

Docket # 96193



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Elizabeth W. Bauer
Executive Director

June 24, 1998

Federal Communications Commission
Office of the Secretary
1919 M Street, N.W. Room 222
Washington, D.C. 20554

RE: Rules for Enforcing Section 255 of the Telecommunications Act

* Information

To Whom It May Concern:

* Referrals

The proposed rules for enforcing Section 255 of the Telecom Act will have a tremendous impact on the accessibility of telephone equipment and services for many years to come. If they are adopted as proposed, they will have a negative impact on access for people with disabilities. It is unconscionable that people with disabilities would be denied access to a realm of modern life so indispensable as telephone equipment and service!

* Technical Assistance

1. It is not clear in the proposed rules whether the FCC intends to adopt the Access Board guidelines. I urge you to adopt these guidelines. They are necessary in order to provide clear guidance to companies regarding their obligations to make products and services accessible.

* Rights Protection

2. The use of the phrase "readily achievable" has undergone a radical transformation since its use in the ADA. The proposed rules allow companies to consider the extent to which costs of providing access will be recovered. To allow this as a "readily achievable" factor defeats the very purpose of Section 255. Section 255 was passed precisely because the market was not responding to the needs of people with disabilities. Cost recovery considerations have never been permitted under other disability laws.

* Legal Representation

Please follow the definition of "readily achievable" as it has been defined in the ADA.

3. Enhanced services, not covered under the proposed rules, are actually commonplace services which many people who are not yet disabled consider indispensable. Voice mail and electronic mail are two examples.

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Please cover "enhanced services" since coverage of these services is critical to full telecommunications access -- and thus to the intent of Section 255.

4. Finally, some comments regarding the complaint process:

a. There should be no filing fees for informal or formal complaints with the FCC against either manufacturer or service providers.

b. There should be no time limit for filing complaints.

c. Consumers should be able to submit complaints by any accessible means available.

d. Manufacturers and service providers should be required to establish contact points in their companies that are accessible to consumers with disabilities.

* *Information*

Thank you for taking these comments into consideration. We have taken the time to make them because we are concerned that if Section 255 is diluted in any way, people with disabilities will remain second class citizens with respect to new telecommunications technological advances.

* *Referrals*

Yours very truly,

M&a Justine Storm

Staff Attorney for Protection and Advocacy for Users of Assistive Technology

* *Technical Assistance*

* *Rights Protection*

* *Legal Representation*