

Applicant Name: Randy Sergeant

Proceeding Name: 96-198 Author Name:

Lawfirm Name:

Contact Name: applicant_name Contact Email:

Address Line 1: 7514 E. Taylor-

Address Line 2:

City: Scottsdale State: AZ

Zip Code: 85257 Postal Code:

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

Subject,

DA Number: Exparte Late Filed: File Number:

Calendar Date Filed: 06/29/1998 6:00:48 PM Date Disseminated: ,

Official Date Filed: 06/30/1998 Filed From: INTERNET

Confirmation # 1998629253309

DOCKET FILE COPY ORIGINAL

INTERNET FILING

96 - 198

6/30/98

Randy Sergeant
7514 E. Taylor
Scottsdale, AZ 85257

June 26, 1998

Federal Communications Commission
Off-ice of the Secretary,
1919 M Street, NW, Room 222
Washington, DC. 20554

REF: Proposed Rules, Enforcement: Section 255 of Telecom Act

Dear Sir:

Thank you for the opportunity to comment on the referenced action. I encourage the FCC, in its final rules, to adopt the Access Board Guidelines for manufacturers, to incorporate the ADA definition of "readily achievable" as opposed to "cost recovery" and to support a complaint process that imposes no filing fees or time limits, allows complaints to be filed in alternative formats and requires accessible company contact points.

Section 255 requires telecommunications manufacturers and service providers to make their products and services accessible to people with disabilities. I believe that certain proposed rules, if adopted in their present form, would have a negative impact on accessibility. Since the final rules will have a tremendous impact on the accessibility of telephone equipment and services for many years to come, I urge the Commission to consider the implications of the rules from a disabled consumer perspective.

As a deaf person, I constantly face obstacles and barriers when information is available only in auditory format. Telecommunications access is extremely important to me in both my private and professional activities. As such, it is important to me, personally, as well as for millions of other Americans with disabilities, that the rules adopted by the FCC are strong enough and enforceable so as to truly make a difference in accessibility of telecommunications services.

Congress, in its wisdom, gave to the Architectural and Transportation Barriers Compliance Board (Access Board) the authority to write accessibility guidelines for telecommunications equipment manufacturers. Last year, the Access Board issued guidelines which, among other things, suggest ways for manufacturers to achieve access in the design of their products and require product information and instructions to be accessible to people with disabilities. It is not clear, from my review of the proposed rules, whether the FCC intends to incorporate these

guidelines in the final rules. Such guidelines are imperative in that they provide explicit guidance to manufacturers on their obligation to make their products accessible.

Congress also adopted the “readily achievable” concept from the American’s with Disabilities Act in Section 255 of the Telecommunications Act in requiring telecommunications providers and manufacturers to provide access where it is readily achievable to do so. In the proposed rules, the Commission has defined readily achievable in a manner that is very different from that of the ADA. For example, the proposed rules allow companies to consider cost recovery and marketability into the equation. These factors may allow a company to evade its access obligations on that basis that the market for certain accessible products may be smaller. This is contrary to the intent and purpose of Section 255, which was enacted precisely because the market forces alone were not enough to ensure access. Even today, for example, I do not have direct access to many telecommunications services, including voice mail, interactive systems, etc. I urge the Commission to adopt the definition of “readily achievable” as defined in the ADA, that being balancing of the costs of providing access with the overall financial resources of the company.

From my review of the proposed rules, such “enhanced services” as voice mail, interactive voice response systems (which incorporate telephone or voice prompts), and audiotext information are not considered. Many of these services are commonplace, yet they remain inaccessible to people who, like myself, are deaf or who are hard of hearing. I do not believe that Congress intended to exclude these features from the scope of Section 255 since its whole purpose was to expand telecommunications access.

Congress gave enforcement authority of Section 255 to the FCC through a complaint process. I support the proposed rules imposing no filing fees for both informal and formal complaints with the FCC against manufacturers or service providers, no time limit for filing complaints, and no restrictions on the means or media by which complaints may be filed. I also support requiring manufacturers and service providers to establish contact points in their companies that are accessible to consumers with disabilities.

Sincerely,

Randy Sergeant