

TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 7.03

March 2007

Overview

During the month of March legislators, particularly in the House Committee on Energy and Commerce, focused on oversight of regulatory agencies. The House Commerce Committee's Subcommittee on Telecommunications and the Internet held oversight hearings for the FCC and NTIA, two regulatory agencies that focus on information and communication technology matters. Addressing the details of the federal **Digital-to-Analog Converter Box Coupon Program** was also a chief legislative issue as the looming deadline for transition to all digital broadcasts in the United States approaches.

Regulators at the FCC focused their efforts on issuing new policies and guidelines in order to better understand broadband services. On March 22nd of this month, the FCC held an open commission meeting with thirteen intended agenda items. Some of the topics discussed were market conditions regarding domestic and international satellite communications, broadband industry practices, and the appropriate classification for wireless broadband services.

As result of this meeting, the Commission issued an inquiry into the existing market for broadband services in an attempt to begin addressing the brewing network neutrality debate. The most significant action by the FCC this month was its decision to classify wireless broadband internet as an information service.

Legislative /Policy Activities

House Commerce Committee Oversight of the FCC

3.14.2007 – The House Committee on Energy and Commerce Subcommittee on Telecommunications and the Internet held an Oversight Hearing to examine the operations and public policy agenda of the FCC on March 14, 2007. This hearing was the first time in three years that the entire Commission had appeared in front of the Subcommittee. Rep. Edward J. Markey (D-MA), Subcommittee chairman, expressed his plan to execute close oversight on the FCC by having them visit the House Committee at least once a month.

Democratic members of the Committee criticized the FCC's decision-making activities and Chairman Martin's leadership style. Chairman Martin was asked about the FCC's alleged lack of response to allegations that the National Security Agency (NSA) had improperly

obtained phone records. Other issues addressed during the hearing were the need to improve data collection on broadband deployment, the decision to loosen video franchise rules, and the approval of the AT&T/BellSouth merger. The complete statements of Chairman Martin and the other commissioners are available on the FCC page under the headlines for March 14th.

[Source: *Broadcasting & Cable, LA Times* and FCC]

NTIA Announces Subsidy for Digital Television Conversion

3.12.2007 – The National Telecommunications Information Administration (NTIA) recently held a press conference to announce details about the transition to all-digital broadcasts that go into effect by 2009. Within the rules regarding the transition were guidelines for implementing and administering the government sponsored subsidy program for the purchase of digital converter boxes. The **“Digital-to-Analog Converter Box Coupon Program”** is a part of the **Digital Television Transition Act and Public Safety Act of 2005 [§ 3005, Public Law 109-171]** and is designed to help ease the transition to digital for those who receive over the air broadcasts in their homes.

Beginning January 2008, all US households will be eligible to request up to 2 coupons valued at \$40 to purchase digital-to-analog converter boxes. Initial funds allocated to this program are expected to cover the distribution of 22.5 million coupons, and if this amount runs out, NTIA has the ability to request another \$540 million from Congress. The coupons from these supplemental funds will be reserved for households that rely only on analog broadcasting with no cable or satellite service. NTIA plans to track how many coupons are issued and redeemed; coupons will be set to expire within 90 days of the household receiving them. For the full rules on the program visit

[http://www.ntia.doc.gov/ntiahome/frnotices/2007/DTVFinalRule_031207.htm]. For more on the act and the coupon program visit

[<http://www.ntia.doc.gov/otiahome/dtv/index.html>].

[Source: NTIA and *CNet News*, 3/12]

Oversight of NTIA and Innovations in Interoperability Addressed in Hearing

03.22.2007 – The House Commerce Committee’s Subcommittee on Telecommunications and the Internet held a hearing on March 22, 2007, entitled “Oversight of the NTIA and Innovations in Interoperability.” The first panel of the hearing consisted of testimony from the Assistant Secretary for Communications and Information and Administrator of the NTIA, U.S. Department of Commerce, John M. R. Kneuer.

In his statement to the House Subcommittee regarding oversight of the NTIA, Kneuer addressed the functions of the NTIA and highlighted its recent activities. Historically, the primary goal of NTIA has been the advancement of e-commerce and enhanced telecommunications and information services. However, with the **Deficit Reduction Act of 2005**, signed into law in 2006, the NTIA’s immediate focus changed significantly.

The law has led to the creation of a number of new programs to be funded under the Digital Television Transition and Public Safety Fund (DTV Fund) from future spectrum auction proceeds. Kneuer focused on the efforts of the NTIA to administer new programs stemming from the DTV Fund, such as the Digital Television Converter Box Coupon Program and the Public Safety Interoperable Communications (PSIC) Grant Program. Kneuer's complete statement is available at

[http://www.ntia.doc.gov/ntiahome/congress/2007/Kneuer_HouseEnergy_032207.htm].

[Source: NTIA]

Regulatory Activities

FCC Issues Rules on Internet Calling

3.2.2007 – Earlier this month, the FCC's Wireline Competition Bureau issued a *Memorandum and Opinion Order* [FCC 06-55] in which it ruled that local telephone companies cannot block cable companies from providing Voice over Internet Protocol (VoIP) services in rural areas. This order was issued in response to a petition filed by Time Warner Cable requesting that telecommunication carriers be able to interconnect and exchange traffic with local exchange carriers (LECs) in order to provide services to other service providers including VoIP providers. The petition alleged that some rural phone providers refused to set up connections so that users of Time Warner's VoIP service could exchange calls with rural phone customers.

Incumbent local phone companies claimed federal law promoting competition does not require them to provide the service because the VoIP service is leased through Sprint and MCI, who do not serve the area directly. They also stated that VoIP has not been officially labeled a telecommunications service. Rural phone companies are generally concerned that VoIP providers do not pay the local company for connecting calls. However, the FCC found that "wholesale providers are entitled to the same network-leasing privileges as retail companies and that VoIP's classification is irrelevant." The full ruling is available at [http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-07-709A1.txt] (MS Word & PDF also available).

[Source: FCC & *USA Today*, 3/2]

Inquiry Initiated by Commission Into Broadband Market Practices

03.22.2007 – The FCC has issued a *Notice of Inquiry* [FCC 07-31] to understand better the behavior of the participants in the market for broadband services, as an attempt to address the growing debate among lawmakers over network neutrality. Network neutrality is generally the concept of broadband providers treating all Internet content in the same way and not charging extra fees to certain content providers.

In 2005, the Commission issued its Internet Policy Statement, which contained four principles to encourage broadband deployment and to preserve and promote the "open and interconnected nature of the public Internet." Informed by those principles, the FCC's current inquiry seeks information on how broadband market participants behave, including:

1) how broadband providers are currently managing the Internet traffic on their networks; 2) whether providers charge different prices for different speeds or capacities of service; 3) whether the FCC's policies should distinguish between content providers that charge end users for access to content and those that do not; and 4) how consumers are affected by such practices.

The FCC has not yet established a comments process or dates for its current *Notice of Inquiry*. However, the Commission notes that it seeks further comment on whether the 2005 Internet Policy Statement should incorporate a new principle of "nondiscrimination," and if so, how "nondiscrimination" would be defined, and how such a principle would be read. [Source: FCC & *Reuters*, 3/22]

Wireless Broadband Internet Classified as an Information Service by FCC

03.22.2007 – In arguably its most important action of the month, the FCC issued a *Declaratory Ruling* [**FCC 07-30**] affirming wireless broadband Internet service as an information service under the **Communications Act**. This declaration by the FCC places wireless broadband Internet service in the same regulatory category as other broadband services, such as cable modem service, wireline (DSL) Internet access service, and Broadband over Power Line (BPL)-enabled Internet access service. The FCC's decision to place wireless broadband service on the same regulatory footing as other broadband services should insure that wireless services are free from the regulatory burdens placed upon telecommunications services, which are higher than those imposed for information services.

More specifically, the FCC defined wireless broadband Internet access service as a service that uses spectrum, wireless facilities, and wireless technologies to provide subscribers with high-speed Internet access. The transmission component underlying wireless service is designated by the FCC as "telecommunications," and this *Declaratory Ruling* finds that the provision of this telecommunications transmission component service, as part of a functionally integrated wireless Internet access service, is an information service. The Commission foresees its ruling on wireless Internet service access will encourage further broadband investment by putting wireless on the same playing field as other high-speed providers.

For a copy of the FCC's Declaratory Ruling, please see [http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-07-30A1.txt] (MS Word and PDF versions also available). [Source: FCC and *Reuters*, 3/22]

Judicial Activities

Court Backs FCC on VoIP Regulation

3.21.2007 – A three judge panel of the US Court of Appeals of the Eighth Circuit upheld rules by the FCC that prohibited states from applying their telecommunications laws to a class of VoIP providers in *Minnesota Public Utilities Commission v. FCC* [**No. 05-1069**]. The

related FCC rules, which were adopted in 2004, protect Vonage and other “nomadic” VoIP service providers that allow consumers to use the same phone number by using broadband connections anywhere in the world. The rules also stated that the same protections would be offered to “non-nomadic” cable VoIP providers as well.

As a result, New York state regulators asked the courts to remove the language that was related to the cable VoIP services. The court of appeals decided that “the issue wasn’t ripe for review” because the Commission had not actually adopted rules related to cable that would preempt state regulation and was only a prediction. It also found that the agency could use its jurisdiction without determining whether VoIP was a telecommunication or information service. For the 8th Circuit Court of Appeals full decision, visit [<http://www.ca8.uscourts.gov/opndir/07/03/051069P.pdf>].
[Source: *Multichannel News*, 3/21/2007]

International Activities

Canadians Introduce Wireless Number Portability

3.14.2007 – Canadian regulators have mandated that mobile phone service providers provide wireless number portability to consumers. Number portability is the ability to keep an existing number when changing service providers. This regulation enables *all* phone customers to change providers and still retain their number. With this change, it will not matter whether someone is moving between two mobile providers or from landline to mobile, as long as it is in the within the same calling area.

The federal regulation provides consumers with another layer of choice, but it is not expected that majority of consumers will start swapping providers immediately due to other restrictions such as having to change phones and possibly lose information and incur penalties due to contracts. As an initial response to the regulation, a number of Canadian cellular providers have developed new deals to make the option of staying with their current provider more appealing to subscribers. [Source: *Canadian Press*, 3/14]

World's Digital Divide Tackled at UN-Silicon Valley Meeting

2.28.2007 – Late last month, United Nations (UN) officials met with technology executives and venture capitalists in Silicon Valley to discuss the “digital divide,” the increasing gap between the richest nations (most computer literate) and poorer countries. The meeting was arranged by Intel Corp. and the UN’s Global Alliance for Information and Communications Technology (ICT) Development to address methods by which to decrease the existing divide.

More than 100 executives, representing over 30 nations, talked about low-cost ways to deploy broadband Internet within Africa, build computer centers worldwide, and encourage entrepreneurship. Intel has invested millions of dollars to bolster developing countries particularly through its World Ahead Program, which aims to provide developing nations with access to PCs with high-speed Internet connections. For more on UN-G@ID visit [<http://www.un-gaid.org/fr>].

[Source: *San Diego Union-Tribune*, 2/28/2007]

Update on the UN Convention on the Rights of People with Disabilities

3.30.2007 – As of the end of this month eighty countries have signed the United Nations' (UN) Convention on the Rights of People with Disabilities. The UN held a ceremony on March 30, 2007, signifying the opening of the convention for signatures. On this day, 80 countries along with the European community signed, and Jamaica also announced it had ratified the document. It is expected that this convention will change the living conditions experienced by the 650 million persons with disabilities worldwide and help remove many of the barriers they face. [Source: *Associated Press*, 3/30]

Other Activities and Items of Interest

AAPD Supports Fully Accessible Broadband Service for All Citizens

3.5.2007 – The American Association of People with Disabilities (AAPD) announced in early March that it has a strong interest in universally available broadband services. AAPD strongly supports the recent rules issued by the FCC regarding cable competition. The association believes that the rules will lead to more widespread deployment of broadband, which will increase the opportunities for persons with disabilities, like those who depend on Video Relay Services and those wishing to start entrepreneurial activities. Jennifer Simpson, Senior Director of Telecommunications and Technology Policy for AAPD said, "While accessibility and usability are critical for persons with disabilities, affordability is very important too." She believes that the FCC guidelines will increase cable competition and allow Americans to experience lower prices.

[Source: AAPD]

Amazon.com And NFB Partner to Promote Web Accessibility

3.28.2007 – The National Federation of the Blind (NFB) and Amazon.com have decided to partner in an effort to promote and improve technology that enables blind people to have access to and use of the World Wide Web. As part of the agreement, Amazon has agreed to keep improving its own web platform through the use of the NFB's expertise in Web accessible technologies. The official NFB press release is available at

[<http://www.nfb.org/nfb/NewsBot.asp?MODE=VIEW&ID=174>]

[Source: SEDBTAC]

Coalition of Organizations for Assistive Technology Launched

A new coalition of disability organizations was launched in order to promote regulatory and legislative measures which ensure full access by people with disabilities to high speed broadband, wireless and other internet protocol (IP) technologies. The Coalition of Organizations for Assistive Technology (COAT) will be made up of 45 regional and national organizations that are committed to ensuring that the US, in the process of adopting more versatile and innovative IP-based technologies, does not leave people with disabilities behind.

The guiding principle of this Coalition will be to ensure the full inclusion of people with

disabilities in all aspects of daily living through accessible, affordable, and usable communication technologies as these continue to evolve. COAT has adopted a number of objectives that were recommended by the National Council on Disability (NCD) in their report "*The Need for Federal Legislation and Regulation Prohibiting Telecommunications and Information Services Discrimination*," which was discussed in *TDPH 7.01*.
[Source: AAPD]

Digital Television Transition Educational Campaign Launched

3.6.2007 – A coalition of broadcasters, cable companies, equipment manufacturers, and civil rights groups have agreed to launch an education campaign to provide Americans with information about the impending transition to digital television. On February 17, 2009, all US television broadcasters are expected to switch from analog to digital television (DTV) broadcasts. It has been estimated that about 20 million households rely only on over-the-air broadcast and will lose service unless they purchase the appropriate converter equipment.

The educational initiative will include televised public service messages and other forms of advertising. The ad campaign is expected to begin in spring 2008 and continue into the early months of the transition. The main goal of the effort is to promote the federal voucher program and provide details on how to receive one. Some members of the coalition will apply for additional federal money that the Commerce Department plans to make available for DTV education in order to pay for flyers, mailings, newsletters and other grassroots efforts.

Participants in the education campaign also include the Consumer Electronics Association (CEA), National Association of Broadcasters, National Cable and Telecommunications Association and NTIA. More on the coalition, its efforts and the transition is available at [<http://www.dtvtransition.org/>]. [Source: CEA and *Technology Daily*, 3/6]

New Assistive Technology for Reading

2.28.2007 – Premier Assistive Technology in cooperation with University of Georgia's Alternative Media Access Center have created a new device called the "PDF Equalizer." The technology allows for electronic books direct from the publisher to be converted into an accessible PDF format for individuals with visual impairments. As publishers are increasingly providing their books in alternative formats, this device allows for these alternative formats to be accessible as well. PDF Equalizer provides the user with the ability to choose what, how and when they want information to be read. It has an "audio converter" feature that enables users to turn any part of a book into a MP3 file. The technology also has a "note-taking" and "book marking" features.
[Source: *eMediaWire*, 2/28]

Upcoming Events

"First Responders Summit" to Be Hosted by FCC Public Safety Bureau

The FCC's Public Safety and Homeland Security Bureau will host the "First Responders Summit: Interoperable and Reliable Public Safety Communications," on Friday, April 20, 2007, from 9:00 a.m. to 4:00 p.m., in the Commission Meeting Room (TW-C305). The summit will be open to the public, but admittance will be limited to the seating available. For those unable to attend, a live audiocast will be made available at the FCC's website.

The "First Responders Summit" will include expert panel discussions led by representatives from the public safety community, communications industry, and the government. Three expert panel discussions will include "Government Agencies and Public Safety Initiatives," "Transition from Legacy to Future Architectures - Integration of Current Systems into IP-based Networks, Radio Bridging," and "Beyond Voice - Broadband Applications for First Responders." The summit will then close with an open roundtable discussion on key issues related to emergency preparedness and response.

Sign language interpreters and open captioning will be available for this event. Other reasonable accommodations will be available upon request. For more information about the event, please see the Public Notice at [http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-271054A1.txt] (MS Word and PDF versions also available). [Source: FCC]

International Conference on Digital Government Research

The Digital Government Society of North America will hold its 8th Annual International Conference on Digital Government Research at Sheraton Society Hill, in Philadelphia, on May 20-23, 2007. The conference provides a forum for the presentation and discussion of interdisciplinary research on digital government and its applications in diverse domains. Topics for this year's conference include social science research and citizen interactions, computer science and information technology research to support government, and IT-enabled government operations and government application domains.



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Interested participants are invited to submit research papers, as well as proposals for panels, system demonstrations, posters, and pre-conference tutorials and workshops. For more information, please consult the conference website at [http://www.dgsociety.org/call_for_papers.php].

NCD Atlanta Quarterly Meeting

The NCD will be hosting its Quarterly Council Meeting at the Crowne Plaza Atlanta Buckhead on April 16th and 17th, 2007. The event will be free of charge and open to the public. The NCD hopes to get a perspective on the life of persons with disabilities in Georgia. For more information, please contact NCD's Director of Communications Mark S. Quigley at mquigley@ncd.gov or by telephone at 202-272-2004 (V), (202) 272-2074 (TTY).

RESNA 2007 Annual Conference

The Rehabilitation Engineering & Assistive Technology Society of North America (RESNA) will

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be holding its annual conference from June 15 – 19, 2007 in Phoenix, AZ. The RESNA Annual Conference is an interdisciplinary gathering of individuals and companies who share a common interest in technology and disability. James L. Mueller, Project Director of User Needs Assessment from the WirelessRERC will be hosting a workshop entitled, "*Listening to the Voice of the Customer: How to Involve People with Disabilities in User Research and Development.*" For more information on the conference, please visit [<http://www.resna.org/Conference/Conference.php>].

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Technology and Disability Policy Highlights reports on national and local public policy events and recent wireless technological advances and political activities; and tracks emerging issues of interest to individuals with disabilities and their families. Technology and Disability Policy Highlights is published monthly by the Wireless RERC. The Wireless RERC is a research center focusing on promoting universal access to wireless technologies and explores their innovative applications in addressing the needs of people with disabilities. For more information on the Wireless RERC, please visit our web site at [<http://www.wirelessrerc.org>].

For further information on items summarized in this report, or if you have items of interest that you would like included in future editions, please contact the editor, Avonne Bell, Graduate Research Assistant [avonne.bell@cacp.gatech.edu] or Paul M.A. Baker, Ph.D., AICP, Director of Research [paul.baker@cacp.gatech.edu].