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

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

COMMENTS OF THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

Mark J. Golden,
Senior Vice President, Industry Affairs

Robert L. Hoggarth
Senior Vice President, Paging and Messaging

Todd B. Lantor
Manager, Government Relations

Personal Communications Industry Association
500 Montgomery Street, Suite 700
Alexandria, VA 223 14- 156 1
(703) 739-0300

June 30, 1998

TABLE OF CONTENTS

VII. THE FCC SHOULD HAVE EXCLUSIVE JURISDICTION OVER SECTION 255 COMPLAINTS, BUT SHOULD NOT BE ABLE TO APPLY SECTION 255 RETROACTIVELY

VIII. CONCLUSION

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

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

COMMENTS OF THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

The Personal Communications Industry Association ("PCIA")[1] hereby submits its comments in response to the above-captioned *Notice of Proposed Rulemaking* regarding implementation of Section 255.[2] PCIA believes that the Commission should craft flexible rules that allow members of the telecommunications industry, both service providers and

---

[1] PCIA is the international trade association created to represent the interests of both the commercial and private mobile radio service communications industries. PCIA's Federation of Councils includes: the Paging and Messaging Alliance, the Broadband PCS Alliance, the Site Owners and Managers Association, the Association of Wireless Communications Engineers and Technicians, the Private Systems Users Alliance, and the Mobile Wireless Communications Alliance. In addition, as the FCC-appointed frequency coordinator for the 450-512 MHZ bands in the Business Radio Service, the 800 and 900 MHZ Business Pools, the 800 MHZ General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of licensees.

[2] *In the Mutter of Implementation of Section 255 of the Telecommunications Act of 1996; Access to Telecommunications Services, Telecommunications Equipment, und Customer Premises Equipment to Persons with Disabilities,* 63 Fed. Reg. 28456, WT Docket No. 96-198, FCC 98-55, *Notice of Proposed Rulemaking* (Apr. 2. 1998) *("Notice").*

manufacturers, to work together with consumer groups and individuals with disabilities to ensure that all Americans, regardless of their disabilities, are able to access telecommunications equipment and services. At the same time, the Commission must be sure to carry out the statutory mandate set forth by Congress in a technologically and economically reasonable manner.

I. INTRODUCTION AND SUMMARY

Section 255 of the Telecommunications Act of 1996 mandates that, if "readily achievable," telecommunications equipment, customer premises equipment ("CPE"), and telecommunications services shall be "accessible to, and usable by individuals with disabilities."[3] As evidenced by the Commission's Notice, numerous issues arise in attempting to interpret and implement Section 255. Some of the most notable issues that will be addressed in these comments include: (1) how to define "manufacturer" in the context of Section 255; (2) how to define what is "readily achievable" in the context of Section 255; (3) how to best handle complaints that arise under Section 255; and (4) how best to ensure that in developing equipment and CPE guidelines, coordination efforts are made between the telecommunications industry and representatives of other affected industries and consumer groups.

It is important to note that the wireless industry currently offers a variety of products that are particularly helpful to customers with a variety of disabilities. Voice-activated PCS phones and vibrating text pagers have become extremely attractive devices for the hearing-impaired. In

[3] See 47 U.S.C. §§ 255(b) and (c).

contrast, those with visual impairments find phones with data capabilities (e.g., electronic mail) and voice pagers[4] to be particularly appealing and, as a result, these types of units have begun to penetrate the marketplace. Because there are approximately 54 million Americans with disabilities, designing products with the disabled community in mind has been an economically rewarding decision for many companies.[5]

Against this background, PCIA strongly believes that rules implementing Section 255 must be flexible enough to allow the telecommunications industry, including the wireless industry, and their customers with disabilities to work together to ensure that equipment and services are available wherever economically and technologically feasible. Specifically, in defining "readily achievable," the Commission must recognize the rapidly changing nature of technology.

II. PCIA BELIEVES THAT THE FCC IS AUTHORIZED TO IMPLEMENT SECTION 255 AND SUPPORTS THE FCC'S DECISION TO FORBID PRIVATE RIGHTS OF ACTION

PCIA agrees with the Commission's interpretation that it possesses the statutory authority to adopt the rules necessary to implement Section 255 of the Act and to resolve any complaints that arise under this section.[6] The language of Sections 4(i), 201(b), 303(r) of the Act, along with

---

[4] Voice pagers emit a tone alert when a message is received. Someone trying to reach a voice pager calls the voice pager number and leaves a recorded voice message. The voice pager will then emit a tone or vibration alert and the customer will hear the recording of the message that the caller has left, in the caller's own voice.

[5] *Notice,* at n. 3 (citing Americans with Disabilities: 1994-95, Current Population Reports, Series P70-61, U.S. Bureau of the Census (Aug. 1997)).

[6] *Notice,* at ¶26.

the authority granted through Section 255(f), clearly empowers the Commission to perform these two functions.[7]

In addition, PCIA strongly supports the Commission's conclusion that the exclusive jurisdiction granted to the FCC over the resolution of Section 255 complaints, combined with the explicit preclusion of private rights of action, eliminates the ability for complainants to successfully pursue private litigation, pursuant to Section 207 of the Act." Congress' intent to preclude private litigation, pursuant to Section 255, could not have been made more explicit.

HI. THE FCC'S SHOULD DEFINE A "MANUFACTURER" AS THE ENTITY WHO IS THE FINAL ASSEMBLER OF A PRODUCT

As the Commission mentions in the Notice, telecommunications equipment often times consists of components that are manufactured by several different companies.[9] Tracking down which particular component of a specific product is causing accessibility difficulties for a consumer could be an extremely complex and time-consuming process. As a result, we support the Commission's proposal to place responsibility for product accessibility on the final assembler of a product. We agree that by adopting the final assembler approach, manufacturers will have

---

[7] See 47 U.S.C. §§ 154(i), 201(b), and 303(r), Section 4(i) of the Act explicitly permits the Commission to "...perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with [the] Act, as may be necessary in the execution of its functions"; Section 20 1 (b) of the Act provides that "[t]he Commissioner may prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of this Act"; Section 303(r) of the Act provides that the Commission may "[m]ake such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act..."; See *also* 47 U.S.C. § 255(f). Section 255(f) states that "[t]he Commission shall have exclusive jurisdiction with respect to any complaint under this section.

[8] *See 47* U.S.C. §§ 207, 255(f).

[9] *Notice,* at ¶60.

an even greater incentive to specify accessible components from their suppliers and that they are in the best position to allocate any increased costs that could result from compliance. The final assembler approach will also likely make the process of resolving Section 255 complaints easier because, in many instances, the number of parties involved in resolving the complaint will be reduced to just a few (e.g., the carrier, the final assembler, a consumer group, and the complainant).

IV. PURSUANT TO SECTION 251(a)(2) OF THE ACT, THE TELECOMMUNICATIONS NETWORK SHOULD FACILITATE THE EMPLOYMENT OF ACCESSIBILITY FEATURES BY END USERS -- NOT INHIBIT THEM

Section 25 l(a)(2) of the Act requires that a telecommunications carrier not "...install network features, functions, or capabilities that do not comply with the guidelines and standards established pursuant to Section 255..."[10] We support the Commission's interpretation of Section 25 1 (a)(2) as governing the "configuration" of the network capabilities of carriers. We also support the Commission's general notion that "the telecommunications network should facilitate -- not thwart -- the employment of accessibility features by end users.""[11] In short, the link between Sections 251(a)(2) and 255 of the Act is an important one, primarily because it requires manufacturers of network elements, and carriers that incorporate these elements into their network, to coordinate their efforts in order to ensure that both types of entities are in compliance with the Telecommunications Act of 1996.

---

[10] *See 47* U.S.C. § 251(a)(2).

[11] *Notice,* at ¶63.

V. THE CONCEPT OF "READILY ACHIEVABLE" MUST INCLUDE AN ANALYSIS OF AN INTRICATE SET OF FACTORS, INCLUDING FEASIBILITY, COST, AND PRACTICALITY

In the *Notice,* the Commission tentatively concludes that the term "readily achievable," as defined by the ADA and incorporated by Section 255(a)(2), simply means "easily accomplishable and able to be carried out without much difficulty or expense."[12] The Commission adds that, in the telecommunications context, a useful framework for analyzing whether a particular telecommunications accessibility feature is "readily achievable" involves an examination of three distinct areas -- feasibility, expense, and practicality.') The Commission also notes that, in certain circumstances, determinations as to whether accessibility is "readily achievable" will simply be driven by case-specific factors.[14]

PCIA agrees with the Commission that, without question, feasibility, expense, and practicality are all extremely important factors to consider when determining whether or not a particular accessibility or compatibility feature is "readily achievable." PCIA considers feasibility to essentially be the first prong of the Commission's "readily achievable" test. After all, if an accessibility or compatibility feature is simply not capable of being implemented, then the process of determining whether it is "readily achievable" immediately ceases. The feasibility factor is also significant because it reminds the Commission that, despite advances in technology. some accessibility features are still simply not possible.

---

12 *Notice,* at ¶ 97.

13 *Notice,* at ¶ 100.

14 *Notice,* at ¶ 99.

Like the Commission, PCIA also deems cost to be the second prong of the "readily achievable" test. The necessity for considering economic feasibility is made clear by the ADA definition of "readily achievable," which, as noted earlier, is incorporated by reference into Section 255(a)(2). Because three of the four factors specified by the ADA in determining whether an action is "readily achievable" revolve around economic considerations, the Commission is statutorily obligated to integrate cost when defining the term "readily achievable."[15] Similarly, Congress required the Commission to consider economic factors when developing regulations that promote access to telephone service by the disabled.'" PCIA also agrees with the Commission's conclusion that the expense factor should include the cost of other resources (e.g., costs incurred because of other required resources, opportunity costs, etc.).

Finally, PCIA endorses the Commission's proposal to factor practicality into the "readily achievable" equation. As the Commission correctly points out, the economic, administrative, and physical resources available to a provider are just some of the factors that should be considered in evaluating practicality. The Commission's determination that the potential market for the product or service, the degree to which costs can be recovered, and timing, are also all critical factors in determining whether a particular accessibility or compatibility feature is practical, and ultimately, "readily achievable."

---

[15] The factors to be considered in determining whether an action is readily achievable include: (1) the nature and cost of the action needed; (2) the overall financial resources of the facility or facilities involved in the action; (3) the overall financial resources of the covered entity; and (4) the type of operation or operations of the covered entity. See 42 U.S.C. § 12 18 1(9)(A)-(D).

[16] See 47 U.S.C. § 610(e) ("[T]he Commission shall specifically consider the costs and benefits to all telephone users, including persons with and without hearing impairments'); *Access to Telecommunications Equipment and Services by Persons with Disabilities,* 11 FCC Rcd 8249, 8274-76 (1996) (considering the costs and benefits of rules implementing 47 U.S.C. § 610).

VI. WHILE THE COMMISSION'S PROPOSED "FAST-TRACK" COMPLAINT PROCESS SEEMS TO REST ON TWO SIMPLE PRINCIPLES, THERE IS STILL A SUBSTANTIAL AMOUNT OF UNCERTAINTY REGARDING HOW COMPLAINTS WILL BE RESOLVED

In the *Notice,* the Commission proposes a two-phase program for dealing with consumer complaints arising under Section 255. In the first phase, the Commission proposes that consumer inquiries and complaints be referred to the manufacturer or service provider concerned, who will then have a short period of time to solve the complainant's access problem and informally report to the Commission the results of its efforts. Should the matter remain unresolved, the dispute would proceed to the second phase -- the dispute resolution process. While PCIA supports some of the Commission's proposals regarding the Section 255 complaint process and addresses many of the questions posed by the Commission in the *Notice, we* also believe that, in general, the Commission does not necessarily have to establish a new set of complaint procedures specifically tailored for Section 255 complaints. Just last year, the Commission completely overhauled their procedures for formal complaints tiled against common carriers.[17] In short, we agree with the Commission's statement in that *Report and Order* that "[a] uniform approach will ensure that the Commission places on all formal complaints the same pro-competitive emphasis underlying the 1996 Act's complaint resolution deadlines."[18]

A. Consumers Should Be Required to Contact the Service Provider or Manufacturer First

---

[17] *See In the Matter of Implementation of the Telecommunications Act of 1996; Amendment of Rules Governing Procedures to Be Followed When Formal Complaints are Filed Against Common Carriers, 12* FCC Rcd 22497, CC Docket *No. 96-238,* FCC *97-396, Report and Order (Nov. 25,* 1997).

[18] *Id.* at ¶3.

In general, PCIA agrees with the overall structure of the first phase of the complaint process. However, PCIA is concerned about the absence of any procedural requirements that complainants have to meet before lodging a Section 255 complaint. Although the Commission notes that it will "encourage potential complainants to contact the manufacturer or service provider to attempt to resolve the problem before lodging a complaint," a consumer has no obligation to actually do so.[19]

PCIA recommends that the Commission's first responsibility should be to provide the information necessary so that a consumer can contact directly the manufacturer or service provider involved, and further, that the consumer be required to do so before lodging a complaint. This requirement will allow the manufacturer or service provider to resolve the problem before even having to make an informal report, thereby reducing administrative burdens on both the FCC and the industry. The Commission is in the best position to decide what type of showing a consumer should have to make in order to prove that an overture to the manufacturer or service provider was made.

PCIA strongly endorses the Commission's proposal to establish a central Commission contact for all Section 255 inquiries and complaints. The Commission could easily pass word around that an FCC contact point exists by both issuing a Public Notice and incorporating the FCC contact point into the Commission's Rules. This contact point should be responsible for generating and maintaining a list of contacts (e.g., the carrier's registered agent) for all manufacturers and service providers subject to Section 255. Although most PCIA members are

---

[19] *Notice,* at ¶ *127.*

likely to provide a single point of contact for Section 255 inquiries and complaints following implementation of the Commission's Section 255 rules, the Commission should provide for some flexibility and allow manufacturers and service providers to designate different contacts if desired, and permit companies to delegate the contact responsibilities to third parties.

B. The FCC's Timetable Is Patently Unrealistic

The Commission goes on to propose that, within five business days of forwarding a complaint, respondents must submit a report to the Commission in which, among other things. the respondent identifies possible accessibility solutions. Once again, the Commission's zealous timetable is totally unrealistic. First, the Commission does not propose that a respondent have *five* days *from receipt* of a complaint, rather, the Commission proposes "...a deadline of five business days from the time [the Commission] *forward[s]* the complaint to the respondent.""' Therefore, respondents do not even have a full five days to respond to a complaint. After all, it might take a day or two to simply receive the complaint from the Commission. Second, within that five day period, the Commission expects industry to receive the complaint, gather relevant information, contact the complainant to discuss the complaint, and resolve it. Resolving many of these complaints will involve coordination among the customer service, technical, and legal divisions of affected companies and, often times, will require face-to-face meetings between manufacturers and service providers. In short, given the enormous impact many of these accessibility decisions will have on affected companies, the Commission's proposal to require

---

[20] *Notice,* at ¶136.

manufacturers and/or service providers to make a report to the Commission within five business days of the date the particular complaint is forwarded is both unreasonable and impossible to comply with.

Even the Commission recognizes that, in certain circumstances, five business days may not be enough to resolve a complaint. In such instances, the Commission proposes to require respondents to file an informal progress report that should include a request for additional time to continue problem-solving efforts.[21] If the Commission is concerned about the potential for delay in resolving complaints via the fast-track process, then PCIA would endorse a 30-day fast-track period which could be extended upon Commission approval.[22] At the end of the fast-track period, respondent companies should be required to report to both the complainant and the Commission, via written correspondence, facsimile, electronic mail, or telephone, whether or not the complainant has been provided the access sought. If a complaint remains unresolved, the respondent company should be required to submit an informal report to both the complainant and the Commission explaining why the accessibility has not been provided. Finally, if the Commission is inclined to implement a mechanism by which the fast-track process could be terminated and the traditional dispute resolution process would be invoked, PCIA recommends that such a mechanism be triggered only upon the consent of both the complaining and responding parties or upon an order by the Commission.

---

[21] Given the administrative and judicial penalties facing manufacturers and service providers to resolve these complaints, PCIA believes that such a requirement is unnecessary, will result in more work for the subject business and the Commission, and will further delay the process of resolving complaints.

[22] A 30-day limit on the length of the fast-track period is consistent with Section 1.724(a) of the Commission's Rules which requires common carriers to answer complaints within 30 days of service of the pleading to which the answer is made unless otherwise directed by the Commission. *See* 47 U.S.C. § 1.724(a).

C. The FCC's Fast-Track Determination Should Be Final

If the Commission determines that the fast-track determination should be closed, complainants should not be able to pursue relief via the second-phase dispute resolution process. The Commission's determination should be the final determination. Respondents should not be required to contribute more time and resources to resolving a Section 255 complaint that the Commission has already determined to either be satisfactorily solved, to not involve matters subject to Section 255, or to concern a complaint to which the Commission responded that accessibility was not readily achievable. However, if the Commission finds that traditional or alternative dispute resolution (provided all parties agree that ADR is appropriate) is necessary, such a decision needs to be made within a reasonable time frame (i.e., within 6 months of the respondent's filing of an action report).[23] Further, if a decision is not made within the allotted time frame, the Commission will be deemed to have abandoned the complaint.

D. There Needs to Be Both Standing Requirements and Time Limits for Filing Section 255 Complaints

In contrast to the Commission, PCIA believes that a standing requirement is necessary for filing complaints under Section 255. Although Section 255 does not specifically impose a standing requirement, two important reasons exist which necessitate such a requirement. First. by only allowing interested parties to challenge the presumption of compliance, the Commission lessens the chance of facing frivolous or vindictive lawsuits Second, without a standing

[23] Requiring the Commission to decide whether or not to proceed with dispute resolution processes within six months of the respondent's filing of an action report is consistent with Section 1.7 18 of the Commission's Rules which limits the tiling of formal complaints, subsequent to the filing of an informal complaint, to six months from the date of a common carrier's report answering the informal complaint. *See* 47 U.S.C. § I.718.

requirement, the costs incurred in resolving complaints will only increase. Not only does this mean a drain on Commission resources, but a drain on the resources of legitimate parties, forced to respond to spurious claims. The Supreme Court has repeatedly upheld the importance of such prudential considerations and preserved the "autonomy of those most likely to be affected" by adjudication.[24]

The Commission states that one of its reasons for proposing no standing requirement is that the Commission wants to avoid burdening the complaint process with standing related disputes. But for the reasons stated above, PCIA believes, as does the Supreme Court, that the complaint process will be made less burdensome by allowing only parties with standing to challenge compliance.

Similarly, PCIA believes that there should be a time limit for filing complaints under Section 255. As the Commission correctly points out, Section 415(b) of the Communications Act limits the filing of all complaints against common carriers for the recovery of damages not based on overcharges to "within two years from the time the cause of action accrues, and not after.. ."[25] We believe that the two-year window established in Section 4 15(b) should be carried over and applied to all Section 255 complaints. In other words, complainants would have two years from the date a product is purchased, or from the date a service is subscribed to, in which to file a Section 255 complaint. PCIA also agrees with the Commission that any time limits for resolving complaints under Section 208 of the Act, namely, the five-month deadline established

---

[24] *See Lujan v. National Wildlife Federation, 497* U.S. *87* 1 (1990); *see also Valley Forge Christian College v. Americans Unitedfor Separation of Church and State, 454* U.S. 464 (1982).

[25] 47 U.S.C. § 415(b).

in Section 208(b)(l) of the Act, do not apply to Section 255 complaints.[26]

E. PCIA Supports the Use of ADR to Resolve Section 255 Disputes and the Commission's "Laundry List" of Guidelines

PCIA supports the Commission's proposal to use ADR, subject to the agreement of all parties, as a third tool to resolve Section 255 disputes. However, as noted earlier, any party that seeks ADR must make their request to the Commission within six months of the respondent's filing of an action report.[27] If the Commission ultimately decides to adopt its ADR proposal, the Commission should also prescribe a method for selecting the individuals necessary to oversee the ADR process.[28] Further, the Commission should act as both a facilitator and observer of the ADR process and all ADR decisions should be fully enforced by the Commission.

PCIA endorses the Commission's "laundry list" of guidelines that manufacturers and service providers can consider in order to determine whether or not their products and/or services comply with Section 255 of the Act. Such a list can be extremely beneficial to both the industry and consumers. However, in order for such a list to be effective, it must be explicit and clearly explain what each description on the list means in terms of actual functionality. Finally, like the

---

[26] 47 U.S.C. § 208(b).

[27] As noted earlier, requiring the Commission to decide whether or not to proceed with dispute resolution processes within six months of the respondent's filing of an action report is consistent with Section 1.7 18 of the Commission's Rules which limits the filing of formal complaints, subsequent to the filing of an informal complaint, to six months from the date of a common carrier's report answering the informal complaint. See 47 U.S.C. § 1.718.

[28] Although PCIA supports the concept of ADR for Section 255 disputes, PCIA also realizes that there are currently no "experts" in the field of telecommunications accessibility. The ability to assess whether it is readily achievable to incorporate a given accessibility function into a particular service or piece of equipment is an extremely complex task, and thus, ADR may not be an appropriate option for at least two years.

Commission, PCIA also supports the notion that it is reasonable for an informed product-development decision to take into account the accessibility features of other functionally similar products that the provider offers.

VII. THE FCC SHOULD HAVE EXCLUSIVE JURISDICTION OVER SECTION 255 COMPLAINTS, BUT SHOULD NOT BE ABLE TO APPLY SECTION 255 RETROACTIVELY

Section 255(f) mandates that "[t]he Commission shall have exclusive jurisdiction with respect to any complaint under this section." Section 255(f) also states that "[n]othing in this section shall be construed to authorize any private right of action to enforce any requirement of this section or any regulation thereunder." As a result, PCIA believes that Section 255 clearly disallows a complainant to bring suit, pursuant to Section 207 of the Act, for the recovery of damages.

In addition, PCIA does not believe that Section 255 should be applied retroactively. In other words, the Commission should not be able to order the retrofitting of accessibility features into products that were originally developed without such features, even if the Commission subsequently determines that including such features into the original design of a product and/or service was readily achievable. Earlier this week the Supreme Court reaffirmed that "retroactivity is generally disfavored in the law."[29] In reaching its decision, the court stated generally that when legislation singles out certain employers to bear a substantial burden, based on conduct far in the past, and unrelated to any commitment they made or injury they caused, it

[29] *See Eastern Enterprises v. Apfel*, *1998* WL 332966, at 22.

is unconstitutional.[30] By analogy, should the Commission impose the retrofitting of existing telecommunications equipment or services, the Commission would be imposing a substantial burden on certain elements of the industry for past conduct that is unrelated to any injury they caused or commitment they made. This is the very type of action the Supreme Court recently struck down as unconstitutional.

VIII. CONCLUSION

There is no question that one of the fundamental objectives of the 1996 Communications Act was to ensure that all Americans have the ability to access and benefit from advances in telecommunications services and equipment.[31] However, while carrying out this extremely important objective, the Commission must also remember to abide by its stated intentions to do so "in a practical, common sense manner"[32] and to provide "industry [with] incentives to consider disability issues at the beginning of the development and design process -- and on an ongoing basis."[33]

---

[30] Id. at 23

[31] See e.g., § 225 (which governs Telecommunications Relay Services (TRS) for hearing-impaired and speech-impaired individuals); § 2.5 1 (a)(2) (prohibiting a telecommunications carrier from installing network features, functions, or capabilities that do not comply with the guidelines and standards established pursuant to Section 255 of the Act); § 710 (mandating hearing aid compatibility (HAC) for wireline telephones); and § 7 13 (requiring accessibility of video programming (closed captioning)).

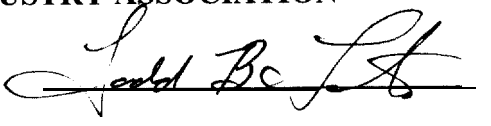
[32] Similarly, in its report, TAAC also recognized that "it may not be readily achievable to make every type of product accessible for every type of disability using present technology." *See TAAC Report,* § *6.3,* at *27.*

[33] *Notice,* at ¶ 3.

Finally, in interpreting the intricacies of Section 255, the Commission must manufacturers and service providers are treated consistently.

Respectfully submitted,

PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

By: 

Mark J. Golden
Senior Vice President, Industry Affairs

Rob L. Hoggarth
Senior Vice President, Paging and Messaging

Todd B. Lantor
Manager, Government Relations

Personal Communications Industry Association
500 Montgomery Street, Suite 700
Alexandria, VA 22314-1561
(703) 739-0300

June 30.1998