

# FCC Seeks Comment on Disabilities Access Findings

August 24, 2016

On August 23, 2016, the FCC issued a [Public Notice](#) seeking comment on the Consumer and Governmental Affairs Bureau's tentative findings about the accessibility of communications technologies, which will be included in this year's biennial report to Congress on the 2010 Twenty-First Century Communications and Video Accessibility Act ([CVAA](#)) (Biennial Report). This will be the third such report, following earlier reports in 2012 and 2014. Comments are due **September 7, 2016**.

Here are some of the key tentative findings from the 2016 Biennial Report:

- **Accessibility of Telecommunications and Telecommunications Equipment (Section 255).** The Biennial Report tentatively finds that since the 2014 report there has been "little, if any, progress" made regarding the number of non-smartphone devices that are accessible to individuals who are blind or visually impaired. However, the FCC also tentatively finds that a growing number of smartphones are accessible for persons with disabilities. Moreover, the Commission tentatively expects that new technologies will improve the accessibility of telecommunications for individuals who are deaf or hard of hearing (e.g., RTT, HD voice, and HAC wireless handsets).
- **Accessibility of Advanced Communications Services (ACS) (Section 716).** The Biennial Report tentatively finds that "little, if any, progress" has been made regarding the number of non-smartphone devices used for ACS that are accessible to persons who are blind or visually impaired, but that "significant strides" have been made in the accessibility of ACS features and functions (e.g., social media websites, VoIP, etc.) on smartphones and other devices.
- **Accessibility of Internet Browsers in Mobile Phones (Section 718).** The Biennial Report tentatively finds that the accessibility of Internet browsers in mobile phones "has improved for individuals who are blind or visually impaired" since the last report.
- **Accessibility Gaps.** The Biennial Report identifies accessibility gaps related to non-smartphones, equipment used for interconnected VoIP services, system upgrades, ACS components of video games and other products and services, and wireless service plans that impose caps that could curb the use of data and video communications services.
- **Availability of Information, Documentation, and Training.** The Biennial Report tentatively finds that "notable efforts" have been made to promote the availability of information and documentation related to covered products and services, and personnel training.
- **Accessibility by Design.** The Biennial Report tentatively finds that industry has expanded its efforts to work with the accessibility community to design and develop accessible products and services.

- **Accessibility Barriers in New Communications Technologies.** The Biennial Report tentatively finds that “accessibility barriers still exist with respect to certain new communications technologies,” including with respect to web conferencing and video conferencing services.
- **Complaints Received and Resolved.** The Biennial Report reveals that the Commission has received 45 requests for dispute assistance (RDAs), of which 58 percent involved equipment and 42 percent involved services. Of the 45 RDAs, 87 percent alleged violations of section 255, while 13 percent alleged violations of sections 716 or 717. In response to these RDAs, FCC staff was able to facilitate a resolution for 39 of the RDAs, while the remaining RDAs either were withdrawn (one RDA), have not been resolved (three RDAs), or have been suspended pending resolution of similar accessibility issues (two RDAs). None of the RDAs were escalated into informal complaints for investigation by the Enforcement Bureau, and no forfeiture penalties have been assessed for these RDAs. With respect to timing, most of the RDAs were resolved within 90 days.
- **Effect of Section 717’s Recordkeeping and Enforcement Requirements on the Development and Deployment of New Technologies.** The Biennial Report tentatively finds that section 717 has not hindered the development or deployment of new communications technologies.

The Biennial Report contains detailed summaries of the public comments underlying its tentative findings, and we expect that this new comment cycle will provide additional evidence that will shape the final report. If you would like to participate in this proceeding, please contact any of the authors of this post or your usual Kelley Drye contact.