

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

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

I. Introduction and Summary

The National Association of Broadcasters (NAB)¹ submits these reply comments to reaffirm our recommendation to extend the existing audible crawl rule waiver,² and address certain concerns raised by advocates for persons who are blind or visually impaired.³ The audible crawl rule requires that television stations provide an aural description of visual, non-textual emergency information displayed during non-newscast programming,⁴ such as dynamic radar maps. An extension is both necessary because there is no clear technical solution for compliance with the rule, and in the public interest because consumers will continue to receive the critical details about emergencies during the waiver period. NAB also

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

² Petition for Extension of Waiver of the National Association of Broadcasters, MB Docket No. 12-107 (Apr. 5, 2023) (Petition).

³ Letter from Clark Rachfal, American Council of the Blind, and Sarah Malaier, American Foundation for the Blind, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 12-107 (Apr. 24, 2023) (ACB/AFB Letter).

⁴ 47 C.F.R. § 79.2(b)(2)(ii). See also *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*, Memorandum Opinion and Order, 33 FCC Rcd 5059 (2018) (2018 Waiver).

supports the creation of a working group in which the disability community and the Commission could play a role in resolving this long-standing issue, whether that means helping to identify a technical solution or considering elimination of the audible crawl rule as an impractical, unnecessary obligation.

II. A Clear, Reliable Technical Solution for Meeting the Audible Crawl Rule Does Not Exist, But Consumers Will Not Be Harmed by Extending the Waiver

Broadcasters are strongly committed to making information about emergencies accessible to all viewers, including persons who are blind or visually impaired.⁵ Thus, NAB has long sought to identify a technical solution that would allow television stations to comply with the audible crawl rule. However, as ACB/AFB acknowledge, no reliable mechanism exists for converting to speech the critical details about an emergency that may be conveyed by a moving image,⁶ and to NAB's knowledge is on the horizon.⁷ NAB has previously explained that the problem of how to aurally describe an image that does not contain the necessary metadata text files remains unsolved.⁸ We understand that this is not a broadcast-only challenge, but a general problem of market availability that other services face as well.

Regarding ACB/AFB's concerns regarding industry's commitment to solving this issue,⁹ NAB reiterates that we have discussed this question with the most likely developers of a solution, specifically, the leading providers of weather data, software, and radar images

⁵ Comments of the Society of Broadcast Engineers, Inc. (SBE) at 1, MB Docket No. 12-107 (Apr. 24, 2023).

⁶ ACB/AFB Letter at 2 ("We understand that providing accessible information for non-textual visual information as required by the Commission's rules will take innovation and evolution of the current broadcast system. . .").

⁷ Petition at 7-10.

⁸ *Id.* at 2.

⁹ ACB/AFB Letter at 2.

to broadcasters. Due partly to NAB's engagement, these companies have been well aware of the audible crawl rule for many years and have considered ways to address it. However, today's technology does not provide a mechanism to identify and extract the most salient information in a dynamic radar map, and convert that information to speech. Moreover, even if such a solution is created, it remains unclear how it could be integrated into the broadcast chain.

ACB/AFB also seeks more information about the potential of artificial intelligence (AI) technology to solve this problem.¹⁰ NAB reiterates that, although AI may one day open a door to the conversion of dynamic graphics to speech, for the time being, it appears that AI-based systems have only succeeded in aurally describing static pictures. And again, even if an approach is developed for dynamic graphics, the problem of how to integrate an AI-based solution into the weather computer system and broadcast chain would remain. NAB is not an expert in AI technology, but our understanding of these obstacles has been confirmed by both weather information providers and NAB member companies that work closely with AI-system developers for a variety of their operations.¹¹

The ongoing implementation of ATSC 3.0 could possibly foster an environment more conducive to a potential solution.¹² However, despite all the potential benefits of NextGen television, there is nothing intrinsic in ATSC 3.0 technology that will help solve this problem.

¹⁰ *Id.* at 3.

¹¹ NAB's innovation arm, NAB PILOT, has worked on a project concerning cloud-based closed captioning. Although this project did not ultimately lead to a product suitable for integration into broadcast operations, PILOT maintains consistent contact with this and other developers of software and AI-based systems.¹¹ More information about PILOT is available here: <https://nabpilot.org/>. We also note that there were numerous exhibits and conference sessions regarding AI technology for broadcasting at the recent 2023 NAB Show.

¹² Petition at 9.

A specific technology will still need to be developed that can aurally describe a dynamic graphic, in which case ATSC 3.0 may be a useful conveyance. NAB therefore disagrees with the premise of a request by ACB/AFB that NAB submit information about how ATSC 3.0 “will be used to solve this issue.”¹³

Fortunately, even without this portion of the rule in effect, consumers should not miss any important information regarding an emergency.¹⁴ As the Commission has acknowledged,¹⁵ in most cases, the critical details about an emergency that are conveyed by a radar map or similar image are duplicative of the information provided in accompanying text crawls that are already accessible. Broadcasters usually add a radar map or similar graphic to merely complement or reinforce a crawl, not to provide different information. In fact, NAB understands that text crawls are frequently more informative than any graphic image, given the size limitations of such images.

Broadcasters have strong incentives to make text crawls as helpful as possible because all of their viewers rely on that emergency information, including consumers who are deaf or hard of hearing. This is why television stations often rewrite the crawls provided by the National Weather Service to be more relevant to their local viewers.¹⁶ For more serious events, television stations will break into regularly scheduled programming with an oral description of the event by a live news reporter, mooted the need for the audible crawl rule. Accordingly, grant of this request will not cause consumers to miss any important information about emergencies.

¹³ ACB/AFB Letter at 3.

¹⁴ 47 C.F.R. §§ 79.2(b)(2)(ii) and 79.2(a)(2) at Note.

¹⁵ 2018 Waiver, 33 FCC Rcd at 5065.

¹⁶ Petition at 11.

III. A Working Group Should Be Convened to Study the Audible Crawl Rule's Viability

Although there is no path for compliance with the audible crawl rule, a waiver extension would provide an additional opportunity for NAB to work more closely with the disability advocacy groups and the Commission to ensure the efficacy of the audible crawl rule going forward. To that end, NAB suggest that stakeholders create a working group to discuss any potential technical solutions for complying with the audible crawl rule. NAB agrees with ACB/AFB that the disability community should play a role in such conversations.¹⁷

Such a group should also address ways to ensure that blind or visually impaired consumers have access to all of the critical information conveyed by stations' text crawls. For example, ACB/AFB ask whether the information provided by a text crawl or a live news reporter about an emergency is "detailed enough,"¹⁸ compared to the information in a graphic image. They are also interested in the standards and training used by stations to ensure the adequacy of such information, and whether persons with disabilities have been included in this process.¹⁹ A working group would provide disability advocates a venue to offer their views on how broadcast journalists should describe emergencies, absent a way to convert graphic images to speech.

Most importantly, a working group would allow stakeholders to agree on principles and explore ways to ensure they are met. Participants could also work to further ensure that consumers are sufficiently informed about emergencies, regardless of the presence of a

¹⁷ ACB/AFB Letter at 3 ("[A]ny extension by the Commission [should] be accompanied by . . . ongoing outreach to the disability community. . .").

¹⁸ ACB/AFB Letter at 2.

¹⁹ *Id.*

graphic image. NAB submits that stakeholders may ultimately conclude that retaining the audible crawl rule is impractical and unnecessary.

IV. A Waiver Extension Would Serve the Public Interest

Finally, NAB takes issue with ACB/AFB's statements that extension of the current waiver would not serve the public interest, and that if a further extension is granted, the FCC should require that broadcasters implement an interim manual solution.²⁰ Broadcasters have previously explained that a manual approach is not practical because it would require complicated workarounds to manually describe such graphics during the heat of a breaking news event.²¹ The FCC has agreed, finding that an automated solution is preferable to a short-term, manual solution that requires station personnel to describe every graphic, "particularly given that such an approach may be burdensome to broadcasters and may raise its own technical complexities."²² The Commission has also acknowledged that, rather than try to implement such manual workarounds, broadcasters will undoubtedly be forced to remove radar maps and other graphics from news alerts to avoid the risk of FCC enforcement.²³ NAB has recently reaffirmed with several broadcasters that this would be the most likely outcome of letting the waiver expire. We fail to see how imposing a manual solution, thereby compelling stations to remove images that convey emergency information, would benefit the public.

²⁰ *Id.* at 1-3.

²¹ Joint Comments of Meredith Corp., Nexstar Broadcasting Group, and Raycom Media, Inc. at 1 MB Docket Nos. 12-107 and 11-43 (Apr. 10, 2015).

²² *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 Twenty-First Century Communications and Video Accessibility Act of 2010*, Memorandum Opinion and Order, 31 FCC Rcd at 12540, 12544 (2016).

²³ 2018 Waiver, 33 FCC Rcd at 5066.

Accordingly, NAB respectfully requests an extension of the current waiver of Section 79.2(b)(2)(ii) of the rules for an additional two years, and the creation of a working group to study the viability of the audible crawl rule.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right.

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