

Docket # 96-188

Office of the Secretary,
Federal Communications Commission
Washington D.C. 20554

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Dear Sir,

My comments on the NRPM for Section 255 of the Telecommunications Act follow:

1. It is strongly recommended and urged that the FCC adopt the Access Board guidelines which is consistent with the Access Board authority given by Congress and which indicated that the FCC guidelines be consistent with them.

2. It is further recommended that the FCC adopt the Access Board guidelines for both manufacturers and service providers. Clear and concise wording to that effect is needed to ensure that both manufacturers and service providers understand their access responsibilities and obligations in their design of new equipment. After considerable time and a lot of meetings and discussion there seems to be little progress made in eliminating the interference to hearing aids suffered when trying to use digital cellular telephones. I have tried several different manufacturer's phones but all have had the same problem. With the decline of analog cellular telephones, all of which have insufficient compatibility with hearing aids, use of Digital Cellular Telephones may soon be necessary.

3. The FCC should NOT introduce the concept of "cost recovery" in the definition of "readily achievable" but should be consistent with the definition that has traditionally been used in disability law. Introducing the cost recovery concept here would undermine the concept of accessibility in our society. Since market forces do not work it was necessary to have a law such as the ADA to require accessibility. Manufacturers and service providers already have protection from excessive costs under the present "readily achievable" standard. I find that in order for me to use any telephone it is necessary for me to use my "T" coils but lack of the ability to use this feature in cellular telephones has prevented my use of any cellular telephone either analog or digital!

4. The NRPM or Section 255 of the Telecommunications Act provides that the regulations be enforced via a complaint process which is good for the consumer but the proposed "fast track" process that would resolve most consumer complaints within 5 days seems too short a time for companies to gather documentation to resolve a complaint. 10 days would seem to be more reasonable with a possible extension to 30 days if deemed necessary!

I agree with your proposal that there be no filing fees for complaints directed against manufacturers or service providers.

The proposed Section 255 rules further states that it will establish formal legal procedures for use only when the complainant requests these procedures and "where the FCC permits the complainant to invoke these procedures". I thoroughly disagree with the statement in quotes as

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this would take away the right of individuals to take a case to court if the FCC chooses to oppose such action., I believe conditioning formal complaints upon FCC approval is **unprecedented** and unfair that individuals could automatically be denied taking a case to court because the FCC choose to oppose such action.

5. The proposed rules omit “enhanced services” from coverage. The enhance services include voice mail and automated voice response response system. As a Hard of Hearing person, I can never understand fast speech and voice response systems are very frustrating. It is recommended that each such system have a means for the hard of hearing person to speak to a person and it is urged that such requirement be made part of the rules. When getting such responses I must rely on a hearing person to make such calls for me!

Respectfully submitted,


George DeVilbiss