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Submission Type: CO Submission Status: ACCEPTED Viewing Status: UNRESTRICTED

Subject:

D A N u m b e r :

Exparte Late Filed: File Number:

Calendar Date Filed: 06/30/1998 10:14:03 AM

Date Disseminated:

Official Date Filed: 06/30/1998

Filed From: INTERNET

Confirmation # 11998630388365

DOCKET FILE COPY ORIGINAL

INTERNET FILING

96 - 198

6/30/98

OKLAHOMA DEPARTMENT OF REHABILITATION SERVICES

Comments Regarding Federal Communications Commission Notice of Proposed Rulemaking to Implement Section 255 of the Telecommunications Act of 1996 (96-198)

The Oklahoma Department of Rehabilitation Services (DRS) expresses general support for the proposed rules published by the Federal Communications Commission to implement Section 255 of the Telecommunications Act of 1996.

Specifically, the Oklahoma Department of Rehabilitation Services expresses comments on the following FCC proposed provisions:

- **Scope of Rulemaking Authority and Enforcement Authority (¶24-34):** The Oklahoma Department of Rehabilitation Services concurs with the analysis of §255 which gives the FCC “expansive, rather than limited” rulemaking authority. The statute and proposed rules adequately recognize the relationship between the FCC and The Architectural and Transportation Barriers Compliance Board (ATBCB or the Access Board), providing appropriate delineation of similar responsibilities and authority.

DRS concurs that §255 applies to telecommunications equipment and CPE manufactures, as well as common carriers. DRS also concurs that §207 and §208 contain adequate language authorize damages as a remedy for violations of § 255 by common carriers.

DRS agrees with Commission interpretation that §255 prohibits a private right of action.

- **Statutory Definitions (¶35-123):** DRS concurs with the analysis of statutory definitions in the act as referenced in the NPRM. The proposed regulations provide adequate analysis of “telecommunications equipment and services”.

DRS supports an expansive definition of “information” and “adjunct-to-basic” services to include such services as voice mail and electronic mail. The expansive, rather than limited, nature of the language of §255 supports a broad-based range of initiatives to make telecommunications services accessible to persons with disabilities.

DRS concurs with the definition of “provider of telecommunications equipment” to include all entities offering telecommunications services to the public and further concurs that foreign and domestic manufacturers should not be exempted from the regulations. DRS agrees with the definition of “manufacturer” based upon the Access Board’s guidelines.

DRS supports the use of the ADA definitions of “disability” and of “accessible to and usable by” without modification or enhancement.

The definition of “readily achievable” is adequately analyzed in ¶94. However, DRS recognizes that the term is the weakest link in the Section’s efforts to accomplish accessibility of telecommunications equipment and services. Although DRS recognizes the term is addressed in the language of the act by reference to the ADA, we encourage the strictest interpretation possible, recognizing that this maybe the potential loophole for many manufacturers and service providers wishing to avoid full compliance with provisions of the Section.

- **Implementation Process (¶124-177):** In regard to overall implementation objectives, DRS supports the prevailing concepts of “responsiveness to consumers” and “efficient allocation of resources”. In addition, DRS supports the proposed fast track, informal and formal complaint resolution provisions of the proposed rules. Additionally, DRS supports the proposed alternative dispute resolution procedures as proposed in the NPRM. The Commission should order compliance with ADR determinations in the same manner they would require compliance with determinations made through the formal complaint resolution process.

DRS suggests that the FCC use all available remedies to enforce compliance or to assess penalties for non-compliance, including, but not limited to forfeitures, corrective measures, license revocations, cease and desist orders, fines, awards of damages, and required retrofitting of equipment manufactured out of compliance.

- **Interim Treatment of Complaints (¶175-177):** DRS concurs with the NPRM that the current complaint resolution process is adequate until these final rules are implemented and that no additional interim rules are necessary.