

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
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 Services,)
Telecommunications Equipment and Customer)
Premises Equipment by Persons with Disabilities)

WT Docket No. 96-198

REPLY COMMENTS OF AT&T CORP.

Pursuant to the Commission's Further Notice of Inquiry, AT&T Corp. ("AT&T") hereby submits its reply comments in the above-captioned proceeding.^{1/} AT&T has long been at the forefront of ensuring that its new technologies and services are accessible to people with disabilities. Nevertheless, any attempt by the Commission to craft regulations prescribing such access for Internet Protocol ("IP") telephony in this proceeding would be premature.

As numerous commenters point out, determination of the regulatory status of IP telephony is a complex issue that should not be addressed tangentially in a proceeding on Section 255 compliance.^{2/} Such a determination would have ramifications far beyond the scope of

^{1/} 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, WT Docket No. 96-198, Report and Order and Further Notice of Inquiry, FCC 99-181 (released September 29, 1999) ("NOI").

^{2/} See e.g., Commercial Internet eXchange Association (CIX) Comments; GTE Comments at 2; iBasis, Inc. Comments at 4 (the Commission "should continue to follow the practice of not classifying VOIP services as telecommunications services"); GTE Comments at 2, 4 (in the past the Commission has been properly cautious in considering the legal status of IP telephony); Level 3 Comments at 4-5 (the Commission should not use this proceeding to diverge from its policy of not regulating IP-based services); Voice on the Net ("VON") Coalition Comments at 2; see also AT&T Comments at 2 (citing Universal Service Report to Congress in which the Commission noted it would be inappropriate to make pronouncements without a more complete record).

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Section 255.^{3/} For instance, any decision that Section 255 covers this service could potentially lead to the imposition of access charge obligations on IP telephony providers and Internet Service Providers.^{4/} Similarly, the VON Coalition cautions that the Commission should be careful about regulating the Internet and related applications because “the vibrant growth . . . is attributable, in part, to the regulatory freedom enjoyed by” such services.^{5/}

Even within this limited proceeding, there are a wide variety of opinions as to whether IP telephony can legally be deemed a telecommunications service.^{6/} Most commenters acknowledge that the issues here are difficult as technologies converge.^{7/} Several commenters set forth complex tests and procedures for defining communications-related systems,^{8/} and one

^{3/} See, e.g., GTE Comments at 3 (the Commission needs to consider the larger regulatory treatment of evolving services before considering the application of Section 255); iBasis Comments at 5 (if the Commission regulates the Internet this way, governments in other countries will follow suit); Level 3 Comments at 7 (“a decision in this proceeding that section 255 encompasses the provision of VOIP services could be viewed as a determination that [such] services now may be regulated as a telecommunications service”).

^{4/} See Level 3 Comments at 7.

^{5/} See VON Coalition Comments at 13.

^{6/} See, e.g., Inclusive Technologies Comments at 11 (IP Telephony is a telecommunications service, not an information service); VON Coalition Comments at 12.

^{7/} See, e.g., Inclusive Technologies Comments at 11 (noting the blurring of distinctions through Internet-based services and the confusing nature of the material); MCI WorldCom Inc. Comments at 4 (multiple industry standards and services are not yet interoperable); National Association of the Deaf at 14 (complications arise from the incompatibility of TTY technology relying on Baudot, when computers use ASCII); Trace Center and Gallaudet Comments at 5 (there are many variations on what could be considered IP Telephony), and 19 (artificially separating telecommunications products and services into covered and not covered areas based on underlying technology would lead to much confusion); Telecommunications for the Deaf, Inc., and Consumer Action Network Comments at 9 (discussing compatibility problems between current telephony and new Internet standards); see also, VON Coalition Comments (with more than 50 pages attached to explain the technology).

^{8/} Inclusive Technologies Comments at 12 (the Commission should distinguish technologies by proclaiming that any service involving “immediate, intentional real-time exchange of information between two or more parties, without either alteration of that information in form or content or access to stored information, cannot be an information service”); Microsoft Comments at 9 (differentiating between those non-telecommunications services or products “integral to and essential for” accessibility of telecommunications equipment and services), Trace Center and Gallaudet University’s Technology Assessment Program Comments at 11 (proposing the use of the definition developed by a committee of the International Telecommunications Union).

suggests that the Commission should establish an annual process to review technology in order to categorize it.^{9/} This disparity in opinions underscores the difficulty and inappropriateness of making any determination here.

Not only would it be premature for the Commission to take on complex regulatory classification decisions in this limited proceeding, such action is likely unnecessary. The record demonstrates that the industry already is voluntarily exploring the development of access measures as IP telephony develops. AT&T agrees with other commenters that unless and until it is shown that these voluntary efforts will not ensure access by people with disabilities, the Commission should avoid regulatory intervention.^{10/}

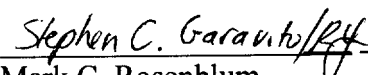
CONCLUSION

For the foregoing reasons, AT&T urges the Commission to defer consideration of the applicability of Section 255 to IP telephony services. A determination at this time could have far-reaching and unintended consequences for many other matters subject to the Commission's jurisdiction. Moreover, government regulation of this technology is not needed because manufacturers and carriers are already acting to ensure accessibility by persons with disabilities to newly developed telecommunications services.

Respectfully submitted,

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^{9/} Microsoft Comments at 11-12.

^{10/} See iBasis Comments at 3; CIX Comments (the Commission should let the needs of the market guide the development of technology, rather than imposing regulatory burdens "more suitable for traditional telephone services"); Microsoft Comments at 2 (market forces should be the primary driver of innovation in technology).

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