

FCC Releases Final Rules on Accessibility of VoIP, Texting and Video Chat; Rules Cover Incidental Services and Equipment

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Over the Columbus Day weekend, the FCC released its final rules (available [here](#)) on the accessibility of advanced communications services (ACS). (ACS includes interconnected and non-interconnected VoIP, electronic messaging services, and interoperable video conferencing services.) My initial read indicates that the FCC chose to broadly cover all types of ACS. Indeed, the FCC's final ACS rules narrowly exempt only custom equipment designed for businesses and other enterprise customers, as well as public safety entities. Thus, while many niche markets like gaming consoles argued for an exemption or waiver during the rulemaking proceeding, the FCC did not grant such requests, and specifically instructed such entities (including gaming equipment, services, and software; and TVs and Digital Video Players enabled for use on the Internet) to re-file their waiver requests pursuant to the FCC's new waiver process under the final rules.

The broad scope of the final rules means that a wide range of equipment, including tablets, laptops and smartphones, are subject to the FCC's accessibility rules. Covered providers of ACS include those that offer ACS over their own networks or downloaded over other networks, and such providers are responsible for the accessibility of underlying components of their service, including software applications. The FCC specifically rejected calls for exempting services that only incidentally use ACS.

The FCC's release includes a further notice of proposed rulemaking to further determine certain accessibility issues, including, among other things, the scope of the small entity exemption, the meaning of "interoperable", the the applicability of the rules to video mail.

Look for our DWT Advisory for a more detailed report of the FCC's final rules and further rulemaking proceeding.

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