

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 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)	

**PETITION FOR TEMPORARY PARTIAL EXEMPTION AND LIMITED WAIVER OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (NAB)¹ repeatedly has emphasized that, as America’s “First Informers” during emergencies, broadcasters support the Twenty-First Century Communications and Video Accessibility Act of 2010’s (CVAA) goal of facilitating access to video programming and emergency information by individuals who are vision or hearing impaired.² Throughout the Commission’s implementation of the CVAA, NAB has demonstrated unequivocally its commitment to improving accessibility to broadcast programming for disabled Americans.

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 Under the CVAA, the Commission has promulgated numerous rules that broadcasters have worked diligently to implement, including new requirements for video description, Internet Protocol closed captioning, and emergency information. See 47 C.F.R. §§ 79.2, 79.3, 79.4, 79.103. The Commission also recently overhauled its rules for television closed captioning, enhancing the requirements for Electronic Newsroom Technique, mandating new captioning quality standards, requiring certifications from video programmers, and adding new monitoring, maintenance, and recordkeeping obligations. See *generally Closed Captioning of Video Programming*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 02221 (2014).

NAB fully understands that the Commission is committed to the goal of accessibility for all Americans. Broadcasters share that commitment. The Commission has relied on NAB to counsel and educate stations, to conduct outreach and to act as a facilitator for stakeholders with interests in accessibility issues both on the national and local levels. NAB does not take this responsibility lightly. We have proactively worked with broadcasters to inform them about new accessibility requirements and multifaceted compliance deadlines, discussed the importance of developing a solution with vendors, and encouraged stations to exceed the minimum requirements, whether in taking voluntary measures to improve accessibility or in launching services in advance of a deadline.³ We ask that the Commission continue to partner with us as we monitor progress, determine what obstacles must be overcome, and assess whether the CVAA-related deadlines set are, in fact, achievable. In some instances, that may mean reopening dialogue with all stakeholders and/or working through the Disability Advisory Committee (DAC) to arrive at alternate solutions.

It is in this context that the Commission should consider the following requests for relief regarding Section 79.2(b)(2)(ii) of the Commission's rules (the Audible Crawl Rule). First, NAB is seeking a six month partial exemption from or limited waiver of the Audible Crawl Rule until November 26, 2015. Second, NAB requests that the Commission waive the requirement that visual but non-textual emergency information be included in the audible crawl. Finally, NAB asks that, based on input from all

³ Consistent with this commitment, NAB has been carefully monitoring efforts to implement the requirements of the Audible Crawl Rule, and is bringing pertinent information to the Commission's attention as soon as it became clear necessary equipment deliveries were overpromised, making it impossible for certain stations to meet the compliance deadline.

stakeholders, the Commission reconsider the utility of including school closings in its list of emergency information to be included in the Secondary Audio Service (SAP)⁴ and waive this requirement temporarily while alternatives are considered.

Throughout this proceeding, NAB has cautioned that implementing the requirement for television broadcasters to use a secondary audio stream to provide aurally emergency information that is conveyed visually during programming other than newscasts – *i.e.*, in on-screen “crawls” – would raise extraordinarily complex technical and operational challenges. Those challenges have proven to be even more daunting than the industry originally anticipated. The limited relief NAB requests herein is based upon broad, direct input from television station members and is supported by factual information concerning vendors, products, testing and the unforeseen delays members have encountered despite using their best efforts to meet the Audible Crawl Rule’s requirements by the May 26, 2015 deadline.

In short, NAB believes that, despite good faith efforts, vendors underestimated the difficulties inherent in developing the technology necessary for stations to meet the Commission’s requirements. Broadcasters relied on promises about delivery dates that went unfulfilled. Even where equipment was made available, testing revealed that it needed to be sent back to the drawing board and/or needed additional fine-tuning. The simple fact is that the hardware and software necessary for broadcasters to aurally transcribe emergency information text crawls has not developed and been brought to market at the pace anticipated by the Commission in setting its May 26 deadline. The

⁴ Even though Secondary Audio Program (commonly referred to SAP) exist, they are often called a Secondary Audio Service in digital television. We use the term “SAP” to designate the Secondary Audio Service due to the familiarity among the industry.

delay, however, is only temporary. NAB member stations are actively working with vendors, and do not believe that their ability to comply with the Audible Crawl Rule is more than eight months away.

To be clear, as vendors begin to roll out necessary hardware and software, meeting the May 26 deadline is not simply a matter of ordering equipment and hoping it is timely delivered so as to be installed and operational in the next two months. This is a difficult and complex process. Before a broadcaster decides to make a significant investment in a particular solution, that equipment must be tested, which is estimated to take at least a month. As discussed below, most broadcasters, through no fault of their own, have not yet been able to obtain, deploy, test, and determine which of the available solutions can be adapted to existing plants relatively seamlessly, and which integrate with master control and prioritize among the multiple generators of crawls within stations to best provide information on the SAP. All this must be done before broadcasters can even place an order for equipment. Best estimates are that fulfilling the order and subsequent installation may take another four months. That said, NAB anticipates that a limited number of stations fully expect to and will comply with the current deadline. The many that cannot comply by May 26 will continue their diligent efforts to test, acquire and install end-to-end solutions, create new work flows, and appropriately train personnel.

Further, as broadcasters have taken concrete steps to meet the deadline, they have determined that: (1) an automated (text-to-speech) TTS solution for converting certain visual but non-textual emergency information – usually weather radar maps – to speech has not been developed; and (2) aural presentations of school closings are

inefficient, unnecessary and an impediment to broadcasters' ability to disseminate quickly information pertinent to protecting life and safety. NAB requests that the Commission reconsider the utility of these aspects of the Audible Crawl Rule, and pledges to work with all stakeholders to arrive at feasible alternatives.

A limited, six-month extension of the compliance deadline will clearly serve the public interest. NAB will encourage its members to proceed apace, and expects stations will launch audible crawls as soon as it is feasible for them to do so. While stations work to launch audible crawls on the SAP, vision-impaired viewers will continue to be alerted by an attention signal to tune to other available audio sources for information, as they do today. Alternatively, should the May 26 deadline stand, the Commission will, in effect, be forcing stations to cease providing emergency information in crawls outside of newscasts, as the threat of hefty Enforcement Bureau fines would make the providing critical information too risky. There is no doubt this outcome would not be in the public interest, and thus NAB recommends strongly that the Commission work with industry on a realistic timeframe that can truly benefit all Americans.

I. THE CURRENT PRODUCT MARKET FOR AUDIBLE CRAWL SOLUTIONS AND THE TIME NECESSARY FOR TESTING AND IMPLEMENTATION WARRANTS THE REQUESTED RELIEF

A. A Six-Month Extension of the Audible Crawl Rule Is Necessary for Complete Implementation.

Pursuant to the Audible Crawl Rule, broadcasters and other video programming distributors (VPDs) must provide aurally on the SAP emergency information presented visually in non-newscast programming. The rule currently is slated to take effect on May 26, 2015. In setting this deadline, the Commission recognized that broadcasters would be required "to take a number of steps to achieve compliance, such as (1) implementing

software that transfers crawls into text that can be synthesized into audio; (2) integrating the software with the station's computer system; and (3) testing the system.”⁵ Many broadcasters faced the added complexity of deploying secondary audio streams on stations where, prior to the enactment of the Audible Crawl Rule, there was no need for this functionality.⁶

As previously explained by NAB, getting audible crawls to air involves coordination of numerous moving parts in the intricate broadcast plant environment:

“To comply with this new emergency information requirement, stations must be able to convert emergency crawl graphics into audio, route that audio through their facilities and encode that audio onto a secondary audio stream for transmission over the air. In a typical broadcast television station, the graphics for an emergency crawl may originate from varying sources around the facility. Depending on a number of circumstances regarding how the station responds to a specific emergency event, the crawl may be created in the news room, in master control, in the weather center or originate from the station's EAS equipment.”⁷

In other words, crawl generators are often “subject-specific,” and almost all television stations utilize more than one tool to disseminate textual information to viewers. For instance, a broadcaster might use a box sold by WSI Livewire to generate weather alerts, a box sold by Newsroom Solutions for school closings or election result updates, and an entirely separate piece of equipment to generate EAS crawls.

Moreover, within a multimarket station group, individual stations may employ varying combinations of crawl generation equipment. Obviously, this has complicated the

⁵ *Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description*, 28 FCC Rcd 04871, ¶ 37 (2013) (*Audible Crawl Order*).

⁶ These stations do not air programming that contains video description and do not utilize Spanish audio or other secondary audio stream features.

⁷ Comments of NAB, MB Docket No. 12-107, at 10 (Dec. 18, 2012).

manufacturing and testing process, as vendors seek to create an end-to-end solution utilizing TTS software that takes input from multiple, varying sources and prioritizes information into an audible crawl.⁸

Unfortunately, the complex solutions necessary to convert emergency crawl text into audio have been much slower to develop than the Commission or the industry anticipated. At present, the following vendors have offered or plan to bring equipment to the market: Business Technology, Inc. (BTI), WSI – The Weather Company, Quest Research & Development Corp., Digital Alert Systems Audio Management System (AMS) (TTS only).

With only two months left before the rule's effective date, however, many of these vendors have not yet *released* TTS/audible crawl software and hardware upgrades for testing or purchase. Other vendors' solutions have only recently been made available and/or been released within the last month and are in the nascent stage of evaluation by broadcasters. NAB is aware that, in a small number of cases, certain television broadcasters with the necessary wherewithal have invested in and worked directly with vendors to custom design add-on solutions compatible with their specific operations, and these stations expect to launch audible crawls by the current deadline.

To be clear, when it comes to technology that will allow a station to meet the requirements of the Audible Crawl Rule, one size does not fit all.⁹ Each broadcast plant

⁸ Once equipment has been purchased and delivered, there are additional engineering complexities associated with implementing systems to managing different content on the SAP, such as moving from programming provided to affiliates by their television network to locally-produced newscasts.

⁹ It bears emphasis that an automated solution is the only feasible way to ensure that emergency information is disseminated timely to blind and vision-impaired viewers. NAB's members have indicated that television stations generally do not have any

is unique, and what works for one station might not work for another. Testing these products within a broadcast facility before ultimate purchase is *absolutely critical* to ensuring that the technology, which typically is developed *without* broadcaster input, will actually work as intended. Therefore, broadcasters must undertake a fairly complex assessment as to whether any given TTS software can interface with a station's emergency crawl generators and master control systems. And when the solutions have been tested, the distinctive nature of each broadcast facility often necessitates further refinement. NAB understands that testing of available solutions takes approximately four weeks and – assuming successful testing – order, shipment, and installation takes approximately 14-16 weeks.

Importantly, based on their experiences to date, NAB's members have indicated that, generally, none of the solutions yet tested: (1) can reliably prioritize information from different crawl generators to ensure that vital information concerning an imminent emergency situation – such as a tornado warning – is conveyed on the secondary audio stream instead of less time-sensitive information; and (2) is capable of converting certain non-textual graphical information, such as weather radar maps, to speech.

Again, NAB fully appreciates and supports the Commission's goal of timely implementing CVAA requirements. In this instance, however, circumstances dictate that many broadcasters be given limited additional time to comply with the Audible Crawl Rule – through November 26, 2015. During this time, NAB will continue to work

ability whatsoever to put a live microphone on the SAP. Even if this were feasible in the short term, stations would need to design a system to notify appropriate personnel, have them read transcribed calls into a mic, convert the audio into AES, and splice it into the SAP. This would add a significant, dangerous delay to the distribution of the alert. Conversely, a TTS solution would result in an audible crawl within a few seconds.

proactively with its members and engage vendors (including during the April 2015 NAB Show in Las Vegas, where NAB anticipates that multiple vendors will be in a position to demonstrate TTS conversion hardware and software) to ensure that the industry meets the revised compliance deadline. Additionally, to the extent individual broadcasters have tested, purchased, and fully implemented audible crawl solutions, NAB will strongly encourage them to “go live” with audible crawls as soon as they are able to do so.

B. Waiver of the Requirement to Include Non-Textual Graphics Is Appropriate Given the Current Absence of Available Solutions.

NAB also submits that circumstances support limited waiver of the requirement to include non-textual, graphical information in the audible crawl. To understand how weather and radar maps appear in on-screen crawls, some background is helpful. The same weather-specific crawl generators that produce weather-related crawls also generate weather maps with graphical information provided by outside parties, such as the National Weather Service. Generally, there are two types of weather maps that appear on screen: (1) a map that statically highlights counties or areas affected by a particular weather event (the County Map); and (2) a radar map that shows the movement of a particular weather pattern (the Radar Map). Neither the County Map nor the Radar Map include a text file description, but the on-screen text crawl, for all intents and purposes, almost always provides the pertinent details of the County Map. Thus, when audible crawl technology is tested and implemented at stations, the County Map will effectively be described through aural transcription of the on-screen crawl.

The same does not hold true for Radar Maps. Contrary to the assumptions made in the *Audible Crawl Order*,¹⁰ broad input received from NAB members confirms that the software used to generate automatically the Radar Maps and other similar moving graphics currently do not contain text files that can be converted to speech. Thus, compliance would not be “overly burdensome,” it would be *impossible*.¹¹ Should this requirement remain as is, broadcasters would remove all such graphics from their non-news broadcast programming, to the detriment of all viewers.

The fact is, television stations present radar maps to enhance clarity, not to convey separate information. Therefore, waiver of the requirement that they be “described” will not deprive the vision-impaired community of critical information pertinent to life and safety. Typically these television graphics are presented simply to orient the viewer and to reinforce audio that provides practical information about where severe weather is headed.¹²

To the extent technological solutions do become available to enhance information about on-screen graphics in the SAP, NAB believes that its members will

¹⁰ *Audible Crawl Order*, ¶ 24 (“Further, even if a broadcaster employs TTS technologies, the critical details of the emergency information conveyed in the graphic display can be included in the text that will be converted to speech using such technologies, provided that the description of non-textual emergency information is inserted as text before the TTS conversion takes place.”).

¹¹ NAB notes that even if a solution were immediately available, maps and other graphics almost always share the screen with other crawls. Thus, the prioritization problem discussed below in Section II(c) – ensuring that the most critical audible crawl reaches the public – would remain.

¹² Where there is a severe weather emergency threatening life and safety, news stations inevitably break into live programming with a meteorologist, thus providing critical information in the station’s main audio.

use them.¹³ But until broadcasters can test, purchase and implement these upgrades, NAB asks that the inclusion of radar maps and other graphics without accompanying text files in audible crawls be waived.

C. The Requirement to Utilize the Audible Crawl for School Closings Should be Waived Pending Consideration of More Effective Solutions.

NAB also requests a limited waiver of the requirement to include school closings in the audible crawl.¹⁴ After engaging in informal discussions with stakeholders at the March 17, 2015 Disability Access Committee (DAC) meeting, NAB believes that *all* stakeholders recognize that this aspect of the rule serves no real utility, may in fact impede timely provision of emergency information to vision impaired viewers and that continued dialogue regarding alternative solutions will more effectively achieve the Commission's goals.¹⁵

¹³ NAB submits that the accessibility of such graphics and the availability of solutions is an appropriate topic for discussion within the DAC because there are currently no technical solutions at this time.

¹⁴ FCC Rule 79.2(a)(2) defines emergency information as “information, about a current emergency, that is intended to further the protection of life, health, safety, and property” and provides “school closings and changes in school bus schedules resulting from such conditions” as an example. 47 C.F.R. § 79.2(a)(2). Although the *Audible Crawl Order* “leaves it to the good faith judgment of the broadcaster or other covered entity to decide whether school closings and school bus schedule changes result from a situation that is a current emergency based on its severity and potential to threaten life, health, safety, and property,” the text of the rule creates some ambiguity. For example, most school closings are caused by snow, ice, or other severe weather events, all of which are delineated in FCC Rule 79.2(a)(2) as examples of “a current emergency,” but which may not be the result of immediate danger. Rather than risking an investigation and potential fine, however, NAB respectfully submits that most broadcasters would err on the side of caution in determining whether a given school closing falls under the Audible Crawl Rule.

¹⁵ NAB submits that the topic of including school closings in the audible crawl immediately should be referred to the DAC's Video Programming subcommittee.

An alternative reached by broad consensus would serve the public interest for several reasons. *First*, an audible crawl of school closings will be prolonged and inefficient. Given the typically vast number of schools within any given station’s viewing area, especially in urban areas, a complete audible crawl of school closings could last hours, especially considering the Commission’s requirement that the crawl be repeated. Most consumers are interested in school closings in their immediate area, and an hours-long audible crawl of schools in alphabetical order¹⁶ is an unproductive way to disseminate information, especially given available, alternative technologies, such as a searchable web page, that would serve the Commission’s goals more efficiently. Broadcasters also report that any system glitch restarts the crawl, which, based on testing of currently-available TTS converters, would reset the aural presentation of the crawl as well.

Second, as stated above, currently available systems would have no way of prioritizing immediately impactful emergency information – such as a hurricane warning – over a prolonged reading of school closings. While the *Audible Crawl Order* provides that broadcasters may forego the audible crawl for school closings during video described programming, the problem runs deeper.¹⁷ Prolonged audible crawls would effectively wipe out any Spanish-language audio or other secondary audio stream features. In addition, as discussed above, school closings and severe weather alerts often are generated from different sources. With currently-available systems, if an audible crawl of school closings were next in the TTS queue, it would interfere with the

¹⁶ In most instances, broadcasters provide alphabetical lists of school closings as a sponsorship opportunity for advertisers and as a convenience to viewers. These lengthy crawls simply do not serve as a means of rapidly disseminating emergency information.

¹⁷ See *Audible Crawl Order*, ¶ 31.

dissemination of more critical emergency information. Picture, for instance, that severe storms caused by an off-shore hurricane have closed schools on the Gulf of Mexico. In these situations, it is common for broadcasters to run a crawl of school closings, during both newscasts and non-newscast programming. Imagine, however, that the hurricane has changed course and has been upgraded in severity. Broadcasters would run a second crawl on the screen during non-newscast programming with this critical, potentially life-saving information. But, with currently-available technology, the station would have no way of prioritizing the vital information about the hurricane's impact over the ongoing audible crawl of the school closings. Such a result would disserve the public and run counter to the purpose of the rule – the timely dissemination of information “intended to further the protection of life, health, safety, and property.”¹⁸

Third, audible crawls are utilized during non-newscast programming. It is likely that when individuals switch from the main audio stream of programming to the secondary audio stream to hear emergency information, they expect the alert to be succinct and targeted. An audible crawl of school closings is neither.

Finally, NAB is cognizant that in addition to television broadcasts, Americans receive information on school closings from various sources, such as e-mail, text messages, radio, and Internet news and information sites. This is not news to the Commission; Chairman Wheeler recently stated that “[e]very day,” Americans depend

¹⁸ 47 C.F.R. § 79.2(a)(2). NAB's members have suggested that development of prioritization capabilities is ongoing and part of the reasoning behind the instant request for a six month extension of the Audible Crawl Rule. Even if such prioritization becomes available, however, NAB respectfully submits that the requirement to include school closings in the audible crawl does not serve the public interest, for the reasons stated herein.

on the Internet “to do our jobs, access entertainment, keep up with the news, express our views, and stay in touch with friends and family.”¹⁹

NAB respectfully submits that the Commission should grant a waiver of the portion of its rule so as to exclude school closings from among the emergency information to be included in audible crawls pending identification of an alternative solution by all interested stakeholders.

II. GRANT OF THE RELIEF REQUESTED HEREIN SERVES THE PUBLIC INTEREST AND IS CONSISTENT WITH COMMISSION PRECEDENT.

Generally, the Commission’s rules may be waived for good cause shown.²⁰ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.²¹ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.²² In short, a waiver is justified when special circumstances warrant a deviation from general rules and such deviation will serve the public interest.²³

Here, special circumstances justify the relief requested herein. *First*, though the Commission believed that the Audible Crawl requirements were “achievable within a

¹⁹ *Protecting and Promoting the Open Internet*, Statement of Chairman Tom Wheeler, FCC 15-24 (rel. Mar. 12, 2015).

²⁰ 47 C.F.R. § 1.3.

²¹ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

²² *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

²³ *Northeast Cellular*, 897 F.2d at 1166.

two year period,”²⁴ the record demonstrates that slightly more time – six months – is necessary for broadcasters to comply with the rule. *Second*, the record proves that vendors have not produced viable solutions that would allow maps and other graphics to be converted automatically to text and, thus, to speech. *Finally*, the record shows that eliminating the audible crawl requirement for school closings would be supported by a range of parties, given the potential for more efficient, effective alternatives.

The requested relief also serves the public interest. As explained above, given that audible crawl solutions are being developed without broadcaster input and the differences among the equipment used in broadcast plants, additional time is required so that solutions can be properly tested. It makes no sense for broadcasters to rush to purchase, without testing, a TTS technology simply because it is one of few available prior to the May 26 deadline, particularly when broadcasters anticipate that the marketplace will offer preferable solutions near-term, including the ability to prioritize more critical emergency information. Moreover, at this point, even if broadcasters were quick to test and place orders once equipment is made available, given the large demand from broadcasters attempting to comply with the deadline there are serious doubts as to whether manufacturers will be able to build and deliver products by May.

Mandating audible crawls for school closings is also contrary to the public interest. Indeed, it actually disserves the public – these audible crawls would inefficiently disseminate information, especially as compared to potential alternatives, overtake the SAP channel, and potentially override more critical alerts. Given the risk of enforcement

²⁴ *Audible Crawl Order*, at ¶ 37.

action,²⁵ if the current requirements remain, stations will opt to remove all non-news-cast crawls, maps, and other graphics from their airwaves until solutions are marketed and tested, to the detriment of all viewers.

Grant of a limited waiver would also be consistent with Commission precedent. In the 2012 *Digital Media Association (“DiMA”) Waiver Order*, the Commission granted a 15-month limited waiver to VPDs of the requirement to provide IP closed captioning user controls.²⁶ As evidence of good cause to extend the compliance deadline, the Commission agreed that “the current [compliance] deadline is unrealistic due to technical difficulties.”²⁷ Importantly, the agency noted that “[i]ndividual VPDs lack direct control over many of the links in the distribution chain, which creates . . . complexity in achieving compliance with the required capabilities. Specifically, a VPD may rely on a number of individual entities involved in the transmission process, and these entities all need to coordinate to implement the technical capabilities, which necessitates additional time.”²⁸ Here, not only are there technical difficulties associated with implementation of viable audible crawl solutions, but broadcasters must also rely on numerous vendors – and timelines beyond their control – to bring these solutions to market. And again, vendor solutions for prioritization and converting maps and other graphics to informative text remain unavailable.

²⁵ See Howard Buskirk, *FCC Enforcement Bureau Getting Tough With Companies that Violate FCC Rules*, Communications Daily (Sept. 2014).

²⁶ *DiMA Petitions for Temporary Partial Exemption of Limited Waiver*, Memorandum Opinion and Order, 27 FCC Rcd 9630 (M.B. 2012) (*DiMA Waiver Order*); 47 C.F.R. § 79.103(c).

²⁷ *DiMA Waiver Order*, ¶ 8.

²⁸ *Id.*

The Commission also granted The Weather Channel a six-month waiver of the Audible Crawl Rule, citing the cable network’s need “to upgrade or replace all of its WeatherSTAR devices to provide emergency information aurally on a secondary stream.”²⁹ Here, broadcasters must purchase and integrate new software and hardware – sometimes for two or more crawl generators at a single station and for numerous others within a station group. A minimal, six-month delay of the Audible Crawl Rule is consistent with this precedent.

While the Commission understandably based its Audible Crawl Rule deadline on information contained in the record at the time, the marketplace has not responded as quickly as the Commission envisioned two years ago. Under these circumstances, the FCC should be willing to evaluate the current state of play and adjust its timeline accordingly.

NAB has devoted considerable time, effort, and money to alerting, educating and assisting broadcasters in meeting accessibility deadlines and finding compliance solutions. In just the last ten months, broadcasters have committed themselves to improving access to video programming in leaps and bounds, all on expedited timetables set by the Commission. Among other things, member stations have invested in ensuring that closed captions meet new, higher quality standards, trained staff to meet new closed captioning monitoring, maintenance and recordkeeping obligations, adjusted newsgathering operations to enhance “ENT” captioning, revisited agreements with programming providers to address captioning and obtain necessary certifications, and developed mechanisms to meet the upcoming deadlines for expanded video

²⁹ *Audible Crawl Order*, ¶ 39.

description and IP captioning of video clips. No broadcaster has requested any extensions of the deadlines for these various other requirements. Here, however, broadcasters have been hamstrung by their inability to test and acquire the equipment necessary from third party vendors, in a timely manner.

Local broadcasters are committed to implementing the Audible Crawl Rule so as to better provide the visually impaired with timely, readily accessible, critical information during emergencies. The development of technological solutions necessary for television stations to satisfy this requirement, however, has lagged slightly behind the pace envisioned by the Commission. Therefore, NAB asks that the Commission grant a temporary partial exemption or limited waiver of FCC Rule 79.2(b)(2)(ii) until November 26, 2015. Similarly, because technological solutions for converting maps and other graphics to audible crawls are currently unavailable, NAB seeks a limited waiver of the requirement of Section 79.2(b)(2)(ii) to provide non-textual emergency information in the audible crawl. In addition, an audible crawl requirement for school closings would prove inefficient and interfere with broadcasters' ability to provide more important, breaking information. NAB, therefore, also requests a limited waiver of Section 79.2(a)(2) to the extent it requires that school closings be included in audible crawls, as stakeholders work to find a more effective and efficient solution.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized star-like symbol followed by the name "Bobeck".

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