

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
Accessible Emergency Information, and)	
Apparatus Requirements for Emergency)	
Information and Video Description:)	MB Docket No. 12-107
Implementation of the Twenty-First Century)	
Communications and Video Accessibility Act of)	
2010)	
)	
Video Description: Implementation of the)	MB Docket No. 11-43
Twenty-First Century Communications and)	
Video Accessibility Act of 2010)	

**REPLY COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (NAB)¹ submits these reply comments in the above captioned proceeding² concerning the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA).³ As NAB has previously

¹ NAB is a nonprofit trade association that advocates on behalf of local radio and television stations and broadcast networks before Congress, the FCC and other federal agencies, and the courts.

² Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010; Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, MB Docket Nos. 12-107; 11-43, *Report and Order and Further Notice of Proposed Rulemaking* (rel. Apr. 8, 2013) (*Further Notice*).

³ Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751 (2010) (as codified in various sections of Title 47 of the United States Code). The law was enacted on October 8, 2010 (S. 3304, 111th Cong.). See also Amendment of Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-265, 124 Stat. 2795 (2010), also enacted on October 8,

discussed, television broadcasters support the CVAA's goal of making televised emergency information more accessible to people who are blind or visually impaired.

The *Further Notice* in this proceeding requested comment on the transmission of linear video programming containing emergency information via tablets, laptops, personal computers, smartphones or similar devices.⁴ NAB agrees with many commenters that the Commission should exercise restraint in its regulation of programming delivered using Internet protocol (IP).⁵ The CVAA directed the Commission to prepare a report to Congress on the “technical and operational issues, costs, and benefits of providing video descriptions for programming that is delivered using Internet protocol.” 47 U.S.C. § 613(f)(3)(b). It did not authorize the Commission to impose new video description regulations for any programming delivered via IP, including emergency information. Rather, Congress was focused on reinstating the video description rules previously authorized for traditional television, and setting forth a detailed schedule for a market-based rollout of televised video description. Under these circumstances, the Commission may not presume additional authority.⁶

2010, to make technical corrections to the CVAA and the CVAA's amendments to the Communications Act of 1934 (Act).

⁴ See *Further Notice* at ¶¶ 80-83 (focusing on obligations of multichannel video programming distributors and manufacturers in this regard).

⁵ See Comments of DIRECTV, LLC in MB Docket No. 12-107 (filed July 23, 2013), at 2-7; Comments of the Consumer Electronics Association in MB Docket No. 12-107 (filed July 23, 2013), at 4-6; Comments of AT&T Services, Inc. in MB Docket No. 12-107 (filed July 23, 2013), at 4-5.

⁶ See *Motion Picture Ass'n of America, Inc. v. FCC*, 309 F.3d, 796, 801 (D.C. Cir. 2002) (“[a]n agency may not promulgate even reasonable regulations that claim a force of law without delegated authority from Congress.”) (*cf.* with CVAA's specific directive to “require the provision of *closed captioning* on video programming delivered using Internet protocol.” 47 U.S.C. § 6139(c)(2)(a) (emphasis added)).

Moreover, as detailed in our forthcoming comments responding to the *Public Notice*⁷ regarding video description released in preparation for the Commission's report to Congress, developing and deploying a secondary IP audio stream presents tremendous technical challenges. At present, there is very limited capability to include a secondary audio stream in linear programming delivered via IP. Nor is there sufficient equipment or software to support the many and ever-evolving IP devices, such as laptops, smartphones, tablets or desktop computers, or other IP based applications, in a multichannel audio environment. In time, the ultimate goal is for the entire web-based ecosystem to develop innovative and new means by which video programming can be more accessible to those with visual disabilities. The Commission, however, should not prematurely impose rigid regulations that could stifle developments such as voice-activated messaging, touch screens, or emerging text-to-speech applications, which could better enhance the consumer experience for accessing both programming and emergency information.

For the above stated reasons, at this time we urge the Commission to refrain from imposing any emergency information regulations on video programming distributed over IP.

⁷ Inquiry Regarding Video Description in Video Programming Distributed on Television and on the Internet, MB Docket No. 11-43 (rel. June 25, 2013).

Respectfully submitted,

**NATIONAL ASSOCIATION OF
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August 22, 2013