



PUBLIC NOTICE

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ACCESSIBILITY RECORDKEEPING COMPLIANCE CERTIFICATION AND CONTACT INFORMATION REPORTING REQUIREMENTS FOR ENTITIES SUBJECT TO SECTIONS 255, 716, AND 718 OF THE COMMUNICATIONS ACT

The Federal Communications Commission (FCC or Commission) reminds service providers and equipment manufacturers that are subject to Section 255, 716, or 718 of the Communications Act¹ of their obligation to maintain records of the efforts they take to implement these accessibility requirements.² The Commission also reminds these entities of their obligation to file their annual recordkeeping certifications and required contact information by April 1, 2016,³ in the “Recordkeeping Compliance Certification and Contact Information Registry” (RCCCI Registry), a web-based system designed to facilitate compliance with these obligations under Section 717 of the Communications Act.⁴ Specifically, as discussed more fully below, covered entities must complete, submit, and maintain the following three pieces of information in the RCCCI Registry to comply with the Commission’s rules:

- (1) annual recordkeeping compliance certifications;
- (2) current contact information for consumers; and
- (3) current U.S. agent for service contact information.⁵

Background

Section 255 of the Communications Act requires telecommunications service providers and equipment manufacturers to ensure that their services and equipment are accessible to individuals with disabilities, if readily achievable.⁶ In 2007, the Commission adopted rules to extend these accessibility obligations to interconnected voice over Internet protocol (VoIP) service providers and equipment

¹ 47 U.S.C. §§ 255, 617, 619; *see also* 47 CFR pt. 6, pt. 7, and pt. 14.

² 47 U.S.C. § 618(a)(5)(A); *see also* 47 CFR §§ 14.30(b), 14.31(a).

³ 47 CFR § 14.31(b)(3).

⁴ 47 U.S.C. § 618; *see also* 47 CFR § 14.31(b).

⁵ Filing one or two, but not all three of these items may subject the covered entity to enforcement action. All three items must be properly filed to comply with 47 CFR § 14.31(b).

⁶ 47 U.S.C. § 255; 47 CFR pt. 6 and pt. 7; *see also Implementation of 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, Report and Order and Further Notice of Inquiry, 16 FCC Rcd 6417 (1999).

manufacturers.⁷ The Twenty-First Century Communications and Video Accessibility Act of 2010⁸ (CVAA) added additional accessibility obligations to the Communications Act by, among other things, adding new Sections 716, 717, and 718 as follows:

- Section 716 requires providers of advanced communications services and manufacturers of equipment used for those services to ensure that such services and equipment are accessible to and usable by individuals with disabilities, unless doing so is not achievable.⁹
- Section 717 addresses the recordkeeping and enforcement obligations of service providers and equipment manufacturers that are subject to Sections 255, 716, and 718.¹⁰
- Section 718 requires manufacturers of telephones used with public mobile services and providers of mobile service to ensure that the functions of the Internet browser that they include or arrange to be included in such telephones are accessible to and usable by individuals who are blind or have a visual impairment, unless doing so is not achievable.¹¹

On October 7, 2011, the Commission adopted rules to implement Sections 716 and 717 and sought comment on proposed rules to implement Section 718 and related matters.¹² Since January 30, 2012, the effective date of the Commission's rules implementing Section 716, covered entities have been required to take accessibility into consideration as early as possible during the design or redesign process for new and existing equipment and services and to begin taking steps to ensure that equipment and services are accessible to and usable by individuals with disabilities.¹³ Advanced communications

⁷ See *IP-Enabled Services; Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities; Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities; The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, WC Docket No. 04-36, WT Docket No. 96-198, CG Docket Nos. 03-123, CC Docket No. 92-105, Report and Order, 22 FCC Rcd 11275 (2007).

⁸ Pub. L. No. 111-260, 124 Stat. 2751 (2010); *as amended by* Pub. L. No. 111-265, 124 Stat. 2795 (2010) (technical corrections to the CVAA).

⁹ 47 U.S.C. § 617. "Advanced communications services" means interconnected VoIP service, non-interconnected VoIP service, electronic messaging service, and interoperable video conferencing service. 47 U.S.C. § 153(1). However, the requirements of Section 716 do not apply to any equipment or services, including interconnected VoIP service, that were subject to the requirements of Section 255 of the Communications Act on October 7, 2010, and such services and equipment remain subject to the requirements of Section 255. 47 U.S.C. § 617(f). "Achievable" means with reasonable effort or expense, as determined by the Commission. 47 U.S.C. § 617(g).

¹⁰ 47 U.S.C. § 618.

¹¹ 47 U.S.C. § 619.

¹² See *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; 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; Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision*, CG Docket No. 10-213, WT Docket No. 96-198, CG Docket No. 10-145, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14557 (2011) (*ACS Report and Order* and *ACS FNPRM*); *see also* 47 CFR pt. 14.

¹³ *ACS Report and Order*, 26 FCC Rcd at 14602, para. 108.

services and equipment offered in interstate commerce after October 8, 2013, must be accessible, unless doing so is not achievable.¹⁴

On April 26, 2013, the Commission adopted rules to implement Section 718 of the Communications Act.¹⁵ Since October 8, 2013, manufacturers of telephones used with public mobile services and providers of mobile service have been required to ensure that the functions of the Internet browser that they include or arrange to be included in such telephones are accessible to and usable by individuals who are blind or have a visual impairment, unless doing so is not achievable.¹⁶

Recordkeeping Requirements

Since January 30, 2013, entities subject to Sections 255, 716, and 718 have been required to maintain, in the ordinary course of business and for a reasonable period, records of the efforts they have taken to implement Sections 255, 716, and 718, including the following:

- information about the manufacturer's or provider's efforts to consult with individuals with disabilities;
- descriptions of the accessibility features of its products and services; and
- information about the compatibility of such products and services with peripheral devices or specialized customer premise equipment commonly used by individuals with disabilities to achieve access.¹⁷

Recordkeeping Compliance Certification and Contact Information Reporting Requirements

By April 1 of each year, an officer of each entity that is subject to Section 255, 716, or 718 must submit to the Commission a certification that records are being kept in accordance with the Communications Act.¹⁸ The certificate must state that the manufacturer or service provider, as applicable, has established operating procedures that are adequate to ensure compliance with the recordkeeping rules and that it is keeping records accordingly.¹⁹ The certificate must be supported with an affidavit or declaration under penalty of perjury, signed and dated by the authorized officer of the company with personal knowledge of the representations provided in the company's certification, verifying the truth and accuracy of the information therein.²⁰

¹⁴ CVAA, § 104(b); *ACS Report and Order*, 26 FCC Rcd at 14602, para. 110.

¹⁵ *See 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; 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 1966; Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision*, CG Docket No. 10-213, WT Docket No. 96-198, CG Docket No. 10-145, Second Report and Order, 28 FCC Rcd 5957 (2013) (*Second Report and Order*); *see also* 47 CFR §§ 14.60-14.61.

¹⁶ CVAA, § 104(b).

¹⁷ 47 U.S.C. § 618(a)(5)(A); *see also* 47 CFR §§ 14.30(b), 14.31(a).

¹⁸ 47 U.S.C. § 618(a)(5)(B); *see also* 47 CFR § 14.31(b).

¹⁹ 47 CFR § 14.31(b)(1).

²⁰ 47 CFR § 14.31(b)(1). If the manufacturer or service provider is an individual, the individual must sign. In the case of a partnership, one of the partners must sign on behalf of the partnership. In cases where the manufacturer or service provider is, for example, an unincorporated association or other legal entity that does not have an officer or

The certificate must also identify the name and contact details of the person (or persons) within the company who is authorized to resolve complaints²¹ and the agent designated for service of informal and formal complaints alleging violations of Sections 255, 716, and 718 of the Communications Act or the Commission's accessibility rules.²² Contact information shall include, for the manufacturer or the service provider, a name or department designation, business address, telephone number, and, if available, TTY number, facsimile number, and e-mail address.²³ The certificate must be updated when necessary to keep the contact information current.²⁴

RCCCI Registry

The Consumer and Governmental Affairs Bureau (CGB) has established the RCCCI Registry, a web-based system, as the sole means for filing annual recordkeeping compliance certifications and contact information, and for updating that contact information as needed.²⁵

To submit a recordkeeping certification or to enter or update contact information in compliance with the Commission's rules, go to <https://apps.fcc.gov/rccci-registry/>. Follow the instructions provided on the website for submitting certifications and contact information.

partner, or its equivalent, the certification must be signed by a person with authority to sign on behalf of the association or entity.

²¹ The Commission makes the contact information for the person(s) within the company available on the Commission's website at <http://apps.fcc.gov/rccci-search/search.action> to facilitate consumers' ability to communicate directly with equipment manufacturers and service providers about accessibility issues or concerns. This contact information will also be used by the Commission for the purpose of contacting a company to facilitate resolution of an accessibility issue when a consumer files a request for dispute assistance with the Commission. The Commission also encourages covered entities to clearly and prominently identify their points of contact for accessibility matters in, among other places, their company websites, directories, manuals, brochures, and other promotional materials.

²² 47 CFR § 14.31(b)(2). This contact information will be used by the Commission's Enforcement Bureau to serve informal and formal complaints. We note that the regulations implementing Section 255 previously required that covered service providers and equipment manufacturers designate an agent or agents for service of informal and formal complaints received by the Commission. 47 CFR §§ 6.18(b), 7.18(b). Those requirements ended on October 8, 2013. 47 CFR §§ 6.16, 7.16. Contact information for designated agents for entities subject to Section 255, along with recordkeeping certifications and other contact information requirements, must now be filed in accordance with 47 CFR § 14.31(b) by using the web-based RCCCI Registry.

²³ 47 CFR § 14.31(b)(2).

²⁴ 47 CFR § 14.31(b)(3). Whenever the information is no longer correct in any material respect, equipment manufacturers and service providers must update the information within 30 days of any change to the information on file with the Commission. *ACS Report and Order*, 26 FCC Rcd at 14667, n.686. Because, as discussed above, the information will be used by the Commission for purposes of facilitating resolution of accessibility issues and notifying the manufacturer or service provider of complaints, we encourage such entities to update the information as soon as possible to minimize the risk of misdirected service, which could shorten the period of time that such company has to respond.

²⁵ Failure to file a certification and failure to keep information current is a violation of the Commission's rules and may subject the filer to forfeiture or other penalties. *See* 47 U.S.C. § 503(b). In addition, if an informal complaint is not served to the correct address, it could delay or prevent that applicable manufacturer or service provider from timely responding. Failure to respond to a complaint or order of the Commission may subject a party to sanctions or other penalties. *Id.*

Administrative Matters

Accessible Formats. To request materials, such as this Public Notice, in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY). This Public Notice can also be downloaded in Word and Portable Document Format (PDF) at <http://www.fcc.gov/encyclopedia/advanced-communications-services-acs>.

Additional Information. For further information regarding this Public Notice, contact Rosaline Crawford, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 418-2075 or by e-mail: Rosaline.Crawford@fcc.gov; or Darryl Cooper, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 418-7131 or by e-mail: Darryl.Cooper@fcc.gov.

Attachment: Frequently Asked Questions

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**ACCESSIBILITY RECORDKEEPING COMPLIANCE CERTIFICATION AND
CONTACT INFORMATION REPORTING REQUIREMENTS FOR ENTITIES SUBJECT TO
SECTIONS 255, 716, AND 718 OF THE COMMUNICATIONS ACT**

FREQUENTLY ASKED QUESTIONS

The following frequently asked questions are addressed in this Public Notice:

- Where can I find the accessibility recordkeeping and contact information reporting rules?
- Who is required to file?
- When are companies required to file the recordkeeping compliance certification and contact information?
- How do I file the recordkeeping compliance certification and contact information?
- Do I need to complete, submit, and maintain all three pieces of information in the RCCCI Registry?
- Do I need to submit new contact information records every year?
- Do I need to prepare a separate document containing my company’s certification and contact information for electronic filing in the RCCCI Registry?
- Does our U.S. agent for service need to be an attorney?
- Why is filing important?
- What if I have questions or need assistance?

Where can I find the accessibility recordkeeping and contact information reporting rules?

The recordkeeping and contact information reporting rules are found at [47 CFR § 14.31](#).

Who is required to file?

Any entity that is subject to Section 255, 716, or 718 of the Communications Act must submit its recordkeeping compliance certification and contact information annually and update that information as needed.

Section 255 and the Commission’s implementing rules apply to the following:

- (a) any provider of telecommunications, interconnected VoIP, voicemail, or interactive menu service;
- (b) any manufacturer of telecommunications or interconnected VoIP equipment or customer premises equipment; and
- (c) any telecommunications carrier.²⁶

Section 716 and the Commission’s implementing rules apply to the following, with some exceptions:

- (a) any manufacturer of equipment used for advanced communications services,²⁷ including end user equipment, network equipment, and software, that such manufacturer offers for sale or otherwise distributes in interstate commerce;²⁸ and

²⁶ See 47 CFR §§ 6.1, 7.1.

²⁷ “Advanced communications services” means interconnected VoIP service, non-interconnected VoIP service, electronic messaging service, and interoperable video conferencing service. 47 U.S.C. § 153(1); 47 CFR § 14.10(c).

- (b) any provider of advanced communications services that such provider offers in or affecting interstate commerce.²⁹

Section 716 and the Commission’s implementing rules do not apply:

- (a) to the extent an entity transmits, routes, or stores the communications made available by a third party, or provides an information location tool through which an end user obtains access to advanced communications services, except to the extent an entity relies on third party solutions to comply with these rules;³⁰
- (b) to any equipment or services, including interconnected VoIP service, that were subject to the requirements of Section 255 of the Communications Act on October 7, 2010;³¹
- (c) to customized equipment and services;³² and
- (d) to multipurpose services or equipment that are subject to waivers granted by the Commission.³³

Section 718 applies to:

- (a) manufacturers of telephones used with public mobile services that include an Internet browser in such telephone; and
- (b) providers of mobile service that arrange for the inclusion of a browser in telephones to sell to customers.³⁴

²⁸ 47 U.S.C. § 617(a)(1); 47 CFR § 14.1(a). A manufacturer of end user equipment is responsible for the accessibility of the hardware and manufacturer-provided software used for advanced communications services, not for the accessibility of software that is independently selected and installed by the user, or software that the user chooses to use in the cloud, except when the manufacturer relies on a third-party solution to comply with its accessibility obligations. *ACS Report and Order*, 26 FCC Rcd at 14564, para. 13. Section 716 does not impose independent regulatory obligations on a provider of software that the end user acquires separately from equipment used for advanced communications services. *ACS Report and Order*, 26 FCC Rcd at 14581, para. 58.

²⁹ 47 U.S.C. § 617(b)(1); 47 CFR § 14.1(b). A provider of advanced communications services is responsible for the accessibility of the underlying components of its service, including software applications, not for the accessibility of components that it does not provide, except when the provider relies on a third-party solution to comply with its accessibility obligations. *ACS Report and Order*, 26 FCC Rcd at 14565, para. 14.

³⁰ 47 CFR §§ 14.2(a), (b).

³¹ 47 CFR § 14.2(c).

³² 47 CFR § 14.3.

³³ 47 CFR § 14.5. : As of the date of this Public Notice, the following waivers granted by the Commission are in effect: *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, Entertainment Software Association, Petition for Class Waiver of Sections 716 and 717 of the Communications Act and Part 14 of the Commission’s Rules Requiring Access to Advanced Communications Services and Equipment by People with Disabilities*, CG Docket No. 10-213, Order, 30 FCC Rcd 10016 (CGB 2015) (granting a class waiver for video game software until January 1, 2017); *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, Coalition of E-Reader Manufacturers’ Petition for Class Waiver of Sections 716 and 717 of the Communications Act and Part 14 of the Commission’s Rules Requiring Access to Advanced Communications Services (ACS) and Equipment by People with Disabilities*, CG Docket No. 10-213, Order, DA 16-113, 31 FCC Rcd ___ (CGB 2016) (granting an indefinite extension of the class waiver for “basic e-readers”).

³⁴ 47 U.S.C. § 619(a).

When are companies required to file the recordkeeping compliance certification and contact information?

Covered entities must submit their recordkeeping compliance certification and required contact information with the Commission by April 1, 2016, and must certify that, for the period of January 1, 2015 through December 31, 2015, records were kept in accordance with the Commission's rules.

Thereafter, recordkeeping compliance certifications must be submitted annually by April 1, and covered entities must certify, for the previous calendar year, that records have been kept in accordance with the Commission's rules.³⁵ For example, the certification for calendar year 2016 must be filed no sooner than January 1, 2017, but no later than April 1, 2017.

Covered entities must update the required contact information on file with the Commission within 30 days of any material change to keep that information current.³⁶ When the entity files its annual recordkeeping certification, it should update its contact and service information, if necessary.

How do I file the recordkeeping compliance certification and contact information?

Use the web-based Recordkeeping Compliance Certification and Contact Information Registry (RCCCI Registry)³⁷ by going to <https://apps.fcc.gov/rccci-registry/>. There, you will find more information about the RCCCI Registry filing requirements: (1) a recordkeeping compliance certification; (2) contact information for consumers; and (3) U.S. agent for service contact information.

You will need an FCC Registration Number (FRN) and password to log in to the RCCCI Registry. The login screen has links to help you determine whether your company has been assigned an FRN, to register with the FCC if you need an FRN, and to contact tech support if you forgot your FRN password.

New Filers:

When you log into the RCCCI Registry, you will see instructions for viewing, editing, and deleting existing records, and for entering new records.

Click on the “**New Recordkeeping Compliance Certificate**” tab at the top of the screen. Enter your company name, select your company type(s) (optional), select the time period covered by the recordkeeping compliance certification, select and complete the appropriate declaration, and enter the contact information of the declarant. Submit the completed certification.

Click on the “**New Contact Information for Consumers**” tab at the top of the screen. Enter your company name, select your company type(s) (optional), and enter the contact information of the person authorized to resolve accessibility problems. You may also enter your name, job title, and e-mail address (“submitter information”) to receive a filing confirmation by e-mail. Submit the contact information.

³⁵ 47 CFR § 14.31(b)(3).

³⁶ 47 CFR § 14.31(b)(3); *see also ACS Report and Order*, 26 FCC Rcd at 14667, n.686.

³⁷ For convenience, “RCCCI Registry” can be pronounced “Ricky Registry.”

Click on the “**New U.S. Agent for Service Contact Information**” tab at the top of the screen. Enter your company name, select your company type(s) (optional), and enter the contact information for the U.S. agent designated for service of complaints. You may also enter your name, job title, and e-mail address (“submitter information”) to receive a filing confirmation by e-mail. Submit the contact information.

Click on the “**Records**” tab at the top of the screen. You should now have three records for your company (a recordkeeping compliance certification, contact information for consumers, and U.S. agent for service contact information). You may want to print a copy of that screen for your records.

Returning Filers:

When you log into the RCCCI Registry, you will see instructions for viewing, editing, and deleting existing records, and for entering new records.

You will also see a “summary view” of all of the records submitted under your FRN.

Click on the reference number next to your “Contact Information for Consumers” record. Review the contact information. If edits are needed, click on “edit” in the upper right corner. To save your changes, click on the “update” button at the bottom of the screen.

Click on the “**Records**” tab at the top of the screen. Click on the reference number next to your “U.S. Agent for Service Contact Information” record. Review the contact information. If edits are needed, click on “edit” in the upper right corner. To save your changes, click on the “update” button at the bottom of the screen.

Click on the “**New Recordkeeping Compliance Certificate**” tab at the top of the screen. Enter your company name, select your company type(s) (optional), select the time period covered by the recordkeeping compliance certification, select and complete the appropriate declaration, and enter the contact information of the declarant. Submit the completed certification.

Click on the “**Records**” tab at the top of the screen. You should now have multiple records for your company (recordkeeping compliance certifications covering multiple time periods, contact information for consumers, and U.S. agent for service contact information). You may want to print a copy of that screen for your records.

Do I need to complete, submit, and maintain all three pieces of information in the RCCCI Registry?

Yes. You must complete, submit, and maintain all three pieces of information in the RCCCI Registry to comply with the Commission’s rules:

- (1) annual recordkeeping compliance certifications;
- (2) current contact information for consumers; and
- (3) current U.S. agent for service contact information.

Filing one or two, but not all three of these items may result in an enforcement action. All three items must be properly filed to comply with 47 CFR § 14.31(b).

Do I need to submit new contact information records every year?

No. New recordkeeping certifications must be filed every year. *However, new contact information records do not need to be filed every year.* Instead, once filed, contact information records (for consumers and for the U.S. agent for service) must be edited and updated within 30 days of any material change. The filing of the annual recordkeeping certification provides a natural opportunity to ensure that contact information records have been appropriately updated.

Do I need to prepare a separate document containing my company's certification and contact information for electronic filing in the RCCCI Registry?

No. When you go to the web-based RCCCI Registry, it will ask you to certify and enter your contact information, so no separate documents or attachments are necessary to satisfy the requirements of 47 CFR § 14.31(b).

Does our U.S. agent for service need to be an attorney?

No. Your agent for service of informal and formal complaints filed under Sections 255, 716, or 718 of the Communications Act must be located within the U.S., but may be your registered agent, an in-house or outside attorney, or a responsible person who is a non-attorney, including a designated company employee or the same person who you have designated to receive complaints directly from customers.

Why is filing important?

Failure to file a certification and failure to keep information current is a violation of the Commission's rules and may subject the filer to forfeiture or other penalties. In addition, if an informal complaint is not served to the correct address, it could delay or prevent the applicable manufacturer or service provider from timely responding. Failure to respond to a complaint or order of the Commission may subject a party to sanctions or other penalties.

What if I have questions or need assistance?

For further information or to obtain assistance with submitting your recordkeeping compliance certification and contact information, contact Rosaline Crawford, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 418-2075 or e-mail Rosaline.Crawford@fcc.gov; or Darryl Cooper, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 418-7131 or e-mail Darryl.Cooper@fcc.gov.