

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
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

Adopted: February 07, 2019

Released: February 07, 2019

By the Chief, Consumer and Governmental Affairs Bureau:

1. In this Order, the Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (FCC or Commission) grants the Motion for Extension of Time filed on behalf of the Coalition of E-Reader Manufacturers (the Coalition).¹

2. Section 716 of the Communications Act, as amended, requires that providers of advanced communications services (ACS) and manufacturers of equipment used for ACS make their services and products accessible to individuals with disabilities, unless doing so is not achievable.² The Commission may grant waivers of the ACS requirements for multipurpose equipment or services or classes of multipurpose equipment or services that are capable of accessing ACS but are nonetheless designed primarily for purposes other than use of ACS.³ On January 28, 2014, the Bureau granted a one-year waiver of the Commission's ACS accessibility rules for a defined class of basic e-readers that are capable

1 Motion for Extension of Time, CG Docket No. 10-213 (filed Feb. 1, 2019) (Coalition Motion). The Coalition consists of Amazon.com, Inc., Kobo, Inc., and Sony Electronics Inc.

2 47 U.S.C. § 617(a)(1), (b)(1). ACS is defined as interconnected voice over Internet protocol (VoIP) service; non-interconnected VoIP service; electronic message service, such as e-mail, instant messaging, and SMS text messaging; and interoperable video conferencing service. Id. § 153(1); 47 CFR § 14.10(c).

3 47 U.S.C. § 617(h)(1); 47 CFR § 14.5; see also 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, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14557, 14634, para. 181 (2011) (ACS Report and Order). In instances where equipment and services may have multiple primary or co-primary purposes, waivers may not be warranted, depending on the circumstances. ACS Report and Order, 26 FCC Rcd at 14635, para. 184. The Commission delegated to CGB the authority to act upon all such waiver requests. ACS Report and Order, 26 FCC Rcd at 14566, 14640-41, paras. 19, 197.

of accessing ACS, but are designed primarily for reading text-based digital works that the Bureau determined were not designed primarily or co-primarily for ACS.⁴ In 2015, the Bureau extended the waiver for one more year.⁵ In 2016, the Bureau granted an indefinite extension of the waiver for this class of basic e-readers.⁶

3. In the *2016 E-Reader Waiver Order*, the Bureau also required the Coalition to submit a report three years after the release of the order (or by February 1, 2019) on, among other things, the design, technological development, marketing, and consumer use trends of basic e-readers.⁷ The report requirement is intended to assist the Bureau to determine whether conditions have changed such that ACS has become a primary or co-primary purpose of basic e-readers and whether the Bureau should re-open this proceeding to make any appropriate adjustments to the waiver or, if warranted, terminate the waiver.⁸

4. Section 1.46 of the Commission's rules provides that "[i]t is the policy of the Commission that extensions of time are not routinely granted."⁹ Further, it is the responsibility of persons subject to the Commission's rules to familiarize themselves with those regulations and to ensure that required filings and reports are submitted by applicable deadlines.¹⁰ In this instance, however, we find that extending the deadline as requested, until March 5, 2019,¹¹ will provide the Coalition with the additional time it needs and has requested to gather the information required for the report, which will best assist the Bureau in making its determination, and will ensure the development of a complete record, which will serve the public interest.¹²

⁴ *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*, Order, 29 FCC Rcd 674, 682-83, 686, 691, paras. 15, 18, 25 (CGB 2014) (*2014 E-Reader Waiver Order*).

⁵ *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*, Order, 30 FCC Rcd 396, 404, para. 18 (CGB 2015) (*2015 E-Reader Waiver Order*).

⁶ *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*, Order, 31 FCC Rcd 858 (CGB 2016) (*2016 E-Reader Waiver Order*).

⁷ *2016 E-Reader Waiver Order*, 31 FCC Rcd at 865, 871-872, paras. 17, 31, 35.

⁸ *Id.*, 31 FCC Rcd at 865, 872, paras. 17, 32.

⁹ 47 CFR § 1.46.

¹⁰ *See, e.g., Universal Service Contribution Methodology; Federal-State Joint Board on Universal Service; Requests for Review of Decisions of Universal Service Administrator by Airband Communications, Inc. et al.*, Order, 25 FCC Rcd 10861, 10864, para. 7 (WCB 2010).

¹¹ Independently of the Coalition's Motion for an extension of time, the deadline for the submission of the report had been extended until February 8, 2019, as a result of the recent lapse in funding in January 2019, during which time the Commission suspended most operations. *See Revisions to Filing and Other Deadlines Following Resumption of Normal Commission Operations*, Public Notice, DA 16-29 (rel. Jan. 29, 2019) (extending the deadline for filings that would otherwise be required to be filed between January 8 and February 7 to February 8, 2019).

¹² Coalition Motion at 2.

5. Accordingly, IT IS ORDERED, pursuant to section 1.46 of the Commission's rules, 47 CFR § 1.46, that the Coalition's Motion for Extension of Time filed on February 1, 2019, IS GRANTED, and the deadline for filing the required report is extended until March 5, 2019.

6. IT IS FURTHER ORDERED, that this Order SHALL BE EFFECTIVE upon release.

7. To request materials 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).

FEDERAL COMMUNICATIONS COMMISSION

Patrick Webre, Chief
Consumer and Governmental Affairs Bureau