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MARCH 3, 2017

SPECIAL BULLETIN

FCC Accessibility Certification

The annual advanced services accessibility certification is due **April 1, 2017**. This certification is required to be filed by all entities covered under the Twenty-First Century Video and Communications Accessibility Act (CVAA) and relates to compliance with recordkeeping requirements.

Filing the Certification

All Covered Entities are required to use the FCC's web-based Recordkeeping Compliance Certification and Contact Information Registry to file the annual certifications and update contact information. The link to the RCCCI Registry is as follows:

<https://apps.fcc.gov/rccci-registry/>

Important: Broadband Internet Access Service (BIAS) providers must certify this year for the first time as a result of the 2015 *Open Internet Order*.

Summary

Covered Entities. All telecommunications, interconnected VoIP, voicemail, or interactive menu service providers, as well as providers of Advanced Communications Services (ACS). The CVAA contains its own definition of ACS - non-interconnected VoIP, electronic messaging, and interoperable video conferencing. In addition, certain providers of mobile service are covered under the recordkeeping requirements (see below).

Certification. The certification required by the CVAA, and codified in Part 14 of the FCC's rules, is to cover the recordkeeping requirements contained in Sections 255, 716, and 718 of the Telecommunications Act of 1934 (as amended). Also required in the annual certification is disclosing the identity of the name and contact details of the person or persons within the company that are authorized to resolve complaints alleging violation of the FCC's accessibility rules.

Recordkeeping. The recordkeeping requirements are in general related to a company's efforts to comply with the various regulations surrounding accessibility to telecommunications services, and consist of:

- 1) Information about the provider's efforts to consult with individuals with disabilities,
- 2) Descriptions of the accessibility features of the provider's products and services, and
- 3) Information about the compatibility of such products and services with peripheral devices or specialized customer premise equipment commonly used by individuals with disabilities to achieve access.



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Questions? Comments?

Contact Chris Barron

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(continued)

[Additional Details](#)

It is important to note that the CVAA specifically made ACS subject to accessibility laws, but also adopted the above-described recordkeeping and certification requirements for entities falling under Section 255 of the Telecommunications Act. Telecommunications providers and their services have been subject to accessibility laws, by virtue of Section 255 of the Telecommunications Act, since 1999 (interconnected VoIP service was included in 2007). Thus, the recent FCC action brought about by the CVAA adds nothing new to applicability of accessibility laws to Telecommunications Providers. This update covers the accessibility rules from a service provider standpoint, but the rules also apply to manufacturers.

The recordkeeping requirements officially became effective on January 31, 2013. All covered entities are to maintain, in the ordinary course of business and for a reasonable period, records of the efforts taken by the provider to implement Sections 255, 716, and 718 of the Act. The format of the records is up to the provider, but it is important to remember that since the purpose of these records is in large part to be able to respond to a complaint filed with the FCC, the records maintained must be such that allow for a prompt response to complaint and inquiry.

[Section 716 - Advanced Communications Services](#)

The following provides further definition for the services defined as ACS by the CVAA.

- [Non-interconnected VoIP Service](#) - a service that (a) enables real-time voice communications that originate from or terminate to the user's location using Internet protocol or any successor protocol; (b) requires Internet protocol compatible customer premises equipment; and (c) does not include any service that is an interconnected VoIP service.
- [Electronic Messaging Service](#) - a service that provides real-time or near real-time non-voice messages in text form between individuals over communications networks. *This includes email service, to the extent an ACS provider is acting as more than a conduit (e.g., broadband) to messaging services. For example, an ISP offering broadband-based Internet access to a web-based email application would not be subject to Section 716's recordkeeping requirements. Conversely, an ISP that operates and maintains its own email server would be subject to Section 716. The provider of the web-based email service would, however, have to comply with Section 716.*
- [Interoperable Video Conferencing Service](#) - a service that provides real-time video communications, including audio, to enable users to share information of the user's choosing.

Companies that provide services that fall under one of these definitions are required to comply with accessibility requirements under the CVAA. Please contact us if you need any assistance in determining compliance under this section.

[Section 718 - Public Mobile Services](#)

Section 718 of the Act requires manufacturers of telephones used with public mobile services and providers of mobile service to ensure that the functions of the Internet browser that they include or arrange to be included in such telephones are accessible to and usable by individuals who are blind or have a visual impairment, unless doing so is not achievable.

[Other Information](#)

[Link to 2017 Public Notice](#)

[Link to 2016 Public Notice](#) (reference in the 2017 PN)

If you have any questions, please let us know.