



**Regulatory Advisory: CVAA Recordkeeping Requirement
Becomes Effective January 30, 2013**

On **January 30, 2013** and pursuant to the Twenty-First Century Communications and Video Accessibility Act (CVAA), manufacturers and service providers of traditional telecommunications services, “advanced communications services,” and mobile web browsers must begin keeping records of their efforts to meet the accessibility requirements in Section 255 (traditional telecommunications products and services) and Section 716 (advanced communications services and mobile web browsers) of the Communications Act. Covered entities must certify their compliance with the recordkeeping requirement by **April 1, 2013**, and annually thereafter, and that certification must be supported by an affidavit or declaration of an authorized officer. The FCC is establishing an online registration form and process for the certification that is expected to be available in advance of the April 1 deadline.

Sections 255 and 716 require companies that make covered products and services to include features in their products and services that make them operable by individuals with a variety of disabilities, including no or low vision, limited or no hearing, and limited manual dexterity, among others, if including such features (either natively or via the use of a peripheral device) is “readily achievable” (under Section 255) or “achievable” (under Section 716).

Though the CVAA does not specify how or in what form records must be kept, the FCC anticipates that those records would include:

- information about consultations with individuals with disabilities,
- descriptions of the accessibility features that are incorporated into products and services, and
- information about compatibility with third party peripherals/CPE.

In the event of a formal complaint and investigation by the FCC under Section 255 or Section 716, manufacturers and service providers bear the burden of proof that accessibility features are not readily achievable/achievable. Documents retained under the new recordkeeping requirements will be the primary means by which those companies can meet that burden of proof.

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