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February 14, 2000

Al McCloud
Network Services Division
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Federal Communications Commission
445 Twelfth Street SW
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Washington, D.C. 20554

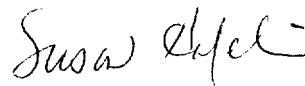
Re: WT Docket No. 96-198

Dear Mr. McCloud:

Enclosed please find a 3.5 inch diskette in read-only mode containing the Reply Comments of the Voice on the Net ("VON") Coalition filed today in the above-referenced proceeding. A duplicate diskette has been sent to International Transcription Service, Inc.

Please contact the undersigned should you have any questions or require additional information.

Very truly yours,



Susan Hafeli

Enclosure

cc: International Transcription Service, Inc.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Implementation of Sections 255 and)
251(a)(2) of the Communications Act of)
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

REPLY COMMENTS OF THE VON COALITION

The Voice on the Net Coalition (“VON Coalition”) hereby submits these comments in response to the Further Notice of Inquiry (“Further NOI”) in the above-captioned proceeding.

The Commission released this Further NOI to aid its understanding of the access issues presented by communications services and equipment not covered by the disability access rules the Commission adopted in September 1999.¹ Among other things, the Further NOI focuses on what it calls IP telephony, asking whether the use of the Internet and Internet Protocol (“IP”) for voice applications creates problems for the disability community and whether there is a need for Commission action. The record created by the comments filed last month establishes that IP voice applications do not raise any current problems for disabled consumers. The record also

¹ *Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996; Access to Telecommunications Service, Telecommunications Equipment and Customer Premise Equipment by Persons with Disabilities*, WT Docket No. 96-198, FCC 99-181, Report and Order and Further Notice of Inquiry (rel. Sept. 29, 1999) (hereinafter “*Section 255 Report and Order and Further NOI*”) at para. 175.

establishes that there are substantial voluntary efforts by industry to ensure that IP voice applications are accessible to the disabled. All of this demonstrates that, at least at present, there is no need for Commission regulation.

I. Industry Has Shown Its Commitment to Voluntarily Making Its Products and Services Accessible.

In its comments, the VON Coalition described industry efforts over the last several years to develop Recommendations and standards to provide for the continued viability of text telephones (“TTYs”) in IP-based networks. Comments of the VON Coalition at 6-12. The comments of other parties support this description. Comments of Level 3 Communications at 5; iBasis at 3-4; MCIW at 4.

AT&T, Bell Atlantic, Level 3 Communications and Microsoft Corporation made express commitments to accessibility.² Comments of AT&T at 3; Bell Atlantic 1-2; Level 3 Communications at 1, 5; Microsoft Corporation at 3-6. Microsoft’s comments describe its efforts, which date back to 1988, to encourage an environment in which accessibility becomes part of mainstream product design and where assistive technology has a standard interface across multiple product lines. Comments of Microsoft Corporation at 3-5.

Industry has recognized for some time the need to ensure that existing customer premise equipment, including TTY devices, remain fully functional in IP networks. As MCI WorldCom (“MCIW”) notes, this concern regarding quality of service “has dominated technical discussions in industry fora that set standards for various IP protocols.” Comments of MCIW at 3.

² Several other companies expressed their commitments to accessibility and described their activities in earlier submissions in this proceeding. *See*, for example, the June 30, 1998 comments of Ameritech at 2-5; Lucent Technologies at 3; Motorola, Inc. at 1-5; and SBC at 2-3.

These discussions have led to the development and adoption of industry standards that ensure that legacy assistive devices, such as TTYs, remain functional in packet-switched networks. This progress has occurred in fora such as the International Telecommunication Union-Telecommunication Standardization Sector Study Group 16, the Internet Engineering Task Force, and CableLabs, each of which has adopted, or is in the processing of adopting, standards governing multimedia transmissions in IP environments. The result of this work, according to MCI WorldCom, is that “end-to-end IP telephony is capable of maintaining full accessibility for the devices and services used by persons with disabilities.” Comments of MCIW at 4.

These industry efforts address the potential garbling of TTY tones when transmitted in packet-switched networks.³ Other access issues associated with IP voice applications, such as the impact of voice compression on sound quality, are described not as current problems for disabled consumers but as even “more hypothetical.” Joint comments of Trace Center of the University of Wisconsin - Madison and Gallaudet University’s Technology Assessment Program (“Trace/Gallaudet”) at 10-11; *see also* Inclusive Technologies at 9.⁴

³ The “garbling” issue is described as only a “very limited” problem, while several commenters state it is no problem at all. Comments of Trace/Gallaudet at 10; Level 3 Communications at 2-3; MCIW at 4; Teleglobe at 3; R. Vickery at 5.

⁴ “People who are hard of hearing, especially those with severe hearing loss, may find it more difficult to understand speech that has been compressed We do not know whether this will be a problem; in fact it is possible that less-noisy connections could improve accessibility. We invite industry to work with us in assessing the effects on people who are hard of hearing.” Comments of Trace/Gallaudet at 11.

The parties have advanced a number of proposals for on-going cooperative efforts, all of which appear reasonable to the VON Coalition. These are:

- Consumer, industry, and government round-tables to discuss the integration of persons with disabilities into the early design and development process;
- The inclusion of disabled persons in various phases of product development, testing, and evaluation;
- The monitoring of IP standards-setting efforts by disability advocates and Commission staff; and
- Commission action to encourage the research and development of innovative equipment with accessibility features.

II. Regulation Would Be Premature

The record affirms the wisdom of the Commission retaining its “hands off” policy regarding Internet-based services and applications. Comments of AT&T at 1-4; Commercial Internet eXchange Association (“CieA”) at 1; GTE at 3-5, iBasis at 4; Level 3 Communications at 4-5, Microsoft at 2-3, 7, 10-11, Teleglobe at 2, 4-7. IP telephony is a nascent industry, and is expected to remain so for some time. Comments of iBasis at 4; Level 3 Communications at 6; National Association of the Deaf (“NAD”) at 6; Trace/Gallaudet at 7, 10. It is a niche offering that is used as an alternative to traditional telephone services. Comments of Level 3 Communications at 7. There is no evidence to date that IP telephony has created accessibility problems for deaf and hard-of-hearing persons or those with speech impediments.

Because industry has recognized that the use of legacy assistive devices, such as TTYs, may be problematic in IP networks, it is working to resolve this issue. Industry, in other words, is taking the “opportunity . . . to solve problems that exist and to avoid new barriers before they become troublesome.” Comments of Trace/Gallaudet at 7. This is the result that disability advocates, industry, and the Commission seek. If the Commission intends for other industry

sectors to follow this model, it should encourage these voluntary efforts and refrain from regulating unless and until there is evidence that these voluntary efforts are failing to make progress. Comments of Inclusive Technologies at 16-18; NAD at 4-5, 8. Because industry is already testing to ensure the compatibility of TTYs in IP networks, the Commission should not adopt rules requiring TTY compatibility or testing.

Regulation imposes costs. Particularly when it mandates the use of specific technologies or solutions, it tends to stifle competition and innovation, thereby depriving consumers of product and service improvements. Comments of iBasis at 4; Multimedia Telecommunications Association, at 4, footnote 1. Mandating the implementation of the V.18 and T.140 standards, for example, may stall the development and implementation of an alternate solution that ensures the same or broader level of interoperability yet is more easily implemented.⁵ Because regulation constrains investment and growth opportunities, the costs of regulation are particularly burdensome to nascent industries such as IP telephony. The Commission should be reluctant to risk these adverse consequences in the absence of any demonstrated need to do so.

The record demonstrates that an FCC mandate is not necessary to guarantee the accessibility of IP telephony. Nonetheless, if the Commission believes it is appropriate to consider the regulation of particular IP voice applications, then it should do so only in a separate

⁵ The V.18 standard accommodates the five major non-proprietary text telephone systems that operate globally. (These systems are identified in the VON Coalition Comments at 7, footnote 8.) The scope of the V.18 standard creates a complexity that makes it difficult to fully implement. Further, the V.18 standard is not designed to accommodate TTYs that use proprietary signaling systems. See Comments of Trace/Gallaudet at 12 (“[T]he TTY market has changed in the past few years with the diffusion of proprietary protocols, which perform better than traditional Baudot but pose new compatibility issues and issues of intellectual property.”). Thus, mandating the implementation of the V.18 and T.140 standards does not necessarily benefit users of TTYs that use proprietary signaling systems.

proceeding focused on the service in question. Regulation raises substantial legal issues that should not be addressed and resolved in the context of an accessibility proceeding. Comments of AT&T at 1-3; GTE at 4-5; Level 3 Communications at 7-8; 11-12; VON Coalition at 12-14. Only in a more focused proceeding can the Commission fully explore these issues, as well as the complex domestic and international ramifications that may follow should the Commission decide to modify its policy of Internet “unregulation.” Comments of AT&T at 1-3; CIEA at 1; iBasis at 4; Microsoft at 6-7; Teleglobe at 4-7; *see also* TDI/CAN at 6 (taking no position on whether the Commission should consider IP telephony as a telecommunication service for regulatory matters other than the application of Section 255.)

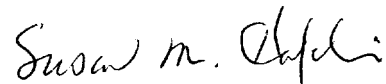
Most commenters that address the issue, including several that consider IP telephony to be “telecommunications,” favor a continuation of the Commission’s present policy of non-regulation. Comments of AT&T at 3-4; CIEA at 1; GTE at 5; iBasis at 4; Inclusive Technologies at 16-18; Level 3 Communications at 4-5; MMTA at 4, fn. 1; Microsoft Corporation at 7; Teleglobe at 4-6, 8; and VON Coalition at 12-14. Even some commenters that favor regulation recognize that a regulatory approach that turns on the classification of equipment or services is, ultimately, an ineffectual means to achieve the shared goal of accessibility. Piece-meal application of Section 255 has significant shortcomings, including the potential to create serious accessibility gaps, with resultant consumer confusion. Comments of Trace/Gallaudet at 4-6.

Conclusion

Therefore, based on the foregoing, the VON Coalition urges the Commission not to impose Section 255 regulation on IP voice applications.

Respectfully submitted,

THE VON COALITION



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