primary Purpose of E-Readers.

The Commission's rules state that waiver of the ACS accessibility rules is warranted when a device "[i]s capable of accessing an advanced communications service," but "is designed primarily for purposes other than using advanced communications services."²² There is no evidence that access to ACS is the primary purpose of e-readers, and any decision by the Bureau to the contrary would therefore be unsupported by the record.

²⁰ See, e.g., *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; Amendments to the Commission's Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1966; Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14557 ¶ 127 (2011) ("If the inclusion of an accessibility feature in a product or service results in a fundamental alteration of that product or service, then it is per se not achievable to include that accessibility function.").

²¹ For example, E-Ink displays have approximately a half-second refresh rate. This refresh rate is incompatible with full-screen magnification, which is one of several built-in accessibility features that exists in tablets and smartphones today. Requiring e-reader manufacturers to switch to an LCD screen capable of full-screen magnification would require a fundamental alteration of the product.

²² See 47 C.F.R. § 14.5(a)(1).

The Commission’s decisions must be supported not only by adequate reasoning, but by the facts established in the record; decisions will be held invalid if the Commission has not “examine[d] the relevant data and articulate[d] a satisfactory explanation for its action including a ‘rational connection between the facts found and the choice made.’”²³ In its previous decision, the Bureau found that e-readers are “designed primarily for reading text-based digital works, not for ACS.”²⁴ In the brief time period between that decision and this filing, the facts concerning the design, marketing, and use of e-readers have not changed. As a result, there is no basis in the record for the Bureau to now deny the requested extension and find that e-readers are used primarily for ACS.²⁵

Moreover, the facts established in the record demonstrate that e-reader browsers are rarely launched by users, and recent data confirms that this has not changed in the period since the waiver was granted.²⁶ On these facts, and in the absence of reliable evidence demonstrating that a meaningful number of e-reader users not only launch e-reader browsers, but launch e-reader browsers *in order to use ACS*, it would be arbitrary and capricious for the Bureau to find that such limited use supports a finding that ACS is a primary or co-primary purpose of e-readers.²⁷

²³ *Kristin Brooks Hope Ctr. v. FCC*, 626 F.3d 586, 588 (D.C. Cir. 2010) (alterations in original) (internal quotation marks omitted) (quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)).

²⁴ *Waiver Order* ¶ 1.

²⁵ *See Muwekma Ohlone Tribe v. Salazar*, 708 F.3d 209, 216 (D.C. Cir. 2013) (“Agency action is arbitrary and capricious if the agency offers insufficient reasons for treating similar situations differently.”) (internal quotation marks omitted).

²⁶ *See supra* Section II.

²⁷ This conclusion is supported by the Commission’s use of the term “primary” in other contexts, in which the term is used to establish priority or refer to a “principal” characteristic. *See, e.g.*, 47 C.F.R. § 73.14 (distinguishing between primary and secondary broadcast service areas); (continued...)

B. Congress Directed the Commission to Focus Its Public Interest Inquiry on ACS Accessibility.

The technology that Coalition members and other companies have made available to consumers around the world, and Coalition members' significant investment and work to popularize ebooks generally, has truly revolutionized the way blind and visually impaired readers interact with reading material. Until just a couple of years ago, blind and visually impaired readers were dependent on the conversion of print books into braille and the production of audio books, processes that took a significant amount of time and resources to complete and that resulted in access to only a small fraction of the books published each year. Today, through the widespread availability of ebooks and technology made available by Coalition members and other companies—including tablets, smartphones, and e-reading apps with screen-reading capabilities—blind and visually impaired readers have instant access to millions of titles, including new books as they are published. The Coalition members are proud of the role that their technology and work to popularize ebooks has played in these developments. In adopting the relevant provisions of the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”), Congress was aware of these various technologies and capabilities, but it directed the Commission to focus its expertise on one specific aspect of consumers' interaction with new technology: ACS accessibility.

In its previous decision, the Bureau considered the accessibility of e-readers' reading features as a factor in its public interest analysis.²⁸ The Coalition agrees with the Bureau that

id. § 64.2305 (defining “primary advertising classification” as “the principal business heading under which a subscriber to telephone exchange service for businesses chooses to be listed in the yellow pages”).

²⁸ See Waiver Order ¶ 19 (stating that “while the ability of basic e-readers to provide access to the reading features for text-based digital works on these devices falls outside the CVAA’s ACS (continued...)”).

reading accessibility is important to e-book users, which is why Coalition members have made investments in this area across their product lines.²⁹ However, the CVAA directs the FCC to consider the accessibility of ACS features, not the accessibility of reading or other non-ACS functions, and Congress was quite clear on this point.³⁰ As the Bureau itself observed in its Order granting the waiver, “the ability of basic e-readers to provide access to the reading features for text-based digital works on these devices falls outside the CVAA’s ACS accessibility mandates.”³¹

V. AN ONGOING EXTENSION OF THE WAIVER IS JUSTIFIED

The class definition of basic e-readers adopted in the Waiver Order, which the Coalition endorses, excludes devices with ACS apps, devices that are marketed for ACS, and devices that have technological features that are indicative of a non-reading purpose.³² This class definition is narrower than that of other devices granted waivers, and it “bakes in” limitations that ensure that devices that should be within the scope of regulation are within the scope of regulation. Since the class definition was first created, evidence has shown that the definition is sufficiently narrow to avoid creating any “loopholes,” as some parties feared with respect to other class

accessibility mandates, these concerns do bear on the extent to which a waiver would be in the public interest”).

²⁹ See, e.g., *Reading on Kindle*, AMAZON, <http://www.amazon.com/gp/feature.html?docId=1000632481> (last visited Aug. 29, 2014).

³⁰ See 47 U.S.C. § 617(j) (“This section shall not be construed to require a manufacturer of equipment used for advanced communications or a provider of advanced communications services to make every feature and function of every device or service accessible for every disability.”).

³¹ *Waiver Order* ¶ 19. The Supreme Court has “consistently held that the use of the words ‘public interest’ in a regulatory statute is not a broad license to promote the general public welfare. Rather, the words take meaning from the purposes of the regulatory legislation.” *NAACP v. FPC*, 425 U.S. 662, 669 (1976); see also *Office of Comm’n of United Church of Christ v. FCC*, 707 F.2d 1413, 1427 (D.C. Cir. 1983)

³² See *Waiver Order* ¶ 7.

waivers.³³ E-reader manufacturers endorse this narrow class definition, and the strength and inherent limitations of this definition support the grant of an ongoing extension of the waiver for the class of basic e-readers.

It is important to note that an “ongoing” extension of the waiver is not a “permanent” waiver. Rather than conducting a difficult and costly extension proceeding that necessarily entails speculation about technological development, such as this one, the Bureau would sensibly move to a rule-based approach in which the limitations derive from the class definition.

An ongoing extension of the waiver would benefit all parties. The Commission would benefit from reduced administrative costs and the ability to efficiently dedicate its resources where they are most needed, while retaining certainty that it can limit the scope of the waiver through the complaint and investigation process. These are exactly the benefits of ongoing waivers and rule-based exemptions that the Commission has identified in other accessibility contexts.³⁴ E-reader manufacturers would benefit by avoiding costly extension request proceedings. Industry would benefit by gaining certainty that adding a browser does not mean that a square-peg, single-purpose non-ACS device will be forced into the round hole of ACS accessibility regulations. Finally, the public would benefit because new design and component requirements would not limit the development of reading-optimized e-readers and other single-

³³ See, e.g., Letter from Christian Vogler, Rehabilitation Engineering Research Center on Telecommunications Access, to Marlene Dortch, Secretary, FCC (Aug. 28, 2012) (arguing that “the primary/co-primary purpose should be the exception and not a loophole exploited to seek out a waiver for nearly every IP connected device in the living room”).

³⁴ See, e.g., *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, Order on Reconsideration and Further Notice of Proposed Rulemaking, 28 FCC Rcd 8785 ¶ 15 n.49 (2013) (“We find that addressing the waivers herein is the most administratively efficient approach.”).

purpose non-ACS devices, and because vigilant complaint-based monitoring of the limited-scope waiver would remain possible.

* * *

For the reasons set forth above, and consistent with Section 716 of the Act and the Commission's rules, the Coalition requests that the Commission grant an ongoing extension of the e-reader class waiver, as is consistent with the public interest.

Respectfully submitted,

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MANUFACTURERS**

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