

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

In the Matter of)	
)	
Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010)	CG Docket No. 10-213
)	
Amendments to the Commission's Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996)	WT Docket No. 96-198
)	
In the Matter of Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision)	CG Docket No. 10-145
)	
)	

**COMMENTS OF THE
ADMINISTRATIVE COUNCIL FOR TERMINAL ATTACHMENTS**

The Administrative Council for Terminal Attachments (ACTA) submits these comments in response to the Federal Communications Commission’s (Commission) *Notice of Proposed Rulemaking* in the above-referenced dockets. The ACTA supports the Commission’s efforts to facilitate the ability of consumers with disabilities to use advanced communications services and equipment. The ACTA remains concerned, however, that some telephone equipment imported and sold in the U.S. may not be tested for hearing aid compatibility in compliance with Part 68 of the Commission’s rules and, until this problem is addressed and enforcement of the Part 68 rules is enhanced, any rules to encourage access to advanced communications services may not be entirely effective.

I. Background

The ACTA was established in 2000 when the Commission privatized significant portions of its rules governing the connection of customer premises equipment to the public switched telephone network and certain private-line services, including standards development and terminal equipment approval processes.¹ The Commission directed the telecommunications industry, through the co-sponsorship and support of the Alliance for Telecommunications Industry Solutions (ATIS) and Telecommunications Industry Association (TIA), to establish the ACTA, an open body that would assume a number of roles previously performed by the FCC. Thus, the FCC tasked the ACTA with: (1) adopting technical criteria and acting as the clearing-house for the publication of technical criteria for terminal equipment developed by ANSI-accredited standards development organizations; and (2) establishing and maintaining a registration database of equipment approved as compliant with the technical criteria. The FCC retained sole responsibility for enforcement of the Part 68 regulations and compliance with the privatized functions.

The ACTA fulfills its mission through an open and consensus-based process and with active participation from key stakeholders, including service providers, manufacturers, testing laboratories and other interested parties. The ACTA holds quarterly meetings that are open to all interested parties. More information about the ACTA can be found on the ACTA website at: www.part68.org.

¹ In the Matter of 2000 Biennial Review of Part 68 of the Commission's Rules and Regulations, *Report and Order*, CC Docket No. 99-216 (released Dec. 21, 2000).

II. Discussion

In the *NPRM*, the Commission seeks comment on how to implement the requirements of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA).² This law compels the Commission to establish regulations to require providers of advanced communications services and manufacturers of equipment used for advanced communications services to make their services and equipment accessible to people with disabilities, unless it is not achievable to do so.³ The Commission also seeks input in the *NPRM* on issues pertaining to the enforcement of the CVAA's requirements. The ACTA strongly urges the Commission to consider as part of this proceeding the broader issue of how it can enforce, not only the new rules that may be promulgated to implement the CVAA, but the existing rules such as those contained in Part 68 of the Commission's rules that also protect the availability of communications for consumers with disabilities.

The ACTA acknowledges that, at first glance, Part 68 of the Commission's rules appear to be a relic from the time when virtually all communications traveled over the same public switched telephone network (PSTN) using first generation technologies. Without a deeper understanding of the rules, it is hard to see the relevance to emerging technologies or to the future networks. However, upon closer inspection, it is clear that the Part 68 rules are fundamental to the operation of communications networks and to the Commission's policy objective pertaining to the rapid deployment of, and universal access to, broadband services by all consumers.⁴ By protecting the network from harm caused by the connection of telephone terminal equipment and associated wiring, and providing for the compatibility of hearing aids

² Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L: No 11-260, 124 Stat. 2751 (2010) as codified in various section of 47 U.S.C.

³ Sections 716(a)(1), (b)(1) of the Communications Act, to be codified at 47 U.S.C. §§617(a)(1), (b)(1).

⁴ See *Connecting America: The National Broadband Plan* (rel. Mar. 16, 2010).

and telephones, Part 68 allows millions of consumers, including those with disabilities, to have access to communications services, such as 9-1-1 services.

The ACTA strongly believes that telephones that do not comply with the Commission's hearing aid compatibility rules in Part 68 and/or ACTA labeling requirements are not in the public interest because such telephones may impede accessibility to telecommunications by hearing impaired individuals. For instance, terminal equipment that does not meet the hearing aid compatibility and volume control requirements of Part 68 can create accessibility problems for hearing impaired users and/or degrade audio quality. In some cases, non-compliant equipment may make it harder for hearing impaired users to identify the source of the problem (i.e., whether it is a non-compliance device problem, a network problem, a hearing aid problem, or a worsening of their hearing impairment) and to take corrective actions.

The ACTA believes that the Commission should enhance its enforcement in this area to address what it believes is a growing problem associated with non-compliant telephone terminal equipment being sold and/or imported within the U.S. In the past ten years since the Commission turned the administration of the approved terminal equipment database over to the ACTA, there has been a steady decline in the number of terminal equipment listings.⁵ While the decline in wireline terminal equipment approval listings has not been isolated to the U.S., the decline has been much greater in the U.S. than, for example, in Canada.⁶ Given the similarities in the two markets, these statistics may indicate that less equipment is being tested for compliance and registered as such in the U.S. Through discussions with the Commission's counterparts in Canada, the ACTA has determined that the more moderate decline in the number

⁵ Since 2004, ACTA filings have declined by 62%.

⁶ Industry Canada, whose Certification and Engineering Bureau is responsible for terminal equipment certification and market surveillance (i.e., enforcement), has reported an approximate 8% decline in filings between 2005 and 2010.

of terminal equipment listings in Canada may largely be due to Canada's more aggressive enforcement activities.

During this same ten year period, the ACTA continues to be informed that telephones are being sold in retail stores in the U.S. that are not labeled in accordance with ACTA labeling specifications nor listed in the ACTA database.⁷ The ACTA is concerned that these devices have not been tested for hearing aid compatibility and that they may not meet the Commission's Part 68 hearing aid compatibility requirements. While hearing aid compatibility depends on a variety of factors, including some related to the hearing aid itself, thorough testing through the terminal equipment approval process defined in Part 68 does significantly increase the likelihood that equipment is hearing aid compatible.

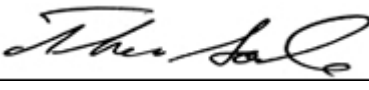
Finally, because the PSTN continues to serve as the backbone for advanced communications services, the ACTA encourages the FCC to protect the network by clarifying that all devices including VoIP, that connect or potentially can connect to the PSTN, and private line services provided over wireline facilities that are owned by providers of wireline telecommunications, must be compliant with Part 68 rules, the ACTA-adopted technical criteria, and must be registered in the ACTA's Part 68 database.

⁷ The ACTA has in the past given samples of improperly labeled terminal equipment and terminal equipment not listed in the ACTA database of approved terminal equipment to the Commission, but is not aware of any Commission enforcement action with regard to those products.

III. Conclusion

The ACTA believes that the cornerstone of any rules to promote accessibility and to prevent harm to the network is consistent, effective enforcement. Such enforcement should be directed not only at the new rules related to the CVAA but to existing rules, such as those in Part 68 that require testing, labeling and registration of telephone terminal equipment.

Respectfully submitted
by the Alliance for Telecommunications
Industry Solutions as Secretariat to
the Administrative Council for Terminal
Attachments

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