

Section 255 Telecommunications Access For People with Disabilities

FCC Consumer Facts

Background

The Federal Communications Commission (FCC) has rules requiring telecommunications equipment manufacturers and service providers to make their products and services accessible to people with disabilities, if such access is readily achievable. These rules implement Section 255 of the Communications Act. Where access is not readily achievable, Section 255 requires manufacturers and service providers to make their devices and services compatible with peripheral devices and specialized customer premises equipment that are commonly used by people with disabilities, if such compatibility is readily achievable. The FCC has determined that interconnected Voice over Internet Protocol (VoIP) providers must comply with Section 255.

Products and Services Covered Under Section 255

The FCC's rules cover all hardware and software telephone network equipment and customer premises equipment (CPE). CPE is telecommunications equipment used in the home or office (or other premises) to originate, route, or terminate telecommunications. Examples of CPE are telephones, fax machines, answering machines, and pagers. CPE that provides both telecommunications and non-telecommunications functions is covered only to the extent it provides telecommunications functions.

The FCC's rules cover basic and special telecommunications services, including regular telephone calls, call waiting, speed dialing, call forwarding, computer-provided directory assistance, call monitoring, caller identification, call tracing, and repeat dialing. In addition, the rules cover interactive voice response (IVR) systems and voice mail. IVR systems are phone systems that provide callers with menus of choices.

Definitions

Accessible: A product or service is deemed accessible if it provides accessible input, control, and mechanical functions, as well as accessible output, display, and control functions. For example, a pager that has both audio and visual controls for inputting information, as well as both audio and visual methods for retrieving messages, would be accessible to a person who is blind or deaf.

Usable: For a product or service to be usable, people with disabilities must be able to learn about and operate the product's or service's features effectively. This requirement includes providing access to information and documentation for the product or service, including instructions and user guides. In addition, companies must provide functionally equivalent access to support services, such as technical support hotlines and databases, call centers, service centers, repair services, and billing services.

Compatible: The FCC requires that, where accessibility is not readily achievable, a product or service must be made compatible with peripheral devices or specialized customer premises equipment (SCPE), if compatibility is readily achievable. Peripheral devices are devices that help make telecommunications products and services accessible to individuals with disabilities.

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Definitions (cont'd.)

Examples are TTYs, visual signaling devices, and amplifiers. SCPE includes equipment, commonly used at the premises of a person with a disability, to achieve access in the origination, routing, or termination of calls and other telecommunications contacts. Direct-connect TTYs (TTYs that connect directly to the telephone network) are considered to be SCPE. Assistive technology devices, such as hearing aids or eyeglasses, that have a broad application outside the telecommunications context, are not themselves peripheral equipment or SCPE, even if they are used in conjunction with peripheral equipment or SCPE. To achieve compatibility, the FCC rules require:

- external electronic access to all information and control mechanisms;
- a connection point for external audio processing devices;
- the ability to connect with TTYs; and
- the ability to use TTY signals.

Identifying Access Needs

Companies should engage in a number of activities to identify barriers to accessibility and usability. For example:

- Where the company conducts market research, product design, testing, pilot demonstrations, and product trials, it should include individuals with disabilities in target groups for such activities.
- Companies should work cooperatively with disability-related organizations.
- Companies should undertake reasonable efforts to test access solutions with people with disabilities.

When Must Manufacturers and Service Providers Evaluate Access Needs?

Manufacturers and service providers must evaluate the accessibility, usability, and compatibility of their equipment and services as early and consistently as possible throughout their design, development, and manufacture. In addition, companies must review their products for accessibility at every “natural opportunity,” including when they re-design products, upgrade services, or significantly change the way they group together product and service packages. Cosmetic changes that do not change the product’s actual design, such as changes in the color, make, model name, or designation of a product, may not trigger the need to reevaluate access.

Do Companies Need to Review All of Their Products and Services for Accessibility and Usability?

Features that can be incorporated into the design of products or services with very little or no difficulty or expense must be put in each and every product. In some, but not all, products and services, incorporating access features may be readily achievable. In these instances, companies have the flexibility to distribute access features across product or service lines, so long as the companies implement all features that are readily achievable.

How Will the FCC Determine Which Actions Are Readily Achievable?

The “readily achievable” standard requires companies to incorporate access features that are easily accomplishable without much difficulty or expense. In determining what is readily achievable, companies must balance the costs and nature of the access required with their available resources. Companies that have great resources will need to do more to achieve access than companies with smaller budgets.

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How Will the FCC Determine Which Actions Are Readily Achievable? (cont'd.)

The FCC will make readily achievable determinations on a case-by-case basis. A company may not need to provide access when the access feature would so fundamentally alter the product that it would substantially reduce the functionality of the product, make some features unusable, substantially impede or deter use of the product by other individuals, or substantially and materially alter the shape, size, or weight of the product. Similarly, a company is not obligated to incorporate an access feature that is not technically possible. Companies wishing to use these defenses, however, must provide evidence to back up their positions.

Is Network Architecture Covered by the FCC's Section 255 Rules?

In addition to covering equipment and services, the FCC's rules require network architecture to be designed in a way that does not hinder access by people with disabilities. Network architecture covers the public switched telephone network, and includes hardware or software databases associated with routing telecommunications services.

Is There a Way for Consumers to Contact Manufacturers and Service Providers About Access Concerns?

Although not required to do so, consumers may first wish to contact a manufacturer or service provider before filing a complaint with the FCC. Manufacturers and service providers have provided the FCC with contact information for the individuals and offices within their companies that are responsible for handling accessibility concerns and grievances. Consumers can find this contact information on the FCC's Disability Rights Office Web site at www.fcc.gov/cgb/dro/section255.html.

Filing a Complaint with the FCC

The FCC can impose a variety of penalties on companies that do not comply with Section 255, including proposing fines (against telephone companies only), cease and desist orders, and in extreme cases, requiring retrofitting products to make them accessible to people with disabilities. Therefore, if you have a problem with access to telecommunications equipment or services and you are unable to resolve the problem directly with the equipment or service provider, you can file a complaint with the FCC. There is no charge for filing a complaint. You can file your complaint using the on-line complaint form found at esupport.fcc.gov/complaints.htm. You can also file your complaint with the FCC's Consumer Center by e-mailing fccinfo@fcc.gov; calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or writing to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, SW
Washington, D.C. 20554.

What to Include in Your Complaint

The best way to provide all the information the FCC needs to process your complaint is to complete fully the on-line complaint form. When you open the on-line complaint form, you will be asked a series of questions that will take you to the particular section of the form that you need to complete. If you do not use the on-line complaint form, your complaint, at a minimum, should indicate:

- your name, address, e-mail address, and phone number where you can be reached;
- whether you are filing a complaint on behalf of another party, and if so, the party's name, address, email address, day time phone number, and your relationship to the party;
- preferred format or method of response (letter, fax, voice phone call, email, TRS, TTY, ASCII text, audio recording, or Braille);

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What to Include in Your Complaint (cont'.d)

- the name, address, and telephone number (if known) of the company or companies involved with your complaint;
- the make and model number of the equipment if your complaint is about accessibility of telecommunications equipment; and
- a brief description of your complaint and the resolution you are seeking, and a full description of the equipment or service you are complaining about, including date of purchase, use, or attempt to use.

For More Information

For more information about FCC programs to promote telecommunications services for people with disabilities, visit the FCC's Disability Rights Office Web site at www.fcc.gov/cgb/dro. For information about other telecommunications issues, visit the FCC's Consumer & Governmental Affairs Bureau Web site at www.fcc.gov/cgb, or contact the FCC's Consumer Center using the information provided for filing a complaint.

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To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, visit www.fcc.gov/cgb/contacts/.

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