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

In the Matter of)	
)	
Implementation of Section 255 of)	
the Telecommunications Act of 1996)	
)	MT Docket No. 96-198
Access to Telecommunications Services,)	
Telecommunications Equipment, and)	ET Docket 93-62
Customer Premises Equipment by)	
Persons With Disabilities)	

COMMENTS OF THE CELLULAR PHONE TASKFORCE

The Cellular Phone Taskforce represents people with electrical sensitivity, a large and growing class of disabled people in the United States. The Commission is referred to ET Docket No. 93-62 for extensive documentation about this disabling condition, amounting to thousands of pages of documents submitted by the Taskforce, by the Electrical Sensitivity Network, and other parties; and specifically to the documents submitted by the Electrical Sensitivity Network in ET Docket No. 93-62 on November 25, 1997. The Electrical Sensitivity Network is a national support group for people who by medical necessity must avoid all exposure to electromagnetic radiation. This is a medically documented condition. Lucinda Grant, Director of the Electrical Sensitivity Network, submitted to the FCC scientific studies of this condition, proceedings of an international medical conference on this condition, and her own doctor's diagnosis of her electrical sensitivity. In addition, Arthur Firstenberg submitted documentation of the Social Security Administration's acceptance of his own electrical sensitivity, in the Complaint of Discrimination on

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the Basis of Handicap, which he submitted to the FCC on behalf of the Cellular Phone Taskforce February 3, 1997.

Because modern telecommunications services, equipment, and customer premises equipment are being designed to emit more and more, and not less and less, radiofrequency radiation, the disabled people represented by the Taskforce are increasingly being shut out of this nation's communications network, which is directly opposite to the intent of Section 255 of the Telecommunications Act of 1996.

The fact that the present **buildout** of a digital communications network in this nation is also depriving Taskforce members of the right to live their lives **out** at all and gravely depriving them of their due Constitutional rights as citizens is the subject of another proceeding, which is based on ET Docket Bo. 93-62 and is now before the U.S. **Appeals** Court for the Second Circuit in New York City. Here we submit comments more specifically on access to telecommunications.

1. The Access Board guidelines would prohibit changes that would result in a net decrease in the accessibility of telecommunications (**NPRM, para. 17**). In the case of electrically sensitive people, all of the digital buildout, i.e. the changeover of all wireless services and equipment from analog to digital, is converting them to a format that is inaccessible where it used to be accessible to many, This is only one example. **The** Taskforce respectfully asks that any modification in telecommunications equipment or services that increases or changes the electromagnetic radiation thereby produced be evaluated in

consultation with the Electrical Sensitivity Network, P.O. Box 4146, Prescott, Arizona 86302, (520) 778-4637.

2. The Taskforce agrees with the **Commission's** proposal that the term "usable" means that disabled people must be provided with the functional equivalent of services provided to individuals without disabilities. We respectfully request that in the case of electrically sensitive people, the functional equivalent must mean, for example, the continued design and manufacture of telephones and other communication devices that do not subject the user to electromagnetic radiation; electrically sensitive people, for example, specifically require equipment that does not contain any computer chips or have any digital display.

Also, current plans to convert even **wireline** signals to digital modulation, and to send high frequency waves over telephone wires will have the unintended result of rendering all telephones in the United States inaccessible to electrically sensitive people, thereby cutting them off from society altogether and grossly violating their constitutional rights, and the Taskforce asks that under Section 255 these plans be prohibited, and that any modification of **telephone** communications that will subject phone users to increased or changed electromagnetic radiation be evaluated in consultation with the Electrical Sensitivity Network,

3. The Access Board has defined equipment accessibility as including listed functions (**para. 74** of the NPRM). The **Task-**force requests that under "Input, control, and mechanical functions,"

the following item be added: "Operable without exposing the operator to electromagnetic radiation." Under "output, display, and control functions", the Taskforce asks that the following item be added: "Prevention of electromagnetically-induced seizures, cardiac disorders, **neurological** disfunction, skin rashes, and immune **disfunction.**" These are all conditions induced in electrically sensitive people by exposure to electromagnetic radiation.

4. The Taskforce requests that no technology used to provide services, or by manufacturers to make equipment, for the purpose of accommodating one type of disability, should be permitted if it thereby discriminates against another type of disability. For example, the use of infrared or microwave technology in assistive listening systems or devices for the hearing impaired in public places thereby discriminates against electrically sensitive people who may happen to be using those same public places or public facilities.

5. The terms "commonly used" and "readily accessible" should be defined by considering a fifth factor, in addition to the four provided by the Commission in para. 94 of the NPRM. The Taskforce requests that also the degree of hardship imposed on the disabled by the denial of accessibility must be a consideration. Extra expense must be borne if non-accessibility means the total and complete denial of accessibility to basic communications to a portion of the population which only recently had such accessibility! The Taskforce respectfully notes that the status quo ante was accessible to our constituents already; that there is no technical difficulty whatsoever in having

basic communications accessible to the electrically sensitive; and that the **only "expenses"** we are really talking about are the profits that might be denied to various companies which would have accrued had they converted from accessible to inaccessible technologies.

6. The Taskforce agrees with other disabled groups in objecting to some of the Commission's implementation procedures, in that, contrary to the Commission's stated intentions, there are no teeth or deadlines in them at all. The so-called "two-phase process" is really a three-phase process,, since the Commission is proposing first, to direct the consumer to complain to the manufacturer or service provider; second, if that fails, to go through the informal complaint process at the Commission; and third, if and only if the Commission agrees, to go through a formal complaint process. Such a convoluted, multi-tiered system with no teeth and no deadlines **will** be enough to discourage anybody without a lot of time and resources from ever filing any discrimination complaints, no matter what is happening to them. It is the Commission's stated principle that "accessibility denied is accessibility delayed". Why then does the Commission insist that even a five-month deadline for **resolution** of complaints (**para. 156, NPRM**) is inappropriate? The Taskforce requests such a compliance deadline.

7. Since disabled people are on average much poorer than the general population, and often on SSI or public assistance, it should be the rule never to require a filing fee for these types of complaints (**para. 155, NPRM**).

8. In para. 126 of the NPRM, the Commission alleges that as part of its "fast-track" process, Commission staff will be available to both complainants and respondents for assistance. The Taskforce wishes to know if this is realistic, given the likelihood of thousands of complaints and the reality of an extremely limited FCC staff, and the experience we have all had, in the past, as disabled consumers, of the FCC's staff being always completely overwhelmed and unable to deal with the volume of complaints they have already been receiving. **Are Section 255**, and the Commission's new proposed rules implementing it, going to further overwhelm an FCC staff too limited in number and too poorly funded to properly respond?

Respectfully submitted,



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Original + 9 copies mailed to the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, DC 20554, this 29th day of June, 1998 by Federal Express.