

TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 6.05

May 2006

Overview

This month's edition of *Technology and Disability Policy Highlights* focuses on the introduction of new legislation in the telecommunications arena. Most notable is the introduction of the "**Digital Television Consumer Education Act**" [H.R. 5264], which will provide consumers with information on the digital broadcast television transition. Also, Senate Commerce Committee Chairman Ted Stevens (R-AK) and Co-Chairman Daniel Inouye (D-HI) introduced legislation that would amend the 1996 Telecommunications Act. The "**Communications, Consumer's Choice and Broadband Deployment Act of 2006**" [S. 2686] would create new policies for emergency communications networks, the Universal Service Fund, video franchising, broadcast flags, municipal broadband networks, the transition to digital television, network neutrality, and other topics.

In the regulatory arena, there was a flurry of activity regarding the Telecommunications Relay Service (TRS), which covers telephone transmission services to individuals with hearing and speech impairments. The FCC is addressing issues with the exploitation of the Internet forms of TRS, known as Internet Protocol (IP) Relay and Video Relay Services. The FCC has also issued a *Further Notice of Proposed Rulemaking* declaring that VRS providers must provide interoperability with competing providers.

In other news, the US Census Bureau released a report on occurrence of disability within the United States. The "Americans with Disabilities: 2002" states that over 50 million Americans report some level of disability.

Legislative /Policy Activities

New Bill Addresses Broadcast Analog to Digital Transition

5.2.2006 – Recently, Representative Eliot L. Engel (D-NY) introduced new legislation in the House, the "**Digital Television Consumer Education Act**" [H.R. 5264]. The purpose of the bill is to provide consumers with information about the broadcast television transition from analog to digital format in 2009. Congress recently enacted a hard date of February 17, 2009, by which TV broadcasters must cease analog broadcasting and begin transmitting only in digital. This transition will open up frequencies that have been set aside for public safety to use to ensure fire, police, and EMS personnel have interoperable radio equipment that enables them to speak to each other. According to Engel, "People don't know what day the analog television broadcasts will end or if their current TVs are digital ready." The bill requires TV manufacturers to place a label on new analog televisions with a note that additional equipment will be needed for its use by February 2009. It also mandates that broadcasters air Public Service Announcements to educate the public about what is

happening and the set-top box subsidy program. This legislation is relevant for individuals with disabilities as it provides a means of making them aware of the changes since the transition will largely affect the current system of television broadcast and may impact the way they currently receive their communications information. View the full text of **H.R. 5264** at [<http://thomas.loc.gov/cgi-bin/query/z?c109:h.r.5264>:]. [Sources: Library of Congress and US Fed News]

Senators Stevens and Inouye Introduces Telecom Reform Bill

5.2.2006 – Senator Ted Stevens (R-AK), chairman of the Senate Commerce Committee, and Senator Daniel Inouye (D-HI), co-chairman of the Commerce Committee, have introduced a new telecommunications reform bill called the “**Communications, Consumer’s Choice, and Broadband Deployment Act of 2006**” [**S.2686**]. According to Stevens, this legislation will amend the Telecommunications Act of 1996 by promoting competition among service providers, savings for consumers, and quick deployment of broadband services to all Americans. It includes provisions that address the Universal Service Fund and encourages the expansion of wireless broadband and home networking services by freeing up unused broadcast spectrum. Title II of **S. 2686** requires every telecommunications, broadband, and IP-enabled voice service provider to pay into USF. The act also calls for a fund for faster rural broadband deployment. The proposed legislation is considered to be the Senate companion to the “**COPE Act of 2006**,” a bill introduced in the House last month. The Stevens-Inouye bill is currently being reviewed by the Senate Commerce Committee. View full text of [**S. 2686**] at <http://thomas.loc.gov/cgi-bin/query/z?c109:s.2686>:]. [Sources: Library of Congress and US Fed News]

Regulatory Activities

Advanced Wireless Services Auction Schedule Modified

05.19.2006 – In a *Public Notice* [FCC 06-47] this month, the FCC announced that it has moved the start date for the Advanced Wireless Services (AWS) auction from June 29, 2006, to August 9, 2006. The AWS licenses are expected to be highly sought after by phone, cable, and Internet content providers alike, as the spectrum is well suited for high-speed wireless networks.

The delay is related to procedures recently established for bids placed by Designated Entities [DE] on behalf of larger companies. Last month, the FCC adopted rules that would bar a bidder that leases or resells more than half of the spectrum capacity of a license from qualifying for discounts meant to encourage the participation of small businesses in the AWS auction. But the attempt to close this loophole is flawed, at least according to Commissioner Jonathan Adelstein. Commissioner Adelstein released a statement about the delay, stating in part, “Now it appears that the changes that the Commission did adopt may actually do more harm than good to the DE participation in the upcoming auction, notwithstanding this last-ditch effort to cure this troubled proceeding.” The *Public Notice* [FCC 06-47] is available at

[http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-265462A1.doc]. Commissioner Adelstein’s statement can be read in its entirety at

[http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-06-71A2.doc]. [Source: FCC]

Commerce Department Shapes Plan for Digital TV Aid

5.17.2006 – Congress has implemented a firm deadline of February 19, 2009, to complete the transition from analog to digital broadcast in order to free up TV spectrum for broadband wireless companies and public safety organizations. Along with this deadline, Congress has established a subsidy program to help consumers buy converter boxes and reduce the effects of the transition on the millions of consumers who possess analog TV sets without cable or satellite connection. The program will be supervised by the US Commerce Department's National Telecommunications and Information Administration (NTIA). NTIA will issue a notice of inquiry in July seeking public comment on the details of the program. Funding for the program will come from the auction of the 60 MHz analog-TV spectrum. It will be a coupon program where households are given \$40 coupons for converter purchases, but details of subsidy eligibility have not been finalized.

[Source: *MultiChannel News*, 5/17/2006]

FCC Addresses Issue of Internet TRS Fraud

5.3.2006 – Currently, there is an issue with the exploitation of the Internet forms of the Telecommunications Relay Services (TRS). IP Relay and Video Relay Service (VRS) have been used in illegal activities such as using IP Relay to make phone purchases from merchants using stolen, fake, or invalid credit cards. There are also concerns about the improper use of VRS as a substitute for in-person interpreters. These ways of manipulating the system have led to improper compensation for the Interstate TRS Fund. TRS providers and their employees who process IP relay calls can usually identify wasteful calls but the FCC wants to take additional steps to address the issue and has issued a *Further Notice of Proposed Rulemaking* [FCC 06-58] regarding the matter. The Commission has begun requesting public comment on possible approaches to reducing these misuses of the two Internet-based forms of Telecommunications Relay Services. The details of the comment submission process can be found in the *Federal Register* notice at

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2006_register&docid=fr01fe06-22].

The press release can be viewed at

[http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-265219A1.txt]. View the *Further Notice of Proposed Rulemaking* at [http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-06-58A1.txt]. [Source: FCC]

Final Meeting Scheduled for Katrina Panel

5.24.2006 – The FCC issued a *Public Notice* [DA 06-1085] announcing that the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks will hold its final meeting on June 9, 2006. The Panel was developed to review the impact of Hurricane Katrina on the telecommunications and media infrastructure in affected areas. At this meeting, which will be open to the public, members will consider and vote on a report of the panel's findings. The Panel Report is due to the FCC by June 15, 2006. The *Notice* can be

viewed at [http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-1085A1.txt].

[Source: FCC]

Interstate TRS Fund Size Estimate For Upcoming Year Submitted

5.1.2006 – The National Exchange Carrier Association (NECA), which serves as the Fund Administrator for the Interstate Telecommunications Relay Services (TRS) Fund recently submitted its fund estimate for the July 2006 – June 2007 year. TRS, which is covered by Title IV of the ADA, relates to telephone transmission services that allow individuals with hearing or speech impairments to engage in communication with a hearing individual at a level that is functionally equivalent to the ability of the individual without impairment. NECA proposed new rates for traditional TRS, Internet protocol (IP) relay, speech-to-speech (STS), and video relay services (VRS). The proposal was open for public comment until May 24, 2006. View the full text of the *Public Notice* at [http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-970A1.txt]. [Source: FCC]

McDowell Confirmed for FCC Seat

05.26.2006 – FCC commissioner nominee Robert McDowell has finally been approved by the Senate, thus breaking the panel's deadlock between two Democrat and two Republican commissioners. The panel has been operating with less than five commissioners for more than a year after previous commissioners left the panel for either personal or professional reasons. But now the Senate's approval returns a 3-2 majority to Republicans. In the coming months, the Commission will likely address media ownership rules, as well as the latest telecom mergers, including the acquisition of Adelphia by Time Warner and Comcast, and the proposed BellSouth-AT&T merger. McDowell is expected to be sworn in before the FCC's June 13th meeting, at which the Commission will begin redrafting media ownership rules.

McDowell, a telecommunications lawyer and former lobbyist for Comptel, a trade association that represents small telephone companies, was nominated in February by President Bush. However his confirmation was blocked by senators seeking leverage on other issues.

[Sources: FCC, Reuters, *Los Angeles Times*, Benton.org]

Treasury Ends Excise Tax on Phone Services

5.25.2006 – The U.S. Treasury Department has conceded its court battle over the federal excise tax on long distance calls. Courts have ruled several times in recent years that the government is misapplying the 3% tax and ordered refunds to companies that have sued over the charges. The argument against the excise tax is that it is outdated and should no longer apply on long-distance calls, considering recent changes in technologies and calling plans. The legislation, originally enacted in 1898, taxes telecommunications services both on the duration of the call and the distance it travels despite the fact that changing technology now allows phone companies to offer flat rate plans. Beginning July 31, 2006, consumers will stop paying excise tax on long-distance calls and bundled services. Consumers next year can also obtain a refund of taxes paid since March 2003, with interest, by asking for

the money back through their 2006 tax returns. These refunds would hit the federal budget hard at a time when the federal deficit is huge and will cost the Treasury \$13 billion in refunds. [Sources: *AFX News Limited, Chicago Tribune*]

VRS Providers Must Provide Interoperability with Competing Providers

5.3.2006 – In response to a petition filed by the California Coalition of Agencies Serving the Deaf and Hard of Hearing, the FCC has declared that Video Relay Service (VRS) consumers must be able to place VRS calls through any provider. VRS is a type of Telecommunications Relay Service (TRS) that allows individuals who use American sign language (ASL) to communicate with voice telephone users. The commission declared that all VRS providers must be capable of receiving calls from and making calls to any VRS consumer. They found that service providers who restrict the use of VRS so that consumers cannot access VRS from other providers and forces them to have multiple sets of equipment violates the functional equivalency mandate and the public interest. The FCC has issued a *Further Notice of Proposed Rulemaking* [FCC 06-57] requesting comment on the creation of proxy numbers for VRS consumers and adopting standards for IP relay interoperability. View the *FNPRM* and press release at [http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-06-57A1.txt] and [http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-265218A1.txt]. [Source: FCC]

Reports/Studies/Publications

AAPD Survey Reveals Growing Economic, Political Clout of People with Disabilities

5.23.2006 – A national survey of members of the American Association of People with Disabilities (AAPD) provides a unique look into their purchasing choices, technology usage, and political participation. The survey was designed by the AAPD and Public Opinion Research, Inc. to get a sample of members from across the US. Sixty-six percent of the members who were surveyed were members with disabilities; 34 percent were family members or friends of persons with disabilities, or caregivers of persons with disabilities. The survey found that approximately 75 percent of AAPD members surveyed have a source of income, own a computer, have access to the Internet, are registered to vote, and make their purchasing decisions based on companies that have demonstrated support for people with disabilities. "The AAPD survey indicated that 81 percent of respondents own a computer, while 82 percent also have access to the Internet. Seventy-nine percent of respondents said they use email regularly. With the available income that this market has and the increased use of Internet among this group, it is important to recognize the significance of e-commerce, online shopping and online marketing to the members of AAPD." More details can be found at [<http://biz.yahoo.com/iw/060523/0130672.html>]. [Source: Marketwire]

More Than 50 Million Americans Report Some Level of Disability

5.12.2006 – The US Census Bureau issued a report stating that about 18 percent of Americans in 2002 reported that they had a disability and 12 percent with a severe disability. The "Americans with Disabilities: 2002" report is based on data compiled with the Survey of Income and Program Participation (SIPP) from June – September 2002. It also found that among people with disabilities, more than half of those 21 to 64 years old had a

Other Activities and Items of Interest

job, more than 4-in-10 of those ages 15 to 64 used a computer at home and a quarter of those age 25 to 64 had a college degree. The report defines a person as having a disability if they have difficulty performing a specific activity such as seeing, hearing, bathing or doing light housework, or had a specified condition, such as Alzheimer's disease or autism. View the Census Press Release at [http://www.census.gov/Press-Release/www/releases/archives/aging_population/006809.html] and the full report at [<http://www.census.gov/prod/2006pubs/p70-107.pdf>].

Ban on Mobile Phone Use in Flight May Be Lifted

5.10.2006 – The FCC is holding an auction for two available licenses to provide high speed telecom services on airplanes. A number of companies have developed technologies that create wireless networks on planes so that fliers can surf the Web or make calls with voice-over internet technology. Some foreign carriers already offer this feature but a mixture of rules and costs have prevented American carriers from doing so. Although the current auction is about the right to offer in-flight Internet access, many industry observers believe this auction is the first step towards allowing phone use while in flight. The commission issued a proposal in 2005 to lift the ban as long as the phones are connecting to an antenna on the plane itself. [Sources: *New York Times*, *Fortune*]

DBTACs Seeking Comments on ADA

4.20.2006 – The national network of ADA & IT Technical Assistance Centers (DBTACs) is currently seeking public comment on experiences with the Americans with Disabilities Act (ADA). They are requesting feedback on personal experiences in the areas of employment, building access and more. The centers want to identify training gaps and issues where more technical assistance is needed. To fill out the brief survey, visit [<http://www.adata.org/>].

New Software Delivers First Integrated IP Relay Solution for BlackBerry Users

5.2.2006 – GoAmerica, Inc. announced the availability of i711 Wireless Internet Protocol (IP) Relay software designed for BlackBerry wireless devices. The i711 Wireless software is the first to allow users to dial phone numbers directly from the BlackBerry Address Book, enabling them to make relay calls without having to remember or copy and paste phone numbers. The software comes with features such as smart dialing and custom calling. i711.com offers text-based TRS (telecommunications relay service) calling via the Internet, often called "IP relay which enables deaf and hard-of-hearing callers to use a Web-enabled computer or wireless device to place calls, which are connected to a relay operator." The software is compatible with a variety of BlackBerry models and operates on the Cingular, Sprint/Nextel, T-Mobile and Verizon wireless networks. Users can check the compatibility of other BlackBerry models and download the free software by visiting [<http://www.i711.com/wireless>]. [Source: PR Newswire US]

President Bush to Nominate Individuals to NCD

5.9.2006 – President George W. Bush announced that he intends to nominate eight individuals to the National Council on Disability. He will then appoint one additional

member, and upon confirmation, designate a member to serve in his Administration. The full White House press release and a list of the nominees are available at [http://www.whitehouse.gov/news/releases/2006/05/20060508-11.html]. [Source: NCD]

Tougher Standards for Accessible Airline Self-Service Kiosk Systems

5.17.2006 – The National Council on Disability (NCD) has released a Position Paper regarding Access to Airline Self-Service Kiosk Systems. The document asks the US Department of Transportation (DOT) to implement an updated version of the **Air Carrier Access Act (ACAA)** that includes standards for accessible design of kiosks. The paper also suggests that the DOT start negotiations with air carriers and airports in order to bring their kiosk systems to compliance with the ADA. NCD argues that kiosk technology is an important part of the “IT-based customer self-service business model that is pervading the air travel industry.” The full NCD Position Paper can be viewed at [http://www.ncd.gov/newsroom/publications/2006/kiosk.htm]. [Source: NCD]

Upcoming Events

2006 Alliance for Community Media International Conference and Trade Show

The Alliance for Community Media (ACM) 2006 International Conference and Trade Show will be held in Boston, Massachusetts, on July 6-9, 2006. The ACM is noted for working with the FCC, Congress, state legislatures, and other regulatory agencies to ensure that all people, regardless of race, age, gender, disability, religion or economic status, have access to technology, especially Public, Educational and Governmental (PEG) television channels. The ACM's conference website is available at [http://acmboston.org/].

Collaborative Assistive Technology Conference of the Rockies

The Collaborative Assistive Technology Conference of the Rockies will be held June 8-10, 2006, in Westminster, Colorado. Conference attendees will learn about local and national perspectives on state-of-the-art assistive technology devices and services. The conference is co-sponsored by the Colorado Department of Education, various interdisciplinary supportive learning through assistive technology (SWAAC) teams, and Assistive Technology Partners, a division of the University of Colorado at Denver and Health Sciences Center, Department of Physical Medicine and Rehabilitation. To learn more about the conference, use the following link: [http://www.uchsc.edu/atp/conf2006/conf2006main.htm]

The Future of Disability Statistics: What We Know and Need To Know

The Cornell University Rehabilitation Research and Training Center on Disability Demographics and Statistics (StatsRRTC) will be hosting a State-of-the-Science Conference entitled “The Future of Disability Statistics: What We Know and Need to Know.” The event will be held October 5-6, 2006, in Arlington, Virginia. Its focus will be on current statistics on the characteristics and status of working-age people with disabilities derived from current survey and administrative data. The conference will also consider options for improving future data collection and data distribution efforts. Go to [http://www.StatsRRTC.org] to register and for other program details.



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