



TECHNOLOGY AND DISABILITY POLICY HIGHLIGHTS 6.07

August 2006

Overview

Wireless spectrum was one of the major topics at the Federal Communications Commission (FCC) during the month of August. The agency launched one of its largest spectrum auctions ever, with dozens of bidders qualifying including satellite companies, cable providers and small telephone companies. The largest bid for the spectrum, previously used by the Pentagon and other federal agencies, \$1.3 billion, came from Verizon Wireless for a slice of spectrum in the Northeast. T-Mobile leads in total pledges with \$4.2 billion. Separately, the FCC issued a *Notice of Proposed Rulemaking* on the 700 MHz spectrum, requesting comment on several issues including whether or not the services provided by licensees in the 700 MHz Band should be subject to E911 and hearing aid-compatibility requirements.

On the emergency communications front, the Federal Emergency Management Agency (FEMA) announced it will soon be able to send warnings of emergencies to wireless phones, websites, and hand-held computers via text messages, audio and video recordings. This is very important for people with disabilities, particularly those with hearing disabilities, who are often not reached by traditional emergency communications. The National Council of Disabilities (NCD) addresses these and related issues in its report, *The Impact of Hurricanes Katrina and Rita on People with Disabilities: A Look Back at Remaining Challenges*, released in July to ensure that people with disabilities do not experience similar injustices during future catastrophes.

Legislative Activities

Senator Schumer Pushes Wi-Fi Networks

August 15, 2006 – In mid-July, Senator Charles Schumer (D-NY) introduced a 3-pronged plan to get more help for smaller communities to install their own Wi-Fi networks. However, metropolitan Wi-Fi providers are reacting cautiously to the plan. The Senator hopes to include the wireless broadband equipment in the Broadband Tax Enhancement Act [S. 1147] legislation that would provide tax breaks for companies installing wireline broadband equipment. The proposal would also make \$50 million available for towns and other rural municipalities to install networks and give Wi-Fi providers a tax break to enter smaller markets. The impact the legislation could have on Wi-Fi contractors such as Earthlink and AT&T is unclear, but companies like these look to municipal contracts as a growing revenue source. [Source: Wireless Week, 8/15/2006]

Regulatory Activities

FCC Puts Wireless Spectrum on the Auction Block

At deadline ... Satellite companies, cable providers and small telephone companies are participating in a government auction of airwaves that will allow them to provide additional Internet and phone services. In early August, the FCC launched one of its largest auctions of radio spectrum **and over a dozen bidders**, including non-traditional wireless companies, were qualified to bid. The radio spectrum is currently used by the Pentagon and other federal agencies and, once sold, will almost double the amount of bandwidth available for advanced wireless devices in the US. The last large reallocation of spectrum occurred between 1994 and 2001 and set off the current wireless boom. **Over 168 bidders qualified for the auction**, including Verizon wireless, Cingular wireless and T-Mobile who want more bandwidth to transmit large amounts of data required for mobile TV and other cutting-edge services. After two weeks of bidding, the FCC accelerated the process by adding two rounds of bidding per day to bring the daily total to six rounds and cut the time of each round in half to 30 minutes. The largest bid so far, \$1.3 billion, came from Verizon Wireless for a slice of spectrum in the Northeast. T-Mobile leads in total pledges with \$4.2 billion. The auction continues until there are no new bids, withdrawals or other activity. For information on FCC auctions see: [http://wireless.fcc.gov/auctions/default.htm?job=auctions_home]. [Sources: The Wall Street Journal, 8/4/06, A11 and 8/17/06; The Los Angeles Times, 8/9/06; and Forbes, 9/1/06]

FCC Issues NPRM on 700 MHz Spectrum Band

August 03, 2006 - The FCC adopted a Notice of Proposed Rulemaking [FCC 06-114] that seeks comment on possible changes to the service rules for various 700 MHz spectrum bands currently occupied by television broadcasters and being made available for new services as a result of the digital television transition. The FCC is revisiting its earlier rule decisions regarding this band of spectrum and is requesting comment on several issues including whether or not the services provided by licensees in the 700 MHz Band should be subject to E911 and hearing aid-compatibility requirements to the same extent that such services would be covered if provided in other bands. Full text of the NPRM is available at [http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-06-114A1.txt]. [Source: FCC]

Federal Government to Send Wireless Emergency Alerts

August 10, 2006 – The Federal Emergency Management Agency (FEMA), the Department of Homeland Security, and the Association of Public Television Stations will soon be able to send warnings of emergencies to wireless phones, websites, and hand-held computers. Warnings, broadcast as part of the Emergency Alert Service (EAS), will be transmitted via text messages, audio recordings and video and can warn of nuclear strike, terrorist attacks and natural disasters. The expected cost is \$5.5 million to deploy the system nationally and \$1 million annually to maintain it. The service is not mandatory; therefore, consumers will be given the option to decline the service. [Source: The Connecticut Post Online, 8/10/06]

Judicial Activities

Ruling in FCC Cellular Truth-In-Billing Case Complements AARP Efforts

August 27, 2006 – The Eleventh Circuit Court in Atlanta ruled that the FCC erred and exceeded its authority in 2005 in a truth-in-billing decision that preempted state regulators on the types of line-item details they can require or prohibit regarding consumer cellular bills. The lawsuit (NASUCA v. FCC, No. 98-00170) was brought by the National Association of State Utility Consumer Advocates (NASUCA) against the FCC, arguing that state rules on cellular bills constitute forms of state rate regulation already banned in federal law. See the opinion at [<http://www.ca11.uscourts.gov/opinions/ops/200511682.pdf>]. The ruling complements the efforts of the American Association of Retired Persons (AARP) in New York State to establish the strongest and most comprehensive cell phone consumer protection bill in the country. Hidden fees and unexpected surcharges result in higher than anticipated bills for wireless consumers. The position of the AARP is that older consumers and other individuals, such as people with disabilities, on fixed incomes suffer the most from hidden fees and have the right to receive their first bill before being locked into a wireless plan with an early termination fee. In the New York State assembly, legislation [S. 4263] was passed to require cell phone companies to disclose all hidden fees, provide consumers with better coverage maps (including E-911 coverage) and allow consumers to cancel their contracts after receiving their first bill. The bill failed to pass the New York State Senate, but will have a second chance for approval by the end of September 2006. [Sources: The United States Court of Appeals, Eleventh Circuit; U.S. Newswire, 8/14/06; and TelecomWeb]

Reports/Studies /Publications

NCD Issues Report Looking Back at Hurricanes Katrina and Rita

August 03, 2006 – The NCD issued a report titled *The Impact of Hurricanes Katrina and Rita on People with Disabilities: A Look Back at Remaining Challenges*, which concludes that people with disabilities were disproportionately affected by Hurricanes Katrina and Rita because their needs were overlooked or disregarded; the evacuation, shelter and recovery experiences of these individuals differed greatly from their non-disabled counterparts. For example, people with visual and/or hearing disabilities were unable to obtain the necessary information to ensure their safety because emergency communication methods did not comply with federal law. The NCD addresses these and other issues in its report: [http://www.ncd.gov/newsroom/publications/2006/hurricanes_impact.htm]. [Source: NCD]

Schaefer, K. (2006). Market-Based Solutions for Improving Telecommunications Access and Choice for People with Disabilities. *Journal of Disability Policy Studies*. 17(2), 116-126.

"Section 255 of the Telecommunications Act of 1996 requires telecommunications equipment and services to be accessible to and usable by consumers with disabilities if "readily achievable" (47 U.S.C. § 255(a)(b)(c)). This article suggests that the narrow application of the "readily achievable" standard using a product line approach limits access and choice with respect to telecommunications products for consumers with disabilities.

As defined by Congress, the efforts that manufacturers must take to comply with section 255 are limited to those that can be accomplished "without much difficulty or expense." Product manufacturers have discretion in choosing which of their products are accessible to and usable by consumers with disabilities. The author suggests that a broader application of the readily achievable standard using a universal design approach will maximize consumer and company goals and conserve public resources. Implications for telecommunications access policy reform are discussed."

Other Activities and Items of Interest

California Tests Disaster Response Technology

August 28, 2006 – In a five day simulation, teams from the Pentagon, nongovernmental agencies and several dozen technology companies showcased and tested over \$35 million in disaster response digital technologies. In the San Diego simulation, the limitations of the technologies were also showcased when an effort to restore communications by setting up ad hoc wireless networks resulted in a three-day traffic jam. The state of the art wireless network the group tried to establish at the makeshift command center never materialized. However, one of the successes of the venture was the fact that Google, Microsoft, ESRI, Intergraph and other companies worked together to share a single set of digital satellite maps and to overlay event data relayed from emergency workers. These tools are valuable for disaster-response coordinators who require real-time data feeds from a variety of locations to adequately respond to a disaster. [Source: The New York Times, 8/26/2006]

A User's Perspective on Federal Disability Data (Speech)

August 17, 2006 –Martin Gould, Director of Research and Technology, NCD, spoke at the American Statistical Association in August, 2006. He noted that NCD's analysis of Federal data indicates that Americans with disabilities have made some gains from the development of a range of disability policies and programs over the past 40 years. In the effort to ascertain the efficacy of programs and policy across governmental agencies, the NCD has looked to various Federal data sources, seeking better federal disability data and information. This has proven difficult as the NCD discovered that there is little or no pertinent federal or state data available. Further, "other than the mandated administrative program data for key federal disability programs (e.g., Veteran's Administration data requirements, SSA data requirements, OSERS data requirements), there are few if any Congressionally authorized and mandated disability data requirements." Among other conclusions, he highlighted the need for establishment of a cohesive "disability" policy and data agenda. Speech: [http://www.ncd.gov/newsroom/testimony/2006/gould_08-06.htm] [Source: NCD]

New Fees for Old Phones

August 19, 2006 – Beginning in September 2006, Cingular Wireless customers with phones using analog or time division multiple access technology will face a \$4.99 per month charge.

Approximately 8 percent, roughly 4.7 million, of Cingular consumers will be charged the fee, adding up to \$282 million annually for the company. The company enacted the charge to finance the cost of maintaining the older network, which is required by the FCC to be kept in place until 2008. Cingular is offering incentives to customers to encourage them to upgrade their wireless technology. [Source: The Bradenton Herald, 8/19/2006]

Senate Confirms New NCD Members

August 04, 2006 – The U.S. Senate confirmed four new members to the National Council on Disability. They are John R. Vaughn (replaced Lex Frieden as NCD chairperson), Victoria Carlson, Chad Colley and Lisa Mattheiss. Outgoing NCD members included Carol Novak, Joel Kahn, Lex Frieden and David Wenzel. The NCD is an independent federal agency making recommendations to the President and Congress on disability policy issues and representing all people with disabilities, regardless of severity or age and from culturally diverse populations. [Source: NCD]

International Activities

UN Reaches Agreement on Disability Rights

August 27, 2006 – After five years of negotiations, the United Nations (UN) has agreed on a new convention to protect the rights of people with disabilities. The convention does not create new rights, but it does prohibit discrimination against persons with disabilities in all areas of life, including civil rights, access to justice and the right to education, health services and access to transportation. With five countries voting against it, the convention's provision concerning foreign occupation was adopted. The convention will be formally sent to the General Assembly for adoption in September 2006. [Source: National Council on Disability]

Upcoming Events

CTIA Wireless I.T. and Entertainment 2006

September 12-14, 2006 – CTIA—The Wireless Association will be hosting its fall CTIA Wireless I.T. and Entertainment convention at the Los Angeles Convention Center, September 12-14, 2006. The focus of this convention will be integrating wireless technologies into the enterprise and vertical business markets such as healthcare, government, automotive, and retail. The event will showcase the continuing growth in wireless entertainment, ranging from music downloads to digital cameras to interactive games. The convention brings together mobile technology users, wireless carriers, manufacturers and other companies. For more information on the CTIA convention, see: [<http://www.wirelessit.com/>].

FCC Public Safety and Homeland Security Workshop

September 26-27, 2006 – The FCC will host a Public Safety and Homeland Security Regional Workshop and Roundtable in Polson, Montana, on September 26 and 27, 2006, as part of its Indian Telecommunications Initiatives (ITI) program. The event is designed to provide tribes with tools to plan for the protection of critical communications infrastructure on, or serving, tribal lands. For more information, see the Public Notice at: [http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-1654A1.txt]. [Source: FCC]

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 & 6th 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. Registration and other program information is available at [<http://www.ilr.cornell.edu/edi/p-srrtc.cfm>].



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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. The publication's focus is termed "cross-disability" and should not be viewed as comprehensive. *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 mobile 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, Lynzee Head, MS, Program Manager and Research Scientist [lynzee.head@cacp.gatech.edu], or Paul M.A. Baker, Ph.D., Director of Research.