



PUBLIC NOTICE

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**CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON THE
ACCESSIBILITY OF COMMUNICATIONS TECHNOLOGIES FOR THE
2024 BIENNIAL REPORT REQUIRED BY THE TWENTY-FIRST CENTURY
COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT**

**Pleading Cycle Established
CG Docket No. 10-213**

Comment Date: May 6, 2024

I. INTRODUCTION

1. The Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (FCC or Commission) seeks comment in connection with its biennial report required by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA).¹ The biennial report must be submitted to Congress by October 8, 2024.² In this Public Notice, we invite comment on compliance with statutory mandates for telecommunications and advanced communications services (ACS), equipment used with these services, and Internet browsers built into mobile phones, to be accessible to and usable by people with disabilities. Furthermore, we seek comment on the extent to which accessibility barriers still exist with respect to new communications technologies and the effect of CVAA recordkeeping and enforcement requirements on the development and deployment of new communications technologies.³

II. BACKGROUND

2. The CVAA requires the Commission to submit a biennial report to Congress on (1) the level of compliance with the CVAA's communications accessibility obligations found in sections 255, 716, and 718 of the Communications Act of 1934, as amended (the Act); (2) the extent to which accessibility barriers still exist with respect to new communications technologies; (3) the effect of the recordkeeping and enforcement requirements on the development and deployment of new communications technologies; and (4) information about complaints received by the Commission alleging violations of sections 255, 716, and 718.⁴ The Commission has submitted biennial reports to Congress

¹ Pub. L. No. 111-260, 124 Stat. 2751 (2010) (as codified in various sections of 47 U.S.C.); Pub. L. No. 111-265, 124 Stat. 2795 (2010). The Bureau is preparing this biennial report pursuant to delegated authority. 47 CFR § 0.361.

² See 47 U.S.C. § 618(b)(1).

³ *Id.*

⁴ *Id.*; see also 47 U.S.C. §§ 255, 617, 619.

since 2012.⁵ After we receive comments in response to this Notice, the Bureau will prepare and seek comment on its tentative findings for the 2024 report.⁶

3. Section 255 and the Commission's implementing regulations require telecommunications and interconnected voice over Internet protocol (VoIP) service providers and equipment manufacturers to make their services and equipment accessible to and usable by people with disabilities, if "readily achievable".⁷ The Commission has defined services covered under section 255 to include local and long distance telephone service, call waiting, speed dialing, call forwarding, computer-provided directory assistance, call monitoring, caller identification, call tracing, and repeat dialing.⁸ Equipment covered under section 255 includes, but is not limited to, customer premises equipment such as wireline, cordless, and wireless telephones, fax machines, and answering machines.⁹ In addition, rules adopted pursuant to section 255 cover voicemail and interactive voice response systems.¹⁰

4. Section 716 requires ACS providers and equipment manufacturers to make their services and equipment accessible to and usable by people with disabilities, unless doing so is "not achievable."¹¹ These requirements apply to providers of non-interconnected VoIP services, electronic messaging services, interoperable video conferencing services, and any audio or video communications service used by inmates for the purpose of communicating with individuals outside the correctional institution where the inmate is held, regardless of technology used, and to manufacturers of equipment used with these services.¹² Section 718 requires Internet browsers built into mobile phones to be accessible to and usable

⁵ See, e.g., *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, Biennial Report to Congress as Required by the Twenty-First Century Communications and Video Accessibility Act of 2010*, 37 FCC Rcd 11360 (2022) (2022 CVAA Biennial Report). All CVAA Biennial Reports are located at www.fcc.gov/cvaa.

⁶ See 47 U.S.C. § 618(b)(2).

⁷ 47 U.S.C. § 255; 47 CFR Parts 6, 7. When accessibility to these services is not readily achievable (defined as "easily accomplishable and able to be carried out without much difficulty or expense"), covered entities must ensure that their services and equipment are compatible with existing peripheral devices or specialized equipment commonly used by people with disabilities to achieve access, if readily achievable. 47 U.S.C. § 255(d); 42 U.S.C. § 12181(9) (defining "readily achievable").

⁸ *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*, Report and Order and Further Notice of Inquiry, 16 FCC Rcd 6417, 6449, para. 77 (1999) (*Section 255 Order*). See also 47 CFR Part 6.

⁹ 47 U.S.C. § 153(52) (definition of "telecommunications equipment"); id., Sec. 153(16) (definition of "customer premises equipment").

¹⁰ *Section 255 Order*, 16 FCC Rcd at 6455-62, paras. 93-108; 47 CFR Part 7.

¹¹ 47 U.S.C. § 617. Section 716 of the Act defines "achievable" to mean with reasonable effort or expense, listing four factors the Commission must consider when making such determinations. 47 U.S.C. § 617(g). Although the Act's definition of ACS also includes interconnected VoIP service, the accessibility obligations of interconnected VoIP service providers and equipment manufacturers are governed by the requirements of section 255 of the Act. See 47 U.S.C. §§ 255, 617(f).

¹² See 47 U.S.C. § 617(a)-(b), (g). The Commission adopted Part 14 of its rules to implement the accessibility and usability requirements of Section 716. *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*, CG Docket Nos. 10-213 10-415, and WC Docket No. 96-198, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14557 (2011) (*ACS Report and Order and ACS FNPRM*). At present, providers and equipment manufacturers of interconnected VoIP services, non-interconnected VoIP services, and electronic messaging services must comply with the accessibility and usability requirements of

(continued...)

by people who are blind or visually impaired, if achievable.¹³ Section 717 requires covered entities to keep records of their efforts to implement sections 255, 716, and 718.¹⁴ Section 717 also requires the Commission to investigate informal complaints alleging violations of these provisions and to issue orders on the outcomes of these investigations within 180 days of their filing.¹⁵ Before filing an informal complaint under this section, a consumer must submit a “request for dispute assistance” (RDA) with the FCC’s Disability Rights Office, which works with the consumer and the service provider or equipment manufacturer for a minimum of 30 days to resolve the accessibility problem.¹⁶

III. COMPLIANCE WITH SECTIONS 255, 716, AND 718

5. *Accessibility.* We seek comment on the current level of compliance with sections 255 and 716 to make telecommunications and advanced communications services and equipment accessible to and usable by people with disabilities.¹⁷ Which products or services are not accessible or usable and how does that impact advanced communications or telecommunications? For the specific product or service at issue, are the input, control, and mechanical functions of telecommunications and advanced communications services and equipment locatable, identifiable, and operable (1) without vision, hearing, speech, or color perception; (2) with limited vision, hearing, color perception, manual dexterity, reach and strength, or cognitive skills; (3) with prosthetic devices; and (4) without time-dependent controls?¹⁸ Where services and devices are not natively accessible, do service providers and manufacturers make them compatible with peripheral devices and specialized customer premises equipment commonly used

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Part 14. *Id.* Providers and equipment manufacturers of interoperable video conferencing services must comply with the requirements of Part 14 by September 3, 2024. *See Access to Video Conferencing; 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. 23-161, Report and Order, Notice of Proposed Rulemaking, Order, FCC 23-50, para. 41 (2023) (*IVCS Order and NPRM*) (requiring compliance with Part 14 one year from the effective date of the *IVCS Order*). In 2022, Congress amended “advanced communications services” to include audio and video communications services that are provided to people who are incarcerated (IPCS). Martha Wright-Reed Just and Reasonable Communications Act of 2022, Pub. L. No. 117-338, 136 Stat. 6156 (Martha Wright-Reed Act); 47 U.S.C. §§ 152(b), 153(1)(E), 276(b)(1)(A), (d); *see also FCC Seeks Comment On Its Expanded Authority To Ensure Just And Reasonable Rates And Charges For Incarcerated People’s Communications Services*, WC Docket Nos. 23-62 and 12-375, Notice of Proposed Rulemaking, FCC 23-19, paras. 75-79 (2023). The Commission has sought comment on extending Part 14 requirements to providers and equipment manufacturers of audio and video communications services used by incarcerated persons. *FCC Seeks Comment On Its Expanded Authority To Ensure Just And Reasonable Rates And Charges For Incarcerated People’s Communications Services*, WC Docket Nos. 23-62 and 12-375, Notice of Proposed Rulemaking, FCC 23-19, paras. 75-79 (2023).

¹³ 47 U.S.C. § 619; *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*, Second Report and Order, 28 FCC Rcd 5957 (2013) (*ACS Second Report and Order*).

¹⁴ 47 U.S.C. § 618(a)(5)(A). These records must include information about their efforts to consult with people with disabilities, descriptions of the accessibility features of their products and services, and information about the compatibility of these products and services with peripheral devices or specialized customer premises equipment commonly used by people with disabilities to achieve access. *Id.*; *see also* 47 CFR § 13.41(a).

¹⁵ 47 U.S.C. § 618(a)(3)(B).

¹⁶ *See* 47 CFR § 14.32.

¹⁷ *See* 47 CFR §§ 6.3(a), 7.3(a), 14.21(b).

¹⁸ *Id.*

by people with disabilities to achieve access?¹⁹ If services and devices are sold with a range of different features, functions, and prices, are these devices and services accessible to people with disabilities?

6. We also seek input on the level of compliance with the obligations of section 718 to make Internet browsers built into mobile phones accessible for people who are blind or visually impaired.²⁰ Are the input, control, and mechanical functions of Internet browsers built into mobile phones locatable, identifiable, and operable by people without vision or with limited vision? Are accessible Internet browsers offered in mobile phones across a range of low-end and high-end features, functions, and prices? How easy is it to find such phones?

7. We also seek comment on the issues and conclusions that the Bureau considered in the *2022 CVAA Biennial Report* regarding accessibility obligations contained in sections 255, 716, and 718. In that report, the Bureau noted that “[c]ommenters discuss new technologies that provide improved access to telecommunications and advanced communications services and equipment, and they also identify technologies that have accessibility gaps. Commenters show continuing accessibility interface improvements for people with mobility disabilities. However, the comments also indicate that people who use braille readers have limited accessibility for at least some types of advanced communications services. There have been new developments in apps that permit some people who are deaf, hard of hearing, or have speech disabilities to make voice calls and in smart home devices that include voice and text messaging capabilities.”²¹ Have there been improvements or new developments in these areas since 2022?

8. *Inclusion of People with Disabilities in Product and Service Design and Development.* We seek comment on the extent to which manufacturers and service providers have included people with disabilities and consumer disability organizations in their market research, product design, testing, pilot demonstrations, and product trials. In the *2022 CVAA Biennial Report*, the Bureau found that “covered entities have continued to include people with disabilities in product and service design and development,”²² and we seek comment on any new developments since then.

9. *Usability: Information, Documentation, and Training.* In addition to requiring accessibility, sections 255, 716, and 718 require telecommunications, ACS, and Internet browsers built into mobile phones to be *usable by* people with disabilities, i.e., to provide accessible information and documentation for the product or service, including instructions, product or service information (including information on accessibility features), customer service, and technical support.²³ In the *2022 CVAA Biennial Report*, the Bureau found that “while usability improved for some covered services and equipment, there is still room for improvement.”²⁴

10. We seek updated information on the extent to which telecommunications and advanced communications services providers and manufacturers are ensuring the usability of their offerings through, for example, accessible user guides, bills, installation guides, and product support communications.²⁵ To what extent are service providers and equipment manufacturers covered under section 718 ensuring access to information and documentation about the Internet browsers that are built

¹⁹ See 47 CFR §§ 6.3(b), 7.3(b), 14.20(a)(3).

²⁰ See 47 CFR § 14.21(b)(1)(i)-(iii), (b)(2)(i)-(iii), (b)(2)(vii).

²¹ *2022 CVAA Report*, 37 FCC Rcd 11364-65, para. 10.

²² *2022 CVAA Biennial Report*, 37 FCC Rcd at 11368, para. 20.

²³ See 47 CFR §§ 6.3(l), 7.3(l), 14.21(c); see also 47 CFR §§ 6.11, 7.11, 14.20(d), 14.60(b)(4).

²⁴ *2022 CVAA Biennial Report*, 37 FCC Rcd at 11367, para. 16.

²⁵ See 47 CFR §§ 6.11, 7.11, 14.21(c).

into their mobile phones?²⁶ Are companies providing user guides, documentation, and other information in braille and other alternate formats? Are companies training their customer service representatives, technical support personnel, sales personnel, and others having direct contact with the public on the accessibility of their products and services?

11. Finally, we seek comment on any other issues relevant to assessing the level of compliance with sections 255, 716, and 718 and the Commission's implementing rules governing the accessibility and usability of telecommunications and advanced communications services and equipment, and Internet browsers built into mobile phones.

IV. ACCESSIBILITY BARRIERS TO NEW COMMUNICATIONS TECHNOLOGIES

12. The CVAA requires the Commission to include, in its biennial report, an evaluation of the extent to which any accessibility barriers exist with respect to "new communications technologies."²⁷ In the *2022 CVAA Biennial Report*, commenters focused primarily on the importance of accessible video conferencing services for people with disabilities in light of the COVID-19 pandemic.²⁸ Since issuance of the 2022 report, the Commission affirmed that interoperable video conferencing services are ACS and, by September 3, 2024, will be covered by the FCC's Part 14 rules, and issued a Notice to explore additional issues with respect to the accessibility of these services.²⁹ Commenters in that proceeding identified accessibility barriers to those services that are the subject of an ongoing rulemaking proceeding. For the upcoming report, we invite comment on developments in the accessibility of these and any new products and services.

13. Are there accessibility barriers to other new communications technologies? For example, are there new devices or services that incorporate telecommunications, ACS, and web browsing features that have accessibility barriers? For ACS products and services that are in the pipeline, what steps are being undertaken to ensure their accessibility and usability?

V. EFFECT OF ACCESSIBILITY RECORDKEEPING AND ENFORCEMENT REQUIREMENTS

14. As required by the CVAA, we seek comment on the effect of the accessibility recordkeeping and enforcement requirements, which apply to entities that are subject to sections 255, 716, or 718, on the development and deployment of new communications technologies.³⁰ In 2022, no comments were filed on this issue, and the Bureau found that there has been no effect on the development and deployment of new communications technologies.³¹

VI. PROCEDURAL MATTERS

15. *Ex Parte Rules.* The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.³² Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda

²⁶ See 47 CFR § 14.60(b)(4)-(5).

²⁷ 47 U.S.C. § 618(b)(1)(B).

²⁸ *2022 CVAA Biennial Report*, 37 FCC Rcd 11369, para. 21.

²⁹ See generally *IVCS Order and NPRM*.

³⁰ See 47 U.S.C. § 618(b)(1)(G).

³¹ *2022 CVAA Biennial Report*, 37 FCC Rcd 11376, para. 43.

³² 47 CFR §§ 1.1200 *et seq.*

summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

16. *Filing Requirements.* Interested parties may file comments on or before the date indicated on the first page of this document.³³ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).³⁴ All comments should refer to **CG Docket No. 10-213**. Please title comments responsive to this Notice as "Public Notice Comments – Accessibility of Communications Technologies." Further, we strongly encourage parties to develop responses to this Notice that adhere to the organization and structure of the questions in this Notice.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.

17. *People with Disabilities.* 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 Bureau at 202-418-0530 (voice).

18. *Additional Information.* For further information regarding this Notice, contact Suzy Rosen Singleton, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-510-9446 or by e-mail to Suzanne.Singleton@fcc.gov.

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³³ 47 CFR §§ 1.415, 1.419.

³⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).