



# 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

### Application to Broadband Internet Access Service Providers

On March 4, 2016, the Federal Communications Commission (FCC or Commission) released a Public Notice<sup>1</sup> to remind service providers and equipment manufacturers that are subject to section 255, 716, or 718 of the Communications Act<sup>2</sup> of their obligation to maintain records of the efforts they take to implement these accessibility requirements.<sup>3</sup> The Commission also reminded these entities of their obligation to file their annual recordkeeping certifications and required contact information by April 1, 2016,<sup>4</sup> 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.<sup>5</sup>

In the *2015 Open Internet Order*, the Commission reclassified broadband Internet access service (BIAS) as a telecommunications service that is subject to the Commission’s regulatory authority under Title II of the Communications Act regardless of the technological platform over which the service is offered.<sup>6</sup> Although the Commission exercised its forbearance authority broadly,<sup>7</sup> it did not forbear from applying section 255 of the Communications Act and the Commission’s implementing rules, which require telecommunications service providers and equipment manufacturers to make their services and equipment accessible to individuals with disabilities, if readily achievable.<sup>8</sup>

While that substantive section 255 obligation is now in effect, the recordkeeping and RCCCI Registry requirements will not be enforced against BIAS providers until the Commission receives approval from the Office of Management and Budget (OMB) under the Paperwork Reduction Act of

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<sup>1</sup> *Accessibility Recordkeeping Compliance Certification and Contact Information Reporting Requirements for Entities Subject to Sections 255, 716, and 718 of the Communications Act*, Public Notice, DA 16-248 (CGB Mar. 4, 2016).

<sup>2</sup> 47 U.S.C. §§ 255, 617, 619; *see also* 47 CFR pt. 6, pt. 7, and pt. 14.

<sup>3</sup> 47 U.S.C. § 618(a)(5)(A); *see also* 47 CFR §§ 14.30(b), 14.31(a).

<sup>4</sup> 47 CFR § 14.31(b)(3).

<sup>5</sup> 47 U.S.C. § 618; *see also* 47 CFR § 14.31(b).

<sup>6</sup> *Protecting and Promoting the Open Internet*, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, 5743-44, para. 331 (2015) (*2015 Open Internet Order*).

<sup>7</sup> *Id.* at 5838-64, paras. 493-536.

<sup>8</sup> *Id.* at 5826-30, paras. 472-477.

1995, Public Law 104-13, and the Commission publishes a notice in the Federal Register announcing such approval and the relevant effective date.<sup>9</sup> We note that some BIAS providers also are independently subject to these requirements by virtue of offering advanced communications services (ACS) and are thus subject to this requirement under the Twenty-First Century Communications and Video Accessibility Act (CVAA) independent of their classification as a common carrier. For instance, some BIAS providers bundle e-mail, a type of ACS that is subject to section 716, with broadband Internet access service. Such a provider must, with respect to its e-mail offering, maintain records of efforts to implement accessibility under section 716 and file annual recordkeeping certifications and required contact information by April 1, 2016, as set forth in the March 4, 2016 Public Notice.

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 to [Rosaline.Crawford@fcc.gov](mailto: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](mailto:Darryl.Cooper@fcc.gov).

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<sup>9</sup> See *id.* at 5880-81, paras. 578, 585. The information collections associated with these recordkeeping and RCCCI Registry requirements are contained in *Accessible Telecommunications and Advanced Communications Services and Equipment*, OMB Control Number 3060-1167, which will be renewed and modified, as needed, before it expires on September 30, 2016.