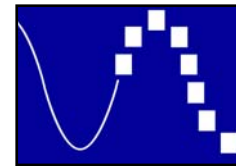April 30, 2008

The Honorable Edward J. Markey
Subcommittee on Telecommunications and the Internet
2108 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Markey:

As leading Internet innovators helping to improve and transform the way people with disabilities can communicate, we are writing to share some of the vast progress being made. We share your vision for improving access to communications for people with disabilities and commend you for recognizing that VoIP technology has the potential to radically improve communications for the 54 million Americans with disabilities.

Ensuring VoIP services are as accessible as is readily achievable is important to people with disabilities and to the VoIP industry. The VON Coalition and VoIP innovators have been working for more than a decade to advance more accessible forms of communication so that as people with disabilities move from analog networks to broadband networks, they are greeted with more advanced and accessible options for communication. In July 1999, the VON Coalition announced the VoIP industry's voluntary commitment to making voice applications as accessible as readily achievable and to consider the user requirements of people with disabilities in the development of new products and services. In December 1999, the VON Coalition organized a day-long VoIP disability forum at the FCC including various disability rights organizations and FCC staff – including the Alexander Graham Bell Association, American Federation for the Blind, Consumer Action Network, Gallaudet University, Self Help for Hard of Hearing People, and Telecommunications for the Deaf Inc. We have continued this work through the years. These efforts have helped ensure that disability access issues are a forethought, and not an afterthought.

As a result, VoIP technologies have quickly become an especially promising technology for Americans with disabilities – able to provide new communication options often not possible in today's legacy phone network. Emerging VoIP applications are allowing people who are blind to use voice enabled applications for access to newspapers and magazines; people who are deaf to use video phones and text to speech applications to communicate in ways never before possible; people with cognitive disabilities to use their voice to command their world; and people with physical disabilities to use their work phone number from home. VoIP may in fact become perhaps the greatest communication revolution for people with disabilities since the invention of Braille. VoIP's ability to converge, voice, video, and data into one application are making possible accessibility options not previously possible. For example, VoIP technologies are moving into the marketplace that offer:

- accessible video communications for people who are deaf. VoIP technology's ability to enable live two-way video communication is, for the first time, enabling people whose primary mode of communication is sign language, to communicate with each other for free – anywhere in the world – in their native sign language.
- clearer audio communications for people who are hard of hearing. Two-thirds of the frequencies in which the human ear is most sensitive, and 80 percent of the frequencies in which speech occurs, are beyond the capabilities of the public switched telephone

network. Many VoIP providers are now rolling out "high definition" or "wide-band" voice service which take a quantum leap over the PSTN's audio limitations.

- <u>simultaneous transmission</u> of information to consumers in text, audio and video for people with cognitive or multiple disabilities. By combining voice with computing power, new services are being created that offer people with physical disabilities the ability to utilize voice recognition, and enables new kinds of real time text support for those with hearing disabilities.

VoIP is quickly becoming a truly transformative technology for people with disabilities, because VoIP providers have already taken significant steps to make their products and services accessible, and are committed to continuing that progress. Interconnected VoIP providers, for example, already contribute to the Telecommunication Relay Service (TRS) fund, meet section 255 requirements ensuring disability access to equipment, make materials available in accessible formats, enable TTY capability, and provide 711 dialing capabilities to their customers. In addition, there are now already more than 50 Hearing Aid Compatible VoIP enabled phones on the market. In a dynamic and competitive market, VoIP providers have voluntarily developed technologies that often go beyond traditional PSTN phone accessibility – for example converting inaccessible voicemail into text –mail, giving voice to once text-only blogs and social networking sites, or enabling voice recognition based Internet search services.

Instant messaging software, now almost universally integrated with VoIP, has also helped launch a transformative new era in disability communication – enabling people with disabilities to, for the first time, communicate around the globe with a combination of sign language over video, real time text, and wide-band audio. This ability to converge voice, video, instant messaging and data into one application makes these services inclusive by design and capable of overcoming many of the inherent limitations that limit people with disabilities when using legacy PSTN technologies. As Wikipedia describes it, "[i]*nstant messaging opens new methods of spontaneous communication for people that have an impairment in hearing, auditory processing, or speech. It is considered by many a powerful way to allow equal opportunities in communication, without the aid of special devices or services designed for users with hearing loss.*"[1]

The attached disability white paper offers a few examples of some of the powerful new tools that VoIP technology is enabling and demonstrates more than a decade of progress that the VoIP industry has made in making VoIP the most accessible of all voice communication technologies. It is one of the reasons why major institutions serving people with disabilities, companies meeting their Americans with Disabilities Act (ADA) requirements, and even the federal government have turned to VoIP technologies to help serve their disability access needs. We are extraordinarily proud of these accomplishments and the ways in which these technologies are improving the lives of people with disabilities.

As the committee examines what isn't happening, we want to make sure you have a full understanding of some of the exciting things that are happening. What has enabled this diversity of VoIP enabled disability access tools is an environment where innovators have been free to create largely devoid of prescriptive regulations. In order to ensure these exciting opportunities continue to prosper and evolve, we believe the committee ought to continue its pro-innovation policies that have enabled these accessibility improving tools to develop. However, we are

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[1] http://simple.wikipedia.org/wiki/Instant_messaging#Effects_on_people_with_an_auditory_or_speech_disability

concerned that one-size-fits-all regulatory approaches for Internet communication may actually have the unintended effect of slowing the roll out of the enormous diversity of accessible technologies that are necessary for spanning the vast diversity of people with disabilities. Indeed, VoIP represents an immense array of different types of services and technologies that enable text, voice, and video communications from web sites, software, hardware, and phones. Together, they are able to address specific accessibility needs of specific disability communities. However, not every type of VoIP technology is the same or capable of incorporating every disability feature equally. In some cases applying legacy rules for one purpose, could slow the transition to more accessible forms of communication that meet other needs, or even have the effect of removing from the marketplace niche tools that people with disabilities have come to depend upon. For these reasons, we encourage the committee to take stock of the tools already being made available, identify any needs that aren't being addressed, and proceed cautiously if it decides to regulate Internet features, functionality, and capabilities.

VoIP technology – encompassing such a broad scope of Internet communication technologies -- has the potential to radically improve communications for people with disabilities. To seize upon this opportunity, the committee should put at the forefront of its work efforts to accelerate the transition to broadband communications technologies. We look forward to working with the committee and its staff to ensure that people with disabilities are able to take full advantage of this promise and potential.

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Sincerely,

The VON Coalition

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About the VON Coalition:
The Voice on the Net or VON Coalition consists of leading VoIP companies, on the cutting edge of developing and delivering voice innovations over Internet. The coalition, which includes AT&T, BT Americas, CallSmart, Cisco, CommPartners, Covad, EarthLink, Google, iBasis, i3 Voice and Data, Intel, Microsoft, New Global Telecom, PointOne, Pulver.com, Skype, T-Mobile USA, USA Datanet, and Yahoo! works to advance regulatory policies that enable Americans to take advantage of the full promise and potential of VoIP. The Coalition believes that with the right public policies, Internet based voice advances can make talking more affordable, businesses more productive, jobs more plentiful, the Internet more valuable, and Americans more safe and secure. Since its inception, the VON Coalition has promoted pragmatic policy choices for unleashing VoIP's potential. http://www.von.org