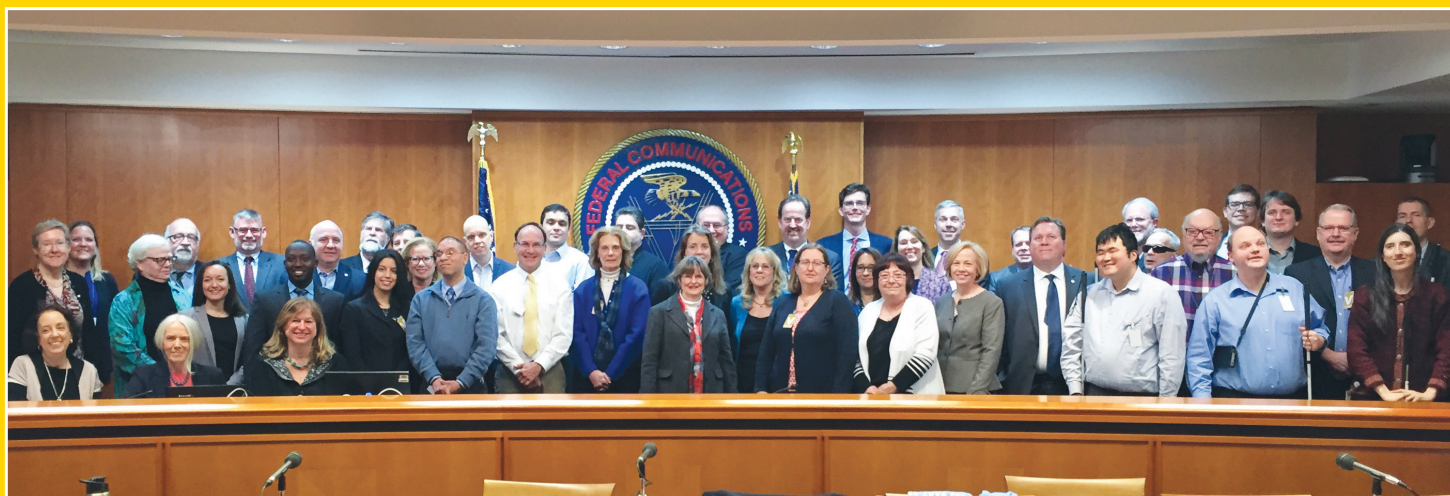




# WORLD

Technology News and Commentary for Deaf and Hard of Hearing People



## Disability Advisory Committee

### Federal Communications Commission

Starting on page 8

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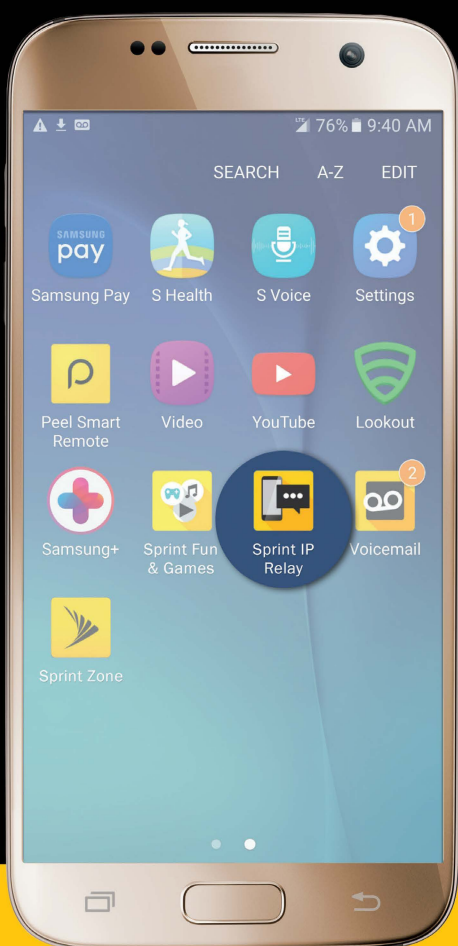
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page 23

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## TDI'S MISSION

**"TDI provides leadership in achieving equal access to telecommunications, media, and information technologies for deaf and hard of hearing people."**

## FEATURE STORIES

**FCC's Disability Advisory Committee..... pg 8**

**Members of The FCC Disability Advisory Committee..... pg 10**

**Subcommittee-Only members of the FCC Disability Advisory Committee ..... pg 12**

## REGULAR COLUMNS

**BOARD VIEWS by Sheila Conlon-Mentkowski, TDI President ..... pg 2**  
Communication and Inclusion

**CAPITOL COMMENTARY by Claude Stout, TDI Executive Director ..... pg 4**  
Thanks to the Commission for the Disability Advisory Committee

**FORWARD TOGETHER by Tayler Mayer ..... pg 6**  
Renewing the Membership System

**TDI IN ACTION June-August 2017 ..... pg 14**

## Thanks to These Advertisers:

**ALDA, pg 22**  
**Hamilton Relay, pg 3**  
**Maryland Relay, pg 7**  
**Sprint Accessibility, inside front cover**  
**Sorenson VRS, inside back cover**  
**Ultratec, back page**

Contact TDI WORLD editor for reprints of articles in PDF format.

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**Volume 48.3**

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## Board Views



**SHEILA  
CONLON-MENTKOWSKI**

*TDI President and  
Board Member, West Region*

**“Nikki Horrell was asleep when she was awoken by firemen who explained the family had to evacuate immediately due to spreading wildfire.”**

## Communication and Inclusion

**D**eaf and hard of hearing individuals are often left out of mainstream communications particularly when it comes to emergency notifications. Some examples are the recent hurricanes in Texas, Florida and Puerto Rico, and the Northwest wildfires. Another instance earlier this year was the Oroville, California dam breakage where people residing in that area were forced to evacuate ahead of flooding. In each instance the same phenomenon occurred where the local population was warned to evacuate, no ASL interpreters initially appeared and then when the interpreters were finally provided, the TV stations would not consistently focus on including the interpreter along with the speaker informing the audience of the evacuation orders and updates ongoing thus defeating the purpose of the interpreters, communicating the emergency information and updates to deaf viewers during the broadcast.

There were other anecdotes that deaf and hard of hearing people were often the last group to be aware of evacuation orders in their areas. It is a wonder more were not dead at the end of each natural disaster.

I viewed one individual's story on The Daily Moth, a deaf woman by the name of Nikki Horrell Schmitz who described her own personal experience surviving the Presley Fire near Sonoma. The Daily Moth interviewed her and I watched her harrowing story. She described her ranch in the Sonoma area that her father had bought years ago. She now operates a non-profit organization on the ranch, the Goat Rescue Center of Sonoma County. She was asleep when she was awoken by firemen who explained the family had to evacuate immediately due to spreading wildfire. She and her family left, attempting to rescue as many of their animals.

Later, when she compared notes with her nearest neighbor who was hearing, her neighbor said the community received a phone call at 10:00 pm that night alerting them to evacuate immediately and that it was a mandatory evacuation and everyone must leave. Nikki said deaf people should be alerted at the same time as hearing people, receiving the alert call so they can also safely evacuate and not need to rush at 3:00 am the following morning. Alex Abenchuchan, the Daily Moth host, noted late alerts for deaf people are unfortunately too common and something must be done to correct this unfortunate situation.

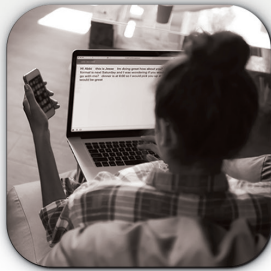
Nikki said all that was saved was her house due to the goats having nibbled a wide swath of grass around the house, leaving bare earth around the house so the fire was unable to reach it. Outbuildings were destroyed however so she is now in rebuilding mode.

Part of the overall problem here is lack of consistency of alerts. Some areas have text alerting systems while others do not. TDI and other groups have worked on this issue for years. Progress has been made but there is still a lot of work yet to be done before emergency alerts are consistent locally and nationally.

While we were at the TDI Conference in Maryland in July 2017, a number of participants who are from other parts of the United States received text alerts warning of flooding in the Maryland area nearby. I also received alerts while traveling through Pennsylvania during the summer that flash flooding may happen in the area I was driving through. I have not received similar alerts since then.

As I write this, Hurricane Ophelia

*Continued on page 7*



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## Capitol Commentary



BY CLAUDE STOUT  
*TDI Executive Director*

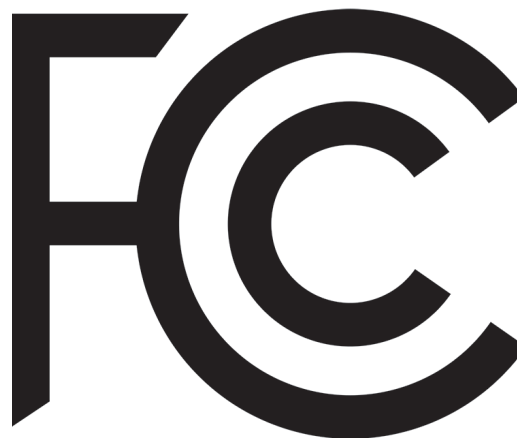
**“There are some times, when we try to convince industry and government that our access needs can be met as readily achievable, simply through extra effort, and with much less expense. Equally important, we have to take into account some constraints that industry has had with its resources, or government with its regulatory responsibility.”**

## Thanks to the Commission for the Disability Advisory Committee

**W**e are pleased to feature the FCC’s Disability Advisory Committee as the main topic for this quarterly TDI World magazine (Volume 48, Issue 3). In the main article, as you will get to in the next few pages, there is information on the mission, functions, membership, officers, subcommittees, and a three-year record of official recommendations to the Commission from the full Committee during its plenary meetings.

We are deeply grateful to the Federal Communications Commission for making this an additional federal advisory committee under its jurisdiction. The Commission has a number of other advisory committees that report to it, like Consumer Advisory Committee, Broadband Deployment Advisory Committee, Communications Security, Reliability, and Interoperability Council, Diversity and Digital Empowerment, North American Numbering Council, Technological Advisory Council, and the Advisory Committee for the World Radiocommunication Conference. In this regular column, I would like to cast some spotlight on some benefits this Committee has brought for the national disability community to have full access in communication and information services in the market.

The Commission established this advisory mechanism three years ago for consumer advocacy groups, industry, other federal agencies, state and local governments, and other entities that have vested interests in disability access. Over the years, these stakeholders have



participated in the Commission’s electronic comment filing system. The Commission maintains a thoroughly transparent electronic document system for its proceedings for its own documents, including Notices of Inquiry (NOIs), Notices of Proposed Rulemakings (NPRMs), Declaratory Rulings, Orders, and more. In this system, we have opportunities to file comments, reply comments, ex partes (summarizing meetings with Commissioners or staff in the Commission’s Bureaus and Offices), petitions, and other types of official documents.

We routinely ask to meet in-person and via conference call about certain proceedings and topics individually with the five Commissioners and/or their Legal Advisors, and/or the management/staff of Commission Bureaus and Offices. Without a doubt, the FCC is the best federal agency in Washington, DC that is providing such a fully accessible (a double pun as intended), open door policy to its stakeholders.

The most important benefit I can

**CAPITOL COMMENTARY** Continued from page 4

say here that comes from the DAC is that not all disability groups (or their respective constituents) have had the resources to keep up with the filings that they can make outside the DAC with the Commission on a range of topics. With the DAC, they get to participate in subcommittees/plenary meetings via email and conference calls making as much impact they can with their limited resources to advocate for their particular needs on a topic or an issue.

Our needs are not just extensive but also widely diverse, that it requires a full-time advisory mechanism at the FCC, with adequate funding and staff support to address them. As a result, sooner than later, hopefully our needs would be addressed by some action taken by the Commission via the DAC. Technological changes are fast-paced these days, so any progress we make immediate via DAC has a direct, empowering impact on our future.

When we have the subcommittees and full plenary meetings of the Disability Advisory Committee with the Commission, it brings all vested parties to the table. When we make filings or attend meetings at the Commission, we do them as representatives of a special interest group or a business, or a state or local government, but when we convene as part of the DAC at the FCC, we try to come down to some common ground, first through discussion via a number of meetings as a working group or a subcommittee under the DAC, then the subcommittee makes the recommendation to the full Committee.

Very often, when we have the “meetings of the mind,” we consumer advocates get some additional insight, thanks to the perspectives from industry and government, and for them, from us consumer groups,

and either industry or government. When we collaborate more with other stakeholders outside of the trenches, sometimes we see fit to alter whatever information or understanding we may have had about the market. There are some times, when we try to convince industry and government that our access needs can be met as readily achievable, simply through extra effort, and with much less expense. Equally important, we have to take into account some constraints that industry has had with its resources, or government with its regulatory responsibility.

The DAC has four subcommittees, and the FCC makes a point to assign at least two FCC staff members, one to serve as facilitator and another to be assistant facilitator for each subcommittee. The FCC staff gets to learn more about the topics that the subcommittees work on, and in due time, this helps them in conduct of their daily work at the FCC, especially when they take part in actual drafting of the Commission's Notice of Proposed Rulemaking or the Report and Order.

It also serves the Commission well, when DAC invites key officials from other Bureaus and Offices within the FCC to give presentations in the DAC plenary meetings. Sometimes the DAC invites the FCC's sister federal agencies to come and present in our meetings. In our last full DAC meeting, we had FEMA officials give us a briefing on their communication support and services for the disability communities in Houston, TX, Puerto Rico, and Florida when hurricanes hit their areas a few months ago. In another meeting, we had briefings from the FCC's other two advisory committees on the issues they work on, such as the Broadband Deployment Advisory Committee, and the Communications Security, Reliability, and Interoperability

Council IV.

When we convene for a subcommittee or a working group meeting, or a full DAC meeting, the FCC stands ready to provide sign language interpreting, CART, assistive listening systems, and tactile interpreting services. Some of us get to use FUZE, a video conference call software, that connects us from wherever we are across the nation to the FCC's video conference room.

When the Office of FCC Chairman gets any one recommendation from the full DAC, it recognizes that such official action has at least a majority vote support from the full DAC. Still, it can choose to adopt, or not to act on any of our DAC recommendations. We are optimistic that in the coming years, DAC will help guide the five-member Commission to make good with its decisions for any one of its formal proceedings, or to initiate a new process to address a certain disability access topic/issue. At least DAC serves as an effective vehicle for the disability community to maintain a dialogue on most pressing issues with the FCC, and members of industry and government (state and local). It helps FCC come up with additional information and resources for its interagency collaboration efforts with other federal agencies on issues that they both have joint jurisdiction, i.e. 911 access with the FCC overseeing the common carriers, and the DOJ overseeing the over 6,600+ public safety answering points (PSAPs).

Thank you, the FCC for giving the disability community, and its partnering entities – such as industry, government, academia, and consumer advocacy groups a more inclusive process to take part in public policy development, for advances in research, and greater access to newer technologies that will ensure a brighter future for all Americans with or without disabilities.

## Forward Together



BY TAYLER MAYER  
Managing Editor

**“A few words  
about our new  
membership  
system.”**

### ***Paying Membership Dues Online is Back!***

*Instead of mailing in your membership dues, enjoy the instant convenience of paying online by credit card. Go to our website and click on “Join Now”*

<https://tdiforaccess.org>

# Renewing the Membership System

**A**s many of you - the members of TDI - are aware, we have begun the process of moving to a new membership system. While the move has been rocky for a few of us, we must move forward together to become more efficient. The ultimate goal is to serve you better, and with that, I start by thanking you for your patience.

To use an analogy, to move TDI's membership system into the future, we did not simply install a new engine in a car. We got a brand new car. While the new car is shiny and smooth, the challenge is, as it always seems, making our existing data work with the new system.

Some of the challenges we have seen are listed below:

- 1.) A major component of the new system is to automate - by putting membership renewals online payable by credit card. While many have shared appreciation for this, not all are trusting of putting credit card information on the internet. We understand this, and will continue to send out paper applications for as long as it is requested. When you have mailed in your paper application, you will continue to receive email notifications reminding of your soon to expire membership.

This is because the paper application needs time to travel through the postal system to our address, and additionally, when we receive a number of paper applications, it takes time to process each of them.

Ignore the email notifications if you have sent your paper application in the mail. Once your application is processed, the email notifications will stop. The email notifications are sent automatically - the system has no way of knowing you have mailed your paper

application until your membership is updated.

- 2.) Recurring membership is a new feature of the membership system. As a convenience to our members, credit cards are charged automatically on an annual basis. This ensures your membership never lapses. Set it once and forget it. Of course recurring memberships can be cancelled at any time. Contact me personally and I will cancel it upon request.
- 3.) Our membership system credits renewals going back to when you last joined us. We are working on setting membership renewals going forward from the day we receive your payment.

Another benefit of the new membership system is we're able to automatically send paper applications to members whose memberships are expiring. That is right - up to now, we had been doing it by hand. The lengthy and tedious process involved folding letters, enclosing them in an envelope along with a return envelope. The return envelope also needed to be stamped. Mailing 2000 envelopes would take a group of four people three full days to complete. Now this is completely automatic. With a few clicks, we are done and the mailings are on its way. This is an example of efficiency - instead of stuffing envelopes, we can do more to serve you.

It is worth repeating: thank you for your patience. We appreciate it and your support. We are continuing work on improving and in time, we will have it ironed out.

If you have any questions about our membership system, don't hesitate to e-mail me and Claude at [membership@tdiforaccess.org](mailto:membership@tdiforaccess.org). We both will receive your message. Thank you very much!



## BOARD VIEWS Continued from page 2

visited Ireland. I noticed alerts on social media sites such as Facebook, some where the broadcasters did not have interpreters visible and others where the Irish deaf took it upon themselves to alert their counterparts in Ireland of the coming hurricane and the need to take shelter on social media such as Facebook. You can readily see the lack of inclusion is not isolated to the deaf community in the United States, but worldwide.

I subscribe to an app named Nextdoor which is similar to a bulletin board or discussion group for my neighborhood in Sacramento. We receive updates from community organizations, the police, city departments, city officials, and the like. Residents will also ask where to find alterations, landscapers,

tilers, carpenters, etc. as well as provide ratings, good or bad local businesses. I read a topic that is relevant here: a notice that my city, Sacramento, was rolling out a citywide alert using the system that has 72,000 residents enrolled and asking those who were not already enrolled to register. I registered. The notice stated the city was going to test the system around 10:19 am the next day on registered cellphones and email addresses. The next day, I received the test alert on my smartphone and e-mail.

TDI, NAD, ALDA, HLLA, CPADO, and other consumer organizations are working collaboratively with policy making organizations and government entities to improve the alerting situation. If you are aware of public meetings dealing with local emergency alerts and access, I urge you to attend

and remind the officials of the need to include the deaf and other minorities for timely and effective emergency alert notification.

Our TDI web page, under the Resources tab has a list of emergency preparedness resources which is updated ongoing. Another resource is the FCC web page on Text to 911, at [www.fcc.gov](http://www.fcc.gov) updated ongoing with local jurisdictions that have text to 911 capability and points of contact listed. Two of the FCC websites on 911 are as follows: <https://www.fcc.gov/consumers/guides> and <https://www.fcc.gov/general/9-1-1-and-e9-1-1-services>. These resources are updated ongoing so check back from time to time.

All for access, Sheila Conlon  
Mentkowski President, TDI Western  
Region Board Member



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\*Available to qualified applicants

# FCC's Disability Advisory Committee

Three years ago, on Dec. 2, 2014, the Commission announced the establishment of a new federal advisory committee, the Disability Advisory Committee (DAC), to provide advice and recommendations to the Commission on a wide array of disability issues within the FCC's jurisdiction. This Committee reports to the Chairman, Federal Communications Commission, which currently is Mr. Ajit Pai. The first two-year term of the DAC was authorized via a charter by the Commission on December 29, 2014. When the first charter expired, the Commission extended it with another new charter, paving the way for a second two-year term of the DAC on December 29, 2016. This second charter ends on December 31, 2018.

The mission of the DAC is to make recommendations to the Commission on its full range of disability access issues and to suggest ways to facilitate the participation of consumers with disabilities in proceedings before the Commission. This Committee is intended to provide an effective means for stakeholders with interests in this area to exchange ideas and develop recommendations to the Commission on accessibility policy, which will in turn enhance the Commission's ability to effectively address disability access issues. Issues or questions to be considered by the DAC may include, but are not limited to the following:

- Telecommunications Relay Services (TRS) (Section 225 of the Communications Act);
- Closed Captioning (Sections 303(u), (z), and 713 of the Communications Act);
- Video Description (Sections 303(u), (z), and 713 of the Communications Act);

- Access to Televised Emergency Information (Sections 303(u), (z), and 713 of the Communications Act);
- Accessible User Interfaces on Video Programming Apparatus/ Access to Program Guides and Menus Provided by Navigation Devices (Sections 303(aa) and

(bb) of the Communications Act);

- Communications Access:
  - Telecommunications Services and Equipment (Section 255 of the Communications Act);
  - Advanced Communications Services and Equipment (Sections 716 and 718 of the Communications Act);
  - The Impact of IP and Other Network Transitions on People with Disabilities.
  - Hearing Aid Compatibility (Section 710 of the Communications Act);
  - Access to Telephone Emergency Services (9-1-1) (Section 106 of the Twenty-First Century Communications and Video Accessibility Act); and
  - National Deaf-Blind Equipment Distribution Program (Section 719 of the Communications Act).



Elaine Gardner, left, the DAC Federal Designated Officer, speaks to the full DAC.



On the left, Lise Hamlin, HLAA and Sam Joehl, Level Access, Inc., lead the meeting as DAC Co-Chairs.



FCC Chairman Ajit Pai commends the Committee for its efforts, with Sam Joehl, the DAC Co-Chair on his right.

Members of the DAC are appointed by the Chairman of the Commission in consultation with appropriate Commission staff. Members are appointed either as Representatives or as Special Government Employees as necessary. Members represent a wide variety of entities with interests in disability access issues that are within the purview of the Commission. Members include representatives of organizations and other entities representing people with disabilities, including people who are blind or visually impaired, people who are deaf or hard of hearing, people with intellectual disabilities, people with multiple disabilities, including those who are deaf-blind, and people with

**COMMITTEE** Continued from page 8

speech disabilities. Members also include representatives of state or local governments and industry and, if serving as Special Government Employees, individuals with significant expertise in the issues to be addressed by the DAC. Together, these members were selected to represent a balance of viewpoints that are necessary to address effectively the issues to be considered by the DAC.

The FCC Chairman, in consultation with appropriate Commission staff, appoints individuals who are not members of the DAC to participate as members of a DAC subcommittee or other subgroup. These subcommittee members have voting privileges within the subcommittee, subcommittees or subgroups to which they are assigned, but do not have voting privileges at plenary meetings of the full DAC. These individuals were chosen for their expertise on specific issues.

A list of full and subcommittee members of the FCC's Disability Advisory Committee is provided in a list in a separate sidebar in this article. When you see the list, you will be impressed with the diversity and expertise of those who serve as representatives of industry, academia, government, and consumer groups on this Committee. For this current second two-year term, the co-chairs of the Disability Advisory Committee are Lise Hamlin (HLAA), and Sam Joehl (Level Access, Inc). Claude Stout, Executive Director, TDI has served as a member of the full DAC with Blake Reid, TDI's pro bono counsel from University of Colorado-Boulder giving back-up support as an alternate. Reid serves on the DAC's Video Programming and Emergency Access Subcommittees, while Stout serves on the DAC's Relay/Equipment Distribution Subcommittee.



Richard Ray, the City of Los Angeles, CA, gives a report on behalf of the Emergency Access Subcommittee with the DAC.



Suzy Rosen Singleton, Chief of Disability Rights Office, CGB, FCC gives her report to the Committee.



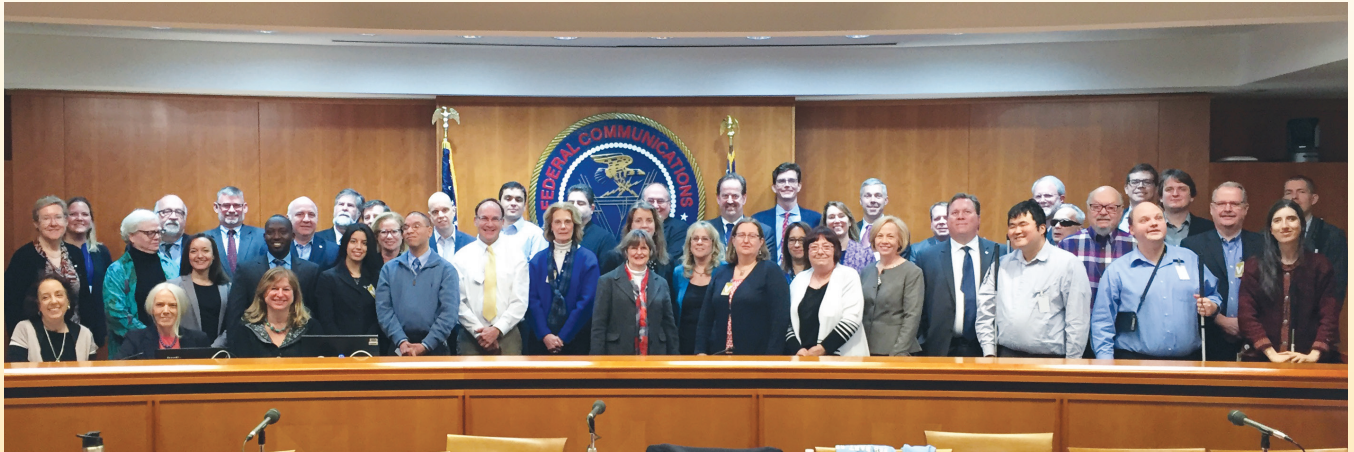
Claude Stout, TDI makes a comment while Zainab Alkebsi, NAD, and Richard Ray, the City of Los Angeles, CA look on.

The Commission provides the facilities and support staff necessary to conduct meetings of the DAC. DAC members are not compensated for their services. The Commission does, however, pay costs associated with the provision of reasonable communication accommodations for people with disabilities when such costs are directly associated with the conduct of the DAC's meetings, or are

directly associated with the conduct of subcommittee meetings. Some examples of reasonable communication accommodations include on-site sign language interpreters, meeting agendas produced in Braille, and computer assisted real-time transcription services (CART).

Key responsible staff members for the DAC within the Commission are Ms. Elaine Gardner, the DAC's Designated Federal Officer for the FCC, and Will Schell, the FCC's Alternate Designated Federal Officer. They report to Disability Rights Office (DRO), headed by Suzy Rosen Singleton, Chief, who in turn reports to Karen Peltz-Strauss, Deputy Chief, of the FCC's Consumer and Governmental Affairs Bureau (CGB). Generally, CGB is the FCC's bureau that is responsible for addressing matters on disability access to communication and video programming.

The DAC meets an average of three (3) times a year. Meetings of the DAC are open to the public and they are announced in advance in the Federal Register. The DAC facilitates its work through informal subcommittees, or other subgroups of the Committee, which report their activities and recommendations to the full Committee. During this second two-year charter, the DAC has four subcommittees and they are a.) Emergency Communications Subcommittee, b.) Relay/Equipment Distribution Subcommittee, c.) Video Programming Subcommittee, and d.) Technology Transitions Subcommittee. The work of the subcommittees have been done primarily through video teleconferences, e-mail correspondence and e-mail discussion lists. Recommendations from the subcommittees are made to the full



from left to right, either sitting or standing, Karen Peltz-Strauss (FCC), Rosaline Crawford (FCC), Heather York, Gay Jones, Elaine Gardner (FCC), Claude Stout, Kara Graves, Richard Ray, Isidore Niyongabo, Suzy Rosen Singleton, Bill Belt, Larry Goldberg, Zainab Alkebsi, Larry Walke, Dr. Helena Mitchell, Eddie Martinez, Tom Wlodkowski, Ron Bibler, Brian Scarpelli, BJ Gallagher, Bryen Yunashko, Lisa Hamlin, Rachel Nemeth, John Card, Linda Vandeloop, Tim Creagan, Maggie Nygren, Zachary Bastian, Maria Diaz, Phyllis Guinivan, Sarah Herrlinger, Tim Powderly, Jill Luckett, Everette Bacon, Sam Joehl, Ken Salaets, Jerry Berrier, Al Sonnenstrahl, Scott Davert, (person unidentified), Dr. Christian Vogler, Gary Behm, Jamie Taylor, and Will Schell.

# MEMBERS of the FCC DISABILITY ADVISORY COMMITTEE

*Second Term (2017-2018)*

*E. Elaine Gardner, Designated Federal Officer  
Will Schell, Alternate Designated Federal Officer*

## Co-Chairs:

**Lise Hamlin,**  
Director of Public Policy  
*Hearing Loss Association of America*

**Sam Joehl,** Accessibility Consultant  
*Level Access, Inc.*

## Individual Member Name and Title *Organization Represented:*

**Brian Scarpelli,** Senior Policy Counsel

Alternate: Joel Thayer, Associate  
Policy Counsel  
*ACT – the App Association*

**Dr. Maggie Nygren,** Executive  
Director & CEO  
*American Association on Intellectual &  
Developmental Disabilities*

**Anthony Stephens,** Director of  
Advocacy and Governmental Affairs

Alternate: Eric Bridges, Executive  
Director  
*American Council of the Blind*

**Mark Richert,** Director of Public  
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**Bryen Yunashko, Consumer**

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**Dana E. Lintz, Lead Correspondence**  
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# Subcommittee-Only members of the FCC Disability Advisory Committee

*Second Term (2017-2018)*

*E. Elaine Gardner, Designated Federal Officer  
Will Schell, Alternate Designated Federal Officer*

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*Accessible Media Inc.*

**Greg Hlibok**  
*CSDVRS (ZVRS)*

**Michael Maddix**  
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**Ross Lieberman**  
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**Dixie Ziegler**  
**Beth Slough (alternate)**  
*Hamilton Relay*

**Angie Officer**  
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**John Becker**  
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*Telecommunication Equipment Distribution Programs Association (TEDPA)*

**Joel Snyder**  
*Audio Description Associates*

**Rochelle Garrow**  
**Brenda Kelly-Frey (alternate)**  
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**Mark Fletcher**  
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*National Court Reporters Association*

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**Neal Tucker**  
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*Registry of Interpreters for the Deaf*

**Brittany Bender (alternate)**  
*VITAC*

**Jeff Rosen**  
*Convo Communications*

**Carl Richardson, Consumer**  
**Stephen Rosen, Consumer**





Karen Peltz Strauss makes a comment to the Committee, with Will Schell beside her.



Dr. Christian Vogler, Gallaudet TAP, makes a point before the FCC with Zainab Alkebsi on his left.



Byron Yunashko, representing Chicagoland DeafBlind Alliance, makes a comment for the full DAC.

#### COMMITTEE Continued from page 9

DAC, which can choose to modify and then ratify any such recommendations for inclusion in the official record of the DAC's proceedings, and as a part of a formal submission to the office of the FCC Chairman.

The recommendations, that were officially adopted by the full DAC during its ten plenary meetings in the last three years are located on this webpage, <https://www.fcc.gov/general/disability-advisory-committee>. The recommendations, in chronological order, were submitted to the Chairman's Office by the full DAC on a range of topics like:

- a.) Data and Information on Telecommunication Needs of People with Disabilities,
- b.) Wireless Emergency Alerts,
- c.) VRS Speed of Answer,
- d.) Real-Time Text,
- e.) New and Emerging Technologies,
- f.) TRS Access to N-1-1 Services,
- g.) Direct Video Access to 911,
- h.) Interagency Collaboration on Accessibility of Video Programming,
- i.) Issues to Consider for Video Described Video Programming NPRM,
- j.) Comments from DAC for PS Docket 15-91 on Improving Wireless Emergency Alerts and Community-Initiated Alerting,

- k.) Captioning Case Formatting,
- l.) HD Voice,
- m.) Amplified Phones,
- n.) 911 Training for VRS Communication Assistants,
- o.) IP Captioned Telephone Service Quality Standards,
- p.) Best Practices to Promote Effective Access to and Usability of ICT Products and Services for Americans with Cognitive Disabilities,
- q.) Internet of Things,
- r.) Video-to-Text,
- s.) Number Portability,
- t.) Accelerating Public Safety Answering Point Adoption of Real-Time Text,
- u.) Methods for Assessing Quality of IP-CTS, and
- v.) RTT Implementations with Refreshable Braille Displays

We must understand that while the full DAC has the privilege of making and submitting the recommendations to the Office of the FCC Chairman, this Office retains the final authority on whether to implement any of the official recommendations from the full DAC. The good news is that to date, the FCC Chairman's Office has fully or partially implemented nine recommendations, including recommendations on Real Time Text, New and Emerging Technologies,

and HD Voice and amplified phone standardization. Other recommendations have been cited in Commission orders and notices.

More information on the mission and activities of the DAC is available on the FCC website as follows: <https://www.fcc.gov/general/disability-advisory-committee>. Equally impressive, the Commission keeps a comprehensive online record on previous DAC meetings that occurred during the last three years, and for each meeting, you get to view the video of its deliberations, and read the full text of the agenda and minutes for that meeting. For instance, if you want to look up the results of its last full plenary meeting on October 16, 2017, check the link: <https://www.fcc.gov/news-events/events/2017/10/disability-advisory-committee-meeting>. To date, the full DAC has had ten plenary meetings at the FCC. If you wish to watch a live, DAC plenary meeting while it is taking place in the future, go to the FCC's main page ([www.fcc.gov](http://www.fcc.gov)) and scroll down to "Events," where you can click on a link to the live feed. Past meetings can be viewed on the event page for each meeting. If you wish to keep up to date about the scheduling of DAC meetings and other disability-related events, along with disability-related proceedings at the Commission, you can sign up to be on DRO's email distribution list called "AccessInfo" by sending a note to [accessinfo@fcc.gov](mailto:accessinfo@fcc.gov), and asking to subscribe in the message header or the body of the email.



# TDI In Action

June – August 2017

AADB = American Association of the Deaf Blind  
 ALDA = Association of Late Deafened Adults, Inc.  
 ASDC = American Society of Deaf Children  
 CC – closed captioning  
 CCASDHH = California Coalition of Agencies Serving Deaf and Hard of Hearing, Inc.  
 CGB = Consumer and Governmental Affairs Bureau  
 CPADO = Cerebral Palsy and Deaf Organization  
 CTS – Captioned Telephone Service  
 DHHCAN = Deaf and Hard of Hearing Consumer Advocacy Network  
 DRO = Disability Rights Office  
 E-911 – Enhanced 911  
 FCC = Federal Communications Commission  
 FNPRM – Final Notice of Proposed Rulemaking  
 HLAA = Hearing Loss Association of America

IP – Internet Protocol  
 NAD = National Association of the Deaf  
 NBDA = National Black Deaf Advocates  
 NG-911 – Next Generation 911  
 RERC-TA = Rehabilitation Engineering Research Center on Telecommunication Access  
 SCAT/SCABT = Speech Communications Assistance By Telephone, Inc.  
 SoA = Speed of Answer  
 TAP = Technology Access Program at Gallaudet University  
 TDM = Time Division Multiplexing, a method of handling electronic communications  
 TIA = Telecommunications Industry Association  
 TLPC = Samuelson-Glushko Technology Law & Policy Clinic  
 TRS – Telecommunications Relay Service  
 VRS – Video Relay Service

## Captioning, Subtitles, and User Interfaces

■ Ex parte to Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard • GN Docket No. 16-142

(June 29) On Tuesday, June 27, Dr. Christian Vogler of the Technology Access Program at Gallaudet University (TAP) and Blake Reid, Counsel with Telecommunications for the Deaf and Hard of Hearing Inc. (TDI), spoke with Nancy Murphy, Martha Heller, Steven Broeckaert, Brendan Murray, Diana Sokolow, Evan Baranoff, Kathy Berthot, and Kim Matthews of the Media Bureau, Karen Peltz Strauss of the Consumer and Governmental Affairs Bureau, and Suzy Rosen Singleton, Will Schell, and Sarah Burgart of the Disability Rights Office regarding the above-referenced matters. We reiterated the positions of TAP and the deaf and

hard of hearing Consumer Groups in our comments in Docket No. 16-142, including the Consumer Groups’ and TAP’s general support of the proceeding to authorize the transition. We noted the importance of applying the Part 79 rules to both broadcasters originating and multichannel video programming distributors (MVPDs) passing through ATSC 3.0 streams to ensure that deaf and hard of hearing viewers are able to continue accessing broadcast programming on equal terms, consistent with Congressional intent and long-standing Commission precedent. We noted that the Commission should commit to conducting an additional proceeding to resolve any outstanding issues with accessibility and other features before broadcasters are allowed to switch exclusively to ATSC 3.0 streams, particularly to address new technologies, such as image overlays, that the ATSC 3.0 captioning standard might facilitate, and to consider phasing out old technologies, such

as CEA-608 captions. Finally, we noted our disappointment that the Commission has not yet pressed ahead on requiring improved accessibility for menus to customize the font, size, color, and other features of captions on set-top boxes, televisions, and other apparatus. Access to these features is critical to ensure access for people who are deaf blind or who are deaf and have vision impairments. While we will investigate the possibility of the transition to the ATSC 3.0 standard as a context in which set-top box, television, and other manufacturers can improve the accessibility of these menus, it remains incumbent on the Commission to adopt rules that ensure that consumers can actually access captions, consistent with the requirements of the Television Decoder Circuitry Act, the Telecommunications Act of 1996, and the Twenty-First Century Communications and Video Accessibility Act (CVAA).

TDI IN ACTION Continued on page 15



# TDI In Action

## June – August 2017

Continued from page 14

<https://ecfsapi.fcc.gov/file/10629122213155/2017.06.29%20Ex%20Parte%20Draft%20final.pdf>

■ Ex Parte to the Amended Petition for Waiver of Accessible User Interfaces Requirements by FCA US LLC, MB Docket No. 12-108

(August 22) TDI, CPADO, CSD, HLAA, NAD, and CCASDHH, along with DHH-RERC and IT-RERC submitted this written ex parte regarding the amended petition for waiver of accessible user interface requirements filed by Fiat Chrysler 2 Automobiles US LLC (“FCA US”) with the Federal Communications on June 15, 2017. Consumer Groups and RERCs appreciate FCA US’s expressed commitment to comply with all accessibility requirements in Section 204 of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA). ... FCA US’s broad efforts to ensure its vehicles are designed to serve all individuals with disabilities sends a signal to other manufacturers that they must continuously monitor production processes, take immediate corrective action when non-compliance is discovered, and inform the Commission of such non-compliance. While Consumer Groups and RERCs do not oppose the waiver sought by FCA US, they do ask the Commission to include certain clarifications in its order, should it grant the waiver. Importantly, the Commission should make clear that “supplier error” is not sufficient “good cause” for a waiver in and of itself. It should also reiterate that waivers are granted only when “compelling special circumstances in the context of [a] specific waiver request . . . warrant a deviation from the general rule.” In this case, FCA

US took immediate remedial steps to correct the error once discovered. For example, it implemented processes to ensure that all unsold vehicles are made compliant before they are sold and to automatically update already-sold vehicles when they are brought into a dealer for any reason at no cost to the owner. If the Commission grants the permanent waiver for the already sold vehicles, it should include two clarifications. First, the Commission should specify that the permanent waiver only applies to the 4,400 Dodge Journey vehicles manufactured in January and February of 2017 and sold before June 15, 2017 that were already identified by FCA US. Consumer Groups and RERCs further ask the Commission to encourage FCA US to incorporate into its notification efforts to current owners an advisory that even if they are not in immediate need of the accessibility features, a future owner of the vehicle may be. Consumer Groups and RERCs ask the Commission to require FCA US to instruct its dealers to update these vehicles as soon as possible rather than “just before sale during the pre-delivery process.” This will avoid a situation where a dealer inadvertently fails to upload the audio files before the vehicle is sold. Consumer Groups and RERCs further ask the Commission to require that FCA US file annual status reports for the next five years or until all sold and unsold vehicles have been updated. Consumer Groups and RERCs recognize that, despite these efforts, FCA US might never be able to update all non-compliant vehicles identified in the Petition, but these status reports will ensure that the company remains diligent in its stated efforts to remedy the situation for a reasonable timeframe. Finally, in order to deter other inadvertent errors that result

in non-compliance with the CVAA, Consumer Groups and RERCs ask the Commission to include a statement of best practices directed toward all auto manufacturers encouraging them to incorporate testing of accessibility features into its standard testing procedures, if they have not done so already.

[https://ecfsapi.fcc.gov/file/1082293832112/Consumer%20Groups%20and%20RERCs%20Ex%20Parte%20C%20Chrysler-Fiat%20Accessibility%20Waiver%20\(final\).pdf](https://ecfsapi.fcc.gov/file/1082293832112/Consumer%20Groups%20and%20RERCs%20Ex%20Parte%20C%20Chrysler-Fiat%20Accessibility%20Waiver%20(final).pdf)

■ Ex Parte to Status Report on Waiver of Accessible User Interfaces Requirements of Honda Motor Co., Ltd, MB Docket No. 12-108

(August 22) TDI, CPADO, CSD, HLAA, NAD, CCASDHH, DHH-RERC, and IT-RERC filed an ex parte on the July 20, 2017 Status Report filed by Honda Motor Co., Ltd. concerning its compliance with its limited waiver of user interface accessibility requirements of the Twenty-First Century Communications and Video Accessibility Act of 2010. The FCC granted Honda this limited waiver on March 16, 2017 in response to a petition filed by Honda on December 20, 2016. The proposed solution described in Honda’s status report does not meet the CVAA requirements for digital apparatus. Consumer Groups and RERCs opposed what was, in effect, a request for unconditional extension of the waiver to bring the Acura MDX into compliance without adequate showing of cause. In its Petition, Honda stated that it “fully intends to offer RES options that achieve the functionality sought by the [CVAA].” Consumer Groups and RERCs did not oppose Honda’s Petition for waiver, so long as “Honda

TDI IN ACTION Continued on page 16



# TDI In Action

## June – August 2017

Continued from page 15

acknowledge[d] the full breadth of its obligations under the CVAA” in its implementation plan. In particular, to meet all CVAA requirements and Commission rules, Consumer Groups and RERCs noted that Honda is obligated to “ensure that digital apparatus, such as Honda’s RES, are accessible to individuals . . . who are deaf or hard of hearing and those who are blind or visually impaired.” In a step forward from its Petition, Honda did acknowledge in its Status Report that it is obligated to make its RES accessible for both the “visually and hearing impaired.” However, it was apparent that Honda’s proposed solution violates the letter and spirit of the CVAA and Commission rules. Honda should provide clarity on whether its RES has built-in closed captioning, subtitles, or both. As Honda acknowledged in its Status Report, the CVAA requires manufacturers to ensure that a digital apparatus with built-in closed captioning complies with the rules. However, in its description of how users activate accessibility features, Honda describes how users can turn on “subtitles,” an altogether different feature with a different purpose. The Commission should ask Honda to explicitly clarify which features are included in its RES and whether its proposed solution is designed to activate closed captioning. If the RES does not have built-in closed captioning, Consumer Groups and RERCs urge Honda to incorporate it. The CVAA requires that digital apparatus have “a mechanism that is reasonably comparable to a button, key, or icon designated for activating the closed captioning or accessibility features.” Rather than having one designated button, key, or icon for

activating closed captioning, Honda requires users to press two unrelated buttons four times. And by requiring individuals with disabilities to activate an “Accessibility Mode” before being able to turn on closed captioning and video description features, Honda is adding an unnecessary layer of complication. Conversely, Honda could ensure its OnScreen Display menu has an intuitive way to turn on closed captioning (e.g., a well-labeled icon that is easy to find with minimal button clicks). Honda’s Status Report states that users can use its OnScreen Display menus to turn on accessibility features, but contrary to the FCC’s instructions, it did not describe how individuals with disabilities could access those features using the OnScreen display menu. Consumer Groups and RERCs ask the Commission to instruct Honda to abandon its multi-button solution, have it describe how individuals with disabilities can activate the accessibility features. The Commission should guide Honda toward a solution that uses the RES OnScreen Display to show that accessibility features are activated for deaf and hard of hearing individuals. There is no indication in its Status Report that Honda or its supplier engaged in a needs assessment with a select control group of individuals who are deaf, deaf blind, hard of hearing, or who have additional disabilities. In its Status Report, Honda has not shown the good cause necessary to demonstrate that this is a special circumstance warranting further waiver for its Acura MDX. For example, Honda stated in its Status Report that it has taken seven months for it to “determine that the MDX’s hardware is incapable of supporting the software changes necessary to bring the MDX RES into compliance with the Act.” But

Honda said in its original Petition that the MDX hardware and software was unlikely to support the changes necessary and the Commission acknowledged that Honda would “need to redesign operating system electronics” when it granted the initial waiver. Honda said in its Status Report that its supplier for the MDX RES “does not have the requisite expertise with the necessary hardware or software to bring the MDX’s RES into compliance.” But it did not explain why its supplier no longer has the requisite expertise to modify its own hardware and software, whether it sought other technical expertise outside of this supplier to modify the existing equipment, or whether it explored finding another supplier to provide equipment that will allow the MDX to be in compliance by the deadline. Honda said in its Petition that it “is actively experimenting with alternative methods of integrating any necessary technology.” It does not explain now whether these efforts were successful or why they were not. Honda does not explain why it requires more time to comply with the rules than all other manufacturers were given initially. It is clear that Honda has not explored all available options to bring the MDX into compliance by the deadline granted in the waiver and thus it does not have good cause for receiving an additional waiver. The Commission said in its Order granting the waiver that lack of knowledge is not a sufficient reason by itself to be noncompliant with the rules.

[https://ecfsapi.fcc.gov/file/10822965216090/Consumer%20Groups%20and%20RERCs%20Comment%2C%20Honda%20Status%20Report%20\(final\).pdf](https://ecfsapi.fcc.gov/file/10822965216090/Consumer%20Groups%20and%20RERCs%20Comment%2C%20Honda%20Status%20Report%20(final).pdf)

TDI IN ACTION Continued on page 17



# TDI In Action

June – August 2017

Continued from page 16

## Telecommunications Relay Services

■ Reply Comments, NOI and FNPRM, Standards and Practices of VRS

(June 26) TDI, NAD, CCASDHH, DHHCAN, CPADO, and DSA submitted these brief reply comments in response to initial comments filed on the service quality metrics and certain other issues. Consumer Groups reiterate that performance goals and metrics are integral to achieving functional equivalency and functional equivalency demands that VRS, like traditional telecommunications services, have performance metrics. The Consumer Groups disagree that because performance metrics will be “extremely difficult to measure” and develop, the Commission should rely on market forces to ensure VRS provider performance. The Commission cannot rely on market forces to improve VRS performance. Interpreter translations from the message conveyed in sign language to giving information in English by voice must be the primary component of VRS metrics. Only after performance metrics are developed on a collaborative basis and put in place will VRS providers achieve a higher level of service with less misinterpretation of/repeated efforts to clarify calls handled via VRS. Although improved service quality could result in a higher per minute cost for VRS service, better performance should result in more efficient calls because the Communications Assistants will convey each side of the conversation accurately the first time, rather

than having to clarify or repeat portions of the conversation that are poorly translated between voice and American Sign Language. Better performance should result in fewer minutes spent on an average VRS call, which could offset any higher per-minute cost. In short, improvements in performance may ultimately lead to cost benefits for VRS providers and the TRS Fund. Consumer Groups reiterate that no legitimate VRS call should be blocked or denied. Consumer Groups do not support broad CA discretion to report end users to law enforcement. The Commission should not condone a slippery slope when it comes to maintaining the confidentiality of the content of VRS calls. One VRS provider suggested that each VRS user submit a picture to her service provider, who would visually authenticate the end user every time she makes a call from a public videophone. Consumer Groups oppose this proposal because it is not functionally equivalent. If the user of a public phone gives her ten-digit VP number each time she uses a public videophone, this should suffice. Hearing people do not have to provide pictures to their service providers to use a public phone and neither should VRS users. Consumer Groups support amending section 64.613 of the Commission’s rules to allow all providers of direct video calling customer support services to access the TRS Numbering Directory (not just VTCSecure) so long as the Commission ensures that the direct connections are an option to consumers without replacing VRS. Consumer Groups suggest that the Commission amend its rules so that all providers of direct video calling customer support services may only add a direct video calling customer service number to the TRS Directory

if such number (1) offers consumers the option of choosing direct video calling or VRS or (2) is dedicated to a direct video line and separate from the company’s customer service number for the general public. Others agreed with Consumer Groups’ position and we urge the Commission to take such action to ensure customer choice to connect to customer representatives via VRS with a video relay interpreter or to place a DVC call with an ASL-fluent customer service representative.

<https://ecfsapi.fcc.gov/file/1062685746885/Consumer%20Groups%20Reply%20Comments.pdf>

■ VRS Survey Results, filed with the FCC for its Review and Information

(July 5) Technology Access Program, Gallaudet University filed a letter with the FCC about the results of the VRS survey which it conducted jointly in 2016 with Telecommunications for the Deaf and Hard of Hearing Inc., and National Association of the Deaf. The user survey was conducted online to gather input on Video Relay Service quality aspects. The purpose of this survey was to explore user perceptions of video relay service quality, especially as related to interpreting. The results, from selected questions, are included in this filing.

<https://ecfsapi.fcc.gov/file/10705144575070/Consumer-TAP-July%203-VRSSurvey.pdf>

<https://ecfsapi.fcc.gov/file/10705144575070/VRSSurveyFCCExParteCover.pdf>

■ Letter to FCC re: Call Confidentiality with VRS Calls

(July 24) NAD, TDI, DSA, CPADO, DHHCAN, and Gallaudet University filed an ex parte to the FCC regarding



# TDI In Action

## June – August 2017

Continued from page 17

call confidentiality with VRS calls. We were quite alarmed at the recent filings submitted by several video interpreters (VIs). These VIs feel they should not be required to handle relay calls appearing to involve illegal activity and should be permitted the ability to terminate any suspect calls. Consumer Groups and Gallaudet University are concerned that these troubling comments mischaracterize the role of a communications assistant (CA) as someone who “polices” and “enforces” against perceived illegal conversation content. Such a mischaracterization fails to recognize that allowing CAs to determine what calls are allowed or not allowed would be an outright denial of functional equivalence for telecommunications use for deaf and hard of hearing people. These VIs believe that they should not be required to provide telecommunications services during calls that they deem are furthering the commission of a crime, but instead should be permitted to monitor and report any such illegal activity. Such a position is outrageous and indefensible. These VIs’ proposal is un-American and unconstitutional in that they propose to strip deaf and hard of hearing Americans of their constitutional right to private telephone calls, and do so without wiretaps authorized by properly issued warrants. If both parties of a call were hearing, there is no one “policing” their call and ensuring they do not engage in criminal activities. Just because one party on a call is deaf does not create a constitutionally permissible reason to subject the call to monitoring and policing. Absent any court-sanctioned wiretap, two hearing persons on

the voice telephone do not expect that the telephone company or a government-appointed third party to be monitoring their communications for unlawful conduct. Further, they do not expect that the telephone company or any third party will be making judgments as to whether to end the call based on content. Deaf and hard of hearing individuals have the same legal rights and protections. Therefore, any exception to strict confidentiality of TRS calls would undermine functional equivalence and infringe upon the constitutional right and expectation of deaf and hard of hearing callers to private and unhindered telecommunication calls. Deaf and hard of hearing callers should not be subject to a lower expectation of privacy than hearing users of the voice telephone system. The rights of deaf and hard of hearing users should be first and foremost in how relay calls are to be conducted; the discomfort of CAs is irrelevant and immaterial. Anything to the contrary is not only unconstitutional but also a slippery slope for breaking confidentiality, especially for split-second judgments of brief calls without context. As Consumer Groups have long reiterated, “the Commission should not condone a slippery slope when it comes to maintaining the confidentiality of VRS calls.” A “policed” environment would fundamentally undermine the meaning of a functionally equivalent TRS. Without a “dial tone” policy, there would be absolutely no trust in TRS. The Commission has supported the rights of deaf and hard of hearing people to functionally equivalent telecommunications, and has explained in a 2004 rule making that “TRS providers have generally understood that they must relay all calls regardless of content,”

even if the call is obscene, “threatens the called party,” or “discusses past or future criminal content.” Similarly, in a 2004 Public Notice, the Consumer and Governmental Affairs Bureau indicated “the TRS statutory and regulatory scheme do not contemplate that the CA should have a law enforcement role by monitoring the conversations they are relaying.” These positions of the Commission are in line with the intent of Congress in passing the Americans with Disabilities Act (ADA) in 1990. Congress directed the Commission to adopt regulations that “prohibit relay operators from failing to fulfill the obligations of common carriers by refusing calls” and “prohibit relay operators from disclosing the content of any relayed conversation.” However, we agree that CAs should not be held liable for facilitating and keeping confidential all calls, regardless of content. Liability should not attach to the CAs’ handling of any relay call so as to ensure that all calls are equally private, whether the parties on the calls are hearing or deaf. The Commission should reiterate its position that TRS CAs are required to interpret all calls, even calls that they feel may be facilitating criminal activity or may conflict with their values or beliefs. CAs that fill TRS operator positions should be fully cognizant of what the position entails as a condition of employment. If a CA is not comfortable with such mandates, then that CA should reconsider whether this type of employment is a good fit for them. Any infringement upon our right to access telecommunications on equal terms is unacceptable. We urge the Commission to act decisively to confirm that CAs must relay all calls



# TDI In Action

## June – August 2017

Continued from page 18

without interference and without being held liable in doing so.

[https://ecfsapi.fcc.gov/file/1072492131655/Final\\_Consumer%20Groups%20Ex%20Parte%20Letter\\_Call%20Confidentiality.pdf](https://ecfsapi.fcc.gov/file/1072492131655/Final_Consumer%20Groups%20Ex%20Parte%20Letter_Call%20Confidentiality.pdf)

■ Reply Comments to Sorenson's Petition for Partial Reconsideration - "Relay User Equipment" (RUE) and ACE App

(August 17) TDI, NAD, DHHCAN, ALDA, CPADO, and DSA filed reply comments with the FCC in response to the Public Notice released by the Consumer and Governmental Affairs Bureau of the Federal Communications Commission, seeking comment on a petition filed by Sorenson Communications, LLC's petition for partial reconsideration, or in the alternative, suspension of the deadline for implementation of the Relay User Equipment ("RUE") Profile technical standard adopted in the 2017 VRS Interoperability Order. Omnitor AB, the Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing, Gallaudet University, and the Rehabilitation Engineering Research Center on Universal Interface and Information Technology Access at the University of Maryland also support these Reply Comments. Sorenson asserts that the RUE Profile and Accessible Communications for Everyone Application ("ACE App") remain incomplete and the Commission or CGB should therefore suspend the implementation deadline while problems with the RUE Profile and ACE App can be resolved. Sorenson states that Video Relay Service providers should have at least one

year after the RUE Profile and ACE App are released for testing before they must support communications with ACE App endpoints, rather than one year from adoption of the 2017 VRS Interoperability Order. Sorenson alleges that the RUE Profile is still in draft form and lacks necessary security provisions and operational details with respect to security, maintenance, support and centralized services. Sorenson further states that users are unable to update his/her registered locations for 911 purposes in the RUE Profile. With respect to the ACE App, Sorenson asserts several shortcomings. First, Sorenson explains that web-based repositories regarding each VRS provider that assist with establishing communication between the ACE App user and the VRS provider's network do not exist, nor does there appear to be any action toward creating and maintaining them. Second, similar to the RUE Profile, the current version of ACE App does not include an in-App mechanism for users to update his/her registered location for 911 purposes which will result in routing of 911 calls to Public Safety Answering Points associated with the user's original location without regard to how many times he/she has changed locations. According to Sorenson, a user would therefore have to take affirmative steps to notify the VRS Provider via customer service (which may be unavailable during some nights and weekends) each time he/she changes locations. Sorenson also states that the current vendor has allegedly been told not to develop or maintain any versions of the ACE App except for Windows. Finally, Sorenson argues that the ACE App lacks a way for VRS providers to verify the authenticity of the ACE App leading to concerns about malware and the risk that calls from ACE

App users may be ignored by VRS providers as a result. As a general matter, in order to truly achieve the goal of providing functional equivalency in telecommunications relay services, interoperable communications must be readily available and achieved with anyone, anytime, and anywhere. Consumer Groups believe that the RUE Profile and ACE App in combination with the VRS Interoperability Profile provide an unprecedented opportunity to resolve longstanding barriers to VRS users enjoying the same freedoms that mainstream telephone users enjoy, such as being able to call others without having to go through preferred vendors or having their intended call recipients "registered" in the VRS system in advance and using the same mainstream technologies as everyone else. Additionally, the ACE platform itself could be advanced, at some point, as a free open-source communication platform directly usable by consumers in addition to being a model from which others can build innovative products and services. Consumer Groups urge the Commission and CGB to not abandon these efforts now due to issues that can be remedied with a little extra work and collaboration, as doing so would only further delay achievement of functional equivalency and continue relegating VRS users to a second class communications ecosystem while other consumers enjoy an unprecedented variety of innovative communications technologies. The Commission should make clear the extent to which the rules require the provision of the user's actual location automatically in each 911 call without the need for any specific user action



# TDI In Action

## June – August 2017

Continued from page 19

other than calling 911 and the extent to which an in-App mechanism meets this requirement. Accordingly, Consumer Groups believe that the additional work necessary to address 911 concerns should be outlined by the Commission, providers, and other stakeholders with the goal of strengthening the RUE Profile's 911 calling capabilities. Consumer Groups also are concerned regarding Sorenson's claims with respect to the development of the ACE App for use only with Windows. Consumers use phones, tablets and other electronic devices over a wide range of platforms and VRS users must have a similarly wide selection of choices regarding equipment and software interfaces as well as hardware options. Consumer Groups urge that the ACE App be made available on all widely used platforms previously identified by the CGB including Android, Apple, and iOS in addition to Windows to ensure that consumers can use the ACE App without purchase of a new device. If VRS providers ignore calls as a result of the provider's inability to authenticate the ACE App via a client certificate or other method of authentication, the user may have no ability for their calls to successfully reach the intended recipients. This is especially concerning with respect to emergency or other important and time-sensitive calls. If implementation of the RUE Profile and ACE App in their current forms could result in calls being ignored for justifiable network security concerns, a delay in implementation may be appropriate until such concerns can be resolved.

<https://ecfsapi.fcc.gov/file/108171617920353/Reply%20>

*Comments%20of%20Consumer%20Groups.pdf*

### ■ Net Neutrality

Comments to Protecting and Promoting (Restoring Internet Freedom)

(July 17) TDI, NAD, HLAA, ACB, ALDA, CPADO, DHHCAN, DHHRERC, UIITA-RERC, and Prof. Clayton Lewis urged, via filing of comments with the Commission ... to maintain the net neutrality rules in their current form. Since the Commission adopted the existing rules, consumers who are deaf, hard of hearing, blind, visually impaired, or deaf blind have increasingly come to rely on high bandwidth applications that facilitate accessible communication and navigation on equal terms. As a result, consumers with disabilities are ever more governed in their ability to use the Internet on equal terms by the network practices of broadband Internet access service (BIAS) providers.

As a result, it is critical that the Commission:

- Maintain the transparency rule to ensure that consumers with disabilities can better understand how BIAS provider plans, terms, and practices will affect their ability to use the applications and services of their choice;
- Maintain the no-blocking rule to ensure that consumers with disabilities are not discriminated against in their ability to use applications that consume significant bandwidth; and
- Maintain the no-throttling, no-paid-prioritization, and general conduct rule to maintain a healthy ecosystem for the development of

accessible applications.

We also urged the Commission to defer resolving complicated questions about reasonable network management, consumer complaints, and enforcement until it has restored certainty regarding the general contours of the rules.

[https://ecfsapi.fcc.gov/file/1071783345674/2017.07.17%20Consumer%20Groups%20%2B%20Researchers%20Open%20Internet%20Comments%20\(final\).pdf](https://ecfsapi.fcc.gov/file/1071783345674/2017.07.17%20Consumer%20Groups%20%2B%20Researchers%20Open%20Internet%20Comments%20(final).pdf)

■ (August 30) TDI, NAD, HLAA, ALDA, CPADO, DHHCAN, DHHRERC, UIITA-RERC, and Prof. Clayton Lewis urged, via filing of reply comments to initial comments on the Commission's May 23, 2017 Notice of Proposed Rulemaking in WCB Docket No. 17-108. The record stands largely in support of our initial comments, which emphasized the importance of maintaining the Commission's Open Internet rules to protect the ability of consumers with disabilities to make educated decisions about broadband access and use high-bandwidth, accessibility-oriented applications of their choosing. ... We do not support and have not seen evidence demonstrating the proposition that paid prioritization is important or necessary for accessibility-oriented applications, particularly on modern broadband networks. As a practical matter, we and our members rarely observe network congestion or other performance issues that affect the performance of accessible applications in the wild aside from those caused by misconfigured or underperforming routers and firewalls not under the control of BIAS providers. The top technical factor in those problems is



# TDI In Action

## June – August 2017

Continued from page 20

wireless interference, particularly in the unlicensed bands used by WiFi routers—a serious problem but one that paid prioritization arrangements upstream from routers would do nothing to mitigate. Rather, as our comments explain, the primary upstream barrier that consumers with disabilities face is not congestion, but the widespread proliferation of data caps that limit consumers' ability to use high-bandwidth applications such as video calling on equal terms. We again emphasize that we support Commission action to articulate the contours of the reasonable network management exception to the rules to address non-commercial prioritization concerns such as quality-of-service guarantees, which may affect accessibility oriented applications. But we reiterate our long-standing belief that the Commission can do so within the contours of the existing Open Internet rules instead of allowing for prioritization practices that raise the prospect of significant competitive, cost, and privacy harms that will come at the expense of consumers with disabilities.

<https://ecfsapi.fcc.gov/file/1083154418869/2017.08.30%20Consumer%20Groups%20%2B%20Researchers%20Open%20Internet%20Reply%20Comments%20Final.pdf>

## Other Issues

### ■ Comments to Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment

(June 15) TDI, NAD, CSD, HLAA, CPADO, DSA, ALDA, DHH-RERC, and IT-RERC submitted these comments in response to the Federal

Communications Commission's April 20, 2017 Notice of Proposed Rulemaking in the above-referenced proceeding. The NPRM proposes to narrow the scope of service discontinuance that would require notice under 47 U.S.C. §214(a) and to eliminate certain notice requirements regarding discontinued services. These proposals are extremely concerning because they risk leaving users of text telephone ("TTY") devices without warning of a service change that could affect the operability of these devices. In the midst of the TTY-to-Real Time Text ("RTT") and Next Generation 911 ("NG-911") transitions, these proposed changes also risk leaving consumers with disabilities unable to access 911 services. Many people with disabilities, their friends and families, businesses, and public services, including emergency services, continue to rely on TTYs. In its December 2016 order initiating the transition from TTY to RTT technology ("RTT Order"), the Commission acknowledged the need to ensure that TTY use remains accounted for in the rapidly transitioning telecommunications ecosystem. The Commission explained that "certain people who are still reliant on TTYs . . . including persons who cannot afford high speed access, people in rural areas for whom IP service is not available, and senior citizens who might be reluctant to try new technology." The Commission also recognized that "TTYs are still used by many government agencies and that some places of public accommodation (e.g., hotels and hospitals) offer only TTYs as their method for text-based communication." As Consumer Groups pointed out in their 2015 Comments in the Technology Transitions docket, "[c]onsumers

may not be fully aware that a service transition might impact their existing devices." Without adequate notice that these devices could be rendered inoperable by a change in service, the individuals, services, and businesses that rely on TTY machines will have no warning that they must take steps to adopt suitable replacements. It is imperative that users of TTY receive notice when service transitions might affect their accustomed communication. Discontinuance notices are especially critical to ensuring that all people continue to have access to 911 services. The Commission explained in the RTT Order that "many PSAPs are still reliant on TTY technology to receive calls from people with disabilities." This reliance is very likely to continue during the service transitions discussed in this proceeding because, although the transition to RTT is underway, "the complexity of the 911 system may delay PSAPs' transition away from TTY," a point stressed by AT&T during the RTT proceedings. Continued reliance on TTY and "uncertainty as to how soon RTT will be universally available and familiar to users of wireline and wireless services" kept the Commission from setting a sunset date for backward compatibility with TTY in the RTT Order. Indeed, in the most recent round of comments this year, public safety telecommunications groups opposed setting a sunset date for TTY compatibility. For example, the Association of Public-Safety Communications Officials-International believes that "a sunset date would harm public safety by leaving certain PSAPs and the public they serve without the option to communicate by TTY or RTT." The



## TDI In Action

June – August 2017

Continued from page 21

Commission must not undermine efforts to ensure that TTY users remain able to communicate and access services in the coming years by narrowing or eliminating service discontinuance notifications. Consumer Groups and RERCs urge the Commission to ensure that TTY users are not left without notice concerning service transitions that risk rendering their devices inoperable.

[https://ecfsapi.fcc.gov/file/10616180869368/Consumer%20Groups%20and%20RERCs%20Tech%20Transition%20Comment%20\(final\).pdf](https://ecfsapi.fcc.gov/file/10616180869368/Consumer%20Groups%20and%20RERCs%20Tech%20Transition%20Comment%20(final).pdf)

■ (July 17) TDI, NAD, HLAA, CPADO, CCASDHH, ALDA, DHH-RERC, and IT-RERC submitted these reply comments in response to the Federal Communications Commission's April 20, 2017 Notice of Proposed Rulemaking in the above-referenced proceeding. While Consumer Groups and RERCs welcome innovation, innovation is not a license for carriers to leave

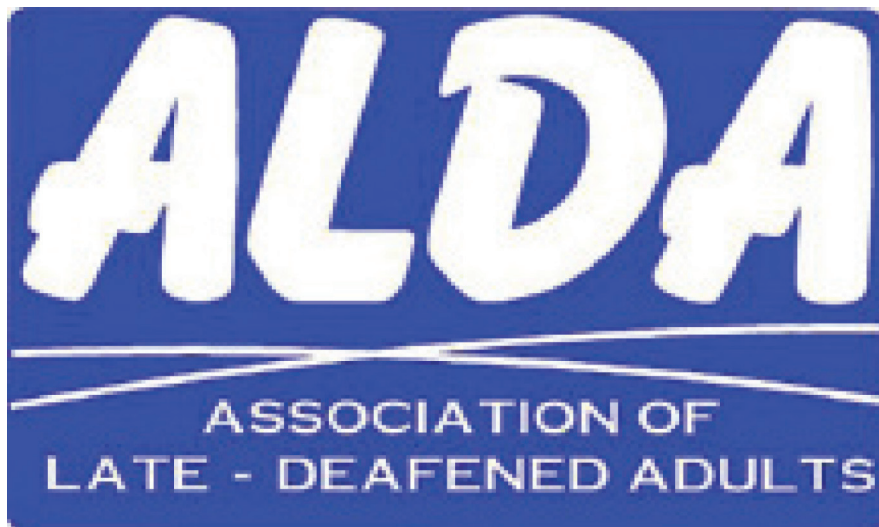
certain consumers without access to public communications networks. In our initial comments, we reminded the Commission that a substantial number of deaf and hard of hearing individuals still use text telephone ("TTY") devices that rely on legacy networks and that this may be the only way for these individuals to access emergency services. Yet, some commenters request that the Commission eliminate or change rules and procedures that would disproportionately harm deaf and hard of hearing individuals by rendering TTY devices inoperable without adequate notice or an opportunity to comment. These commenters claim, without evidence, that the costs of existing rules and procedures outweigh the benefits. But the Commission has a statutory obligation to ensure that consumers are not left without access to public communications networks. The Commission's existing rules and procedures properly allow it to fulfill this obligation. Thus, Consumer Groups and RERCs request that the Commission not eliminate or change existing rules or procedures

that provide for adequate notice to consumers, ensure carriers do not prematurely retire services that impact end user devices, and ensure that there are adequate comparable services available to consumers before carriers make services changes.

[https://ecfsapi.fcc.gov/file/10718113803773/17-07-17%20Consumer%20Groups%20Tech%20Transition%20Reply%20Comment%20Draft%20\(final\).pdf](https://ecfsapi.fcc.gov/file/10718113803773/17-07-17%20Consumer%20Groups%20Tech%20Transition%20Reply%20Comment%20Draft%20(final).pdf)

■ Letter to US Access Board – Retaining Text-Telephone Requirements in Section 508 Standards and Section 255 Guidelines

(August 24) Consumer Groups believe that the U.S. Access Board should take action to prevent the removal of the existing Text-Telephone ("TTY") requirements while continuing to evolve its regulations with regards to real-time text ("RTT"). It was thus surprising to TDI that the final rule, released January 18, 2017, deleted the existing text in 412.5 ("Real-Time Text Functionality") of the final Section 508 standards and Section 255 guidelines that had previously provided for TTY access standards and requirements. Consumer Groups urged the Board to insert provisions in its rules on an interim basis that, at a minimum, would confirm the continued support for TTY requirements in section 412.5 of the final rule. We requested that TDI, and deaf consumers more generally, receive assurances from the Access Board that the reservation of the "Real-Time Text" section was intended to mean that contents in this section will be added before January 18, 2018, when the new regulations go into effect, so that no time gap in requirements for accessible conversational service products comes to pass.



# Come one, come all to the Gala!

January 15, 2018

Greetings to TDI Members and Friends in Industry and Government,

## Happy New Year !!!

We are pleased to announce that this year in 2018, TDI will be celebrating its 50 years of accomplishments in consumer advocacy for Americans who are deaf and hard of hearing (also some of us who are deaf blind or are deaf and have a mobile disability).

To commemorate our 50th historical milestone, we are now making initial plans to host the Gala. It will be on Thursday evening, October 25, 2018 at the Bethesda North Marriott Hotel and Conference Center in Bethesda, Maryland. This will take place just before Gallaudet has its annual Homecoming weekend on October 27-29, 2018.

In a few weeks, we will announce some other details on the Gala. We will strive to keep the admission fee to the Gala as affordable for everyone. And we will also share links on how to purchase admission tickets for the Gala and how to register for a stay at the Bethesda North Marriott Hotel.

Mark October 25 **RED** on your 2018 calendar!

Sincerely,

John Kinstler

Chair, TDI's 50th Anniversary Gala Celebration Planning Committee



**TDI** 50<sup>th</sup>  
Anniversary  
Gala

October 25th, 2018

Bethesda North Marriott Hotel, North Bethesda, Maryland

## TDI Individual Membership Application Form

First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

### Mailing Address

Street & Unit Number: \_\_\_\_\_ City: \_\_\_\_\_ State/Province: \_\_\_\_\_

Zip/Postal Code: \_\_\_\_\_ USA? ☐ YES ☐ NO Country: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Email Address: \_\_\_\_\_

Main Phone: ( ) \_\_\_\_\_ ☐ Video ☐ TTY ☐ TXT ☐ Voice ☐ Captioned ☐ FAX

Alternate Phone: \_\_\_\_\_ ☐ Video ☐ TTY ☐ TXT ☐ Voice ☐ Captioned ☐ FAX

Mobile Phone: \_\_\_\_\_ ☐ Video ☐ TTY ☐ TXT ☐ Voice ☐ Captioned

Website Address: \_\_\_\_\_

Additional Person's Name Desired in Listing (If Any): \_\_\_\_\_

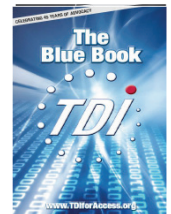
Phone: \_\_\_\_\_ ☐ Video ☐ TTY ☐ TXT ☐ Voice ☐ Captioned ☐ FAX

Date of Birth: \_\_\_\_\_ Email Address: \_\_\_\_\_

Check all items that you want to allow to be listed in the Blue Book:

- ☐ Name ☐ Mailing Address ☐ E-Mail Address ☐ Website Address  
☐ Main Phone Number ☐ Alternate Number ☐ Mobile Number ☐ Additional Person's Number

If you do not check any items above, your name and information will not be listed in the Blue Book.



May we send you TDI eNotes, our free TDI E-Mail newsletter? ☐ Yes ☐ No

If yes: ☐ Send to my E-Mail address ☐ Send to another E-Mail address: \_\_\_\_\_

Select One TDI Membership Rate:	1 Year	2 Years	LIFETIME
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Individual-Senior Citizen (Age 60+)	<input type="checkbox"/> \$30.00	<input type="checkbox"/> \$55.00	<input type="checkbox"/> \$1000.00

Indicate here the TDI Membership Rate that you have selected above: \$ \_\_\_\_\_

(Outside USA) Add additional \$15.00 for International Shipping: \$ \_\_\_\_\_

Additional Tax-Deductible Contribution to TDI (Fed Tax #35-1146784): \$ \_\_\_\_\_

**THANK YOU!** GRAND TOTAL: \$ \_\_\_\_\_

If Paying by Check or Money Order: Please make it payable to "TDI" (\$35 fee for bounced checks).

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Card Issued by: <input type="checkbox"/> American Express <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa
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