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FEDERAL COMMUNICATIONS COMMISSION
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June 30, 1998

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: **Implementation of Section 255 of the Telecommunications Act of 1996 - Comment. WT Docket No. 96-1 98**

Dear Sir/Madam:

On behalf of the Computer and Communications Industry Association (CCIA), an international association of computer and communications companies, we submit these comments in response to the Commission's Notice of Proposed Rulemaking in the Matter of Implementation of Section 255 of the Telecommunications Act of 1996 (WT Docket No. 96-198) ("NPRM"). CCIA's members are providers of telecommunications services and equipment, on-line services, and computer hardware and software. Consequently, CCIA's members have a direct and substantial interest in the Commission's decisions regarding the implementation of Section 255.

By enacting Section 255, Congress expressed its clear intent that telecommunications services and equipment be made accessible, to the extent access is readily achievable, to persons with disabilities. CCIA supports the Commission's efforts to realize this goal. CCIA would like to help the Commission ensure that persons, including those with disabilities, have access to the telecommunications services and equipment that are becoming such an essential element of our educational, social, political, and economic future.

Section 255 establishes a broad, but reasonable, mandate – service providers and manufacturers must make their services and equipment accessible to persons with disabilities, to the extent it is “readily achievable” to do so. CCIA feels that this mandate must be carried out in a practical and common-sense manner. CCIA is confident that, if given the flexibility to innovate, the industry will realize the goal of ensuring that consumers with disabilities have access to telecommunications service and equipment. This promise may go unfulfilled if the industry is forced to comply with detailed implementation rules that obscure and frustrate the notion of “readily achievable.”

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CCIA believes that the worthy goals of Section 255 can best be realized if the framework implemented by the Commission promotes coordination, consultation, and voluntary efforts on the part of service providers, equipment manufacturers, and consumers. "Readily achievable" solutions can be developed that will bring the benefits of telecommunications technology to the broadest base of persons with disabilities, while continuing to foster competition and technological innovation. The **framework** developed should encourage anticipatory compliance at the design and development stage of an offering. The Commission should avoid, whenever possible, the temptation to adopt an approach that applies across-the-board and fails to consider the variety of services and equipment subject to the mandates of Section 255.

A flexible approach avoids costly and cumbersome complaint proceedings and legal challenges – a result that is certain to help no one. CCIA feels that the marketplace, unrestrained by detailed government regulation, will respond to the needs of consumers with disabilities by efficiently supplying a diverse array of services and equipment. Service providers and manufacturers need the flexibility to experiment with new technologies and to develop products that **satisfy** the demands of *all* consumers.

CCIA also believes that, if regulations are warranted, the Commission should give service providers and equipment manufacturers clear guidelines for Section 255 compliance. The relevant definitions must be interpreted in a common-sense manner. Industry participants should be able easily to anticipate what is covered by Section 255, and the costs of compliance should be kept at reasonable levels.

For example, CCIA believes the scope of Section 255 is limited to "telecommunications" services – as opposed to "information" services. In addition, the standard of "readily achievable" should be interpreted and implemented with the telecommunications context in the forefront. The factors in the Americans with Disabilities Act's ("ADA") regulatory regime should guide, but not hinder, the development of accessibility factors consistent with the objectives of the 1996 Telecommunications Act. By keeping these limiting principles in mind, the Commission will remain true to the letter and spirit of Section 255.

CCIA applauds the Commission's work toward ensuring that persons with disabilities enjoy the full benefits of the telecommunications revolution. CCIA is confident that, by allowing the market to work freely, and developing clear and reasonable guidelines, the Commission can meet the telecommunications needs of all Americans. CCIA stands willing to assist the Commission with its efforts to implement the requirements of Section 255.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Marks", is written over a solid black horizontal line.

Richard D. Marks
Megan H. Troy
Vinson & Elkins, L.L.P.
Counsel for CCIA