

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	)	

**COMMENTS OF  
THE NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (NAB)<sup>1</sup> submits these comments in the above captioned proceeding<sup>2</sup> concerning the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA).<sup>3</sup> As NAB has previously explained,

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<sup>1</sup> 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.

<sup>2</sup> 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*).

<sup>3</sup> 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, 111<sup>th</sup> 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,

television broadcasters support the CVAA's goal of making televised emergency information more accessible to people who are blind or visually impaired.<sup>4</sup> NAB now focuses on two issues raised in the *Further Notice*: (1) signaling and (2) the handling of consumer inquiries and complaints.

**I. THE COMMISSION SHOULD REFRAIN FROM MANDATING TECHNICAL REQUIREMENTS FOR SIGNALING ACCESSIBLE EMERGENCY INFORMATION.**

The *Further Notice* requests comment on whether the Commission should mandate that (1) the video description audio streams transmitted by broadcasters and other video programming providers include a particular "tag," and (2) all apparatus subject to the rules must enable consumers to access a video description stream with that tag. *Further Notice* at ¶ 85. The ATSC standard specifies a method to identify (or tag) a video description audio stream by labeling it as "VI" in the AC3 descriptor, which is carried in a TV station's transmitted signal.<sup>5</sup>

NAB has previously noted that multichannel video programming distributors (MVPDs) do not use the ATSC AC3 descriptor in their metadata and cannot pass through the broadcaster transmitted VI tag to their subscribers.<sup>6</sup> More importantly, as

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

<sup>4</sup> See Comments of NAB in MB Docket No. 12-107 (filed Dec. 18, 2012), at 1-2.

<sup>5</sup> The AC3 Audio Descriptor is metadata in a TV station's transmission that carries information announcing the attributes of the audio. It includes a parameter called *bsmod*, which can be set to "CM" for complete main, "VI" for visually impaired or "HI" for hearing impaired. It also contains other fields used to identify the number of channels in the audio stream (e.g., 2 for stereo, 5.1 for surround) and the language used. See ATSC A/53 Part 3.

<sup>6</sup> See Reply Comments of NAB in MB Docket No. 12-107 (filed Jan. 18, 2013), at 9.

the Commission noted in the Video Description Report and Order,<sup>7</sup> even if broadcasters included the VI tag in their transmission and MVPDs passed it through, doing so could make it difficult, if not impossible, for consumers to access the VI-tagged audio stream because very few legacy DTV receiving devices recognize the VI tag. As a result, the exact audience that VI content is intended to serve could be disenfranchised.

At this time, NAB is unaware of any material change in the number of DTV receivers deployed in the marketplace capable of recognizing and providing consumers access to VI-tagged audio streams that would warrant regulatory change. In June 2011, the Consumer Electronics Association (CEA) published CEA-CEB21, Recommended Practice for Selection and Presentation of DTV Audio.<sup>8</sup> Consumer receiving devices built in accordance with this recommendation presumably should be able to recognize and allow a consumer to select VI-tagged audio content. However, it is entirely unknown what percentage of DTV receivers currently being sold comply with CEA-CEB21. Even assuming that the percentage of compliant receiver models could be ascertained, the receiver “mix” (*i.e.*, compliant vs. non-compliant, legacy vs. new receivers) owned by blind or visually impaired consumers would remain unknown.

NAB is also concerned that requiring the use of a VI-tag in broadcast transmissions could create another problem. Older DTV sets manufactured before the

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<sup>7</sup> Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, *Report and Order*, MB Docket No. 11-43 (rel. Aug. 25, 2011) at ¶¶ 30, 31.

<sup>8</sup> CEA-CEB21 provides recommendations to manufacturers to facilitate user setup of audio features in the receiver without professional assistance. It also describes recommended receiver behavior in the presence of AC3 audio metadata described by ATSC standard A/53. See <http://www.ce.org/Standards/Standard-Listings/R4-3-Television-Data-Systems-Subcommittee/CEA-CEB21.aspx>, last visited July 23, 2013.

VI tag was included in the ATSC standard could malfunction or react in anomalous ways when they receive metadata that they cannot recognize. These DTV sets may not play any audio at all or could “re-boot” (*i.e.*, turn itself off then back on). Here again, it is unknown how many DTV receivers could be affected should the Commission require VI tagging.

Thus, at this time, NAB does not believe that mandating the transmission (and MVPD pass through) of a VI tag will achieve the Commission’s goal of increasing access to audio content for the visually impaired. The availability and deployment of suitable DTV receiving devices remains a significant challenge. NAB is not aware of any way to “upgrade” the receivers currently in consumers’ hands, and no interface (set-top-box) product currently available could add VI-functionality to an existing receiver. So far as we are aware, the only way to resolve the issues raised by mandatory VI tagging would be for consumers to purchase new receivers.<sup>9</sup> For all the above-stated reasons, we urge the Commission to refrain from mandating the use of a VI tag at this time.

**II. THE COMMISSION SHOULD ADOPT CUSTOMER SERVICE PROCEDURES FOR ACCESSIBLE EMERGENCY INFORMATION THAT FOLLOW THE ALREADY-ESTABLISHED CLOSED CAPTIONING PROCEDURES.**

The Commission has inquired whether “covered entities” subject to Sections 202 and 203 of the CVAA should be required to provide dedicated customer support services. *Further Notice* at ¶ 86. NAB urges the Commission to model its contact requirements for accessible emergency information inquiries after the existing procedures established for television closed captioning complaints. See 47 C.F.R. §

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<sup>9</sup> Given the economic challenges of many persons with visual disabilities, we do not advocate this as a practicable solution.

79.1 (i) (1)-(2). As detailed below, streamlined complaint procedures modeled on well-established captioning procedures will take into account the fundamental differences between local broadcast stations and MVPDs, and will best suit the needs of consumers, video programming providers, video programming distributors, and the Commission.

**A. The Commission Should Take Into Account the Differences Between Broadcasters and MVPDs**

NAB agrees with the general premise articulated in the *Report and Order* that customer service representatives should be able to answer questions regarding emergency information access.<sup>10</sup> However, the Commission should not assume that every covered entity is equipped to offer customer service representatives 24 hours a day, seven days a week.

Subscriber-based MVPDs generally already have existing customer service call centers to receive subscriber complaints about their paid video service. In contrast, broadcasters, who do not have “subscribers” but make their signals available to everyone, do not typically have such call centers. To require each free, local over-the-air television station to be staffed similarly to large MVPDs would make little regulatory sense. Broadcasters have neither the manpower nor the resources to build, staff, train and operate centralized customer support call centers, and keep them open 24 hours a day, seven days a week.<sup>11</sup> Requiring local broadcast stations to increase staff so as to

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<sup>10</sup> *Report and Order* at ¶ 28.

<sup>11</sup> As the National Cable & Telecommunications Association (NCTA) comments discuss, MVPDs’ customer support operators are already trained in addressing issues with video description and captioning. See Comments of The National Cable & Telecommunications Association in MB Docket No. 12-107 (filed Dec. 18, 2012), at 14.

maintain such call centers to handle one type of consumer complaint would be unreasonably burdensome, especially in small markets.

It would be equally impractical for broadcasters to hire a third-party customer service center to receive calls and complaints would not serve to timely resolve consumer concerns with accessible emergency information. In the unlikely event there are technical issues associated with the secondary audio channel that generate consumer inquiries or complaints, they can be best addressed through procedures modeled on the Commission's well-established closed captioning complaint process.

**B. The Commission Should Streamline the Process for Emergency Information Captioning Complaints Consistent with the Existing Procedures for Television Closed Captioning Concerns.**

NAB urges the Commission to adopt complaint procedures for the captioning of emergency information that follow the already-established procedures for issues concerning televised closed captioning. For example, stations are already required to post on their websites points of contact, including telephone number, fax number and email address "for the receipt and handling of immediate closed captioning concerns raised by consumers while they are watching a program." 47 C.F.R. § 79.1(i). Ensuring that consumers have the same point of contact at the station level for accessible emergency inquiries for televised programming, will streamline the resolution process for station personnel and consumers alike. Whether the captions are missing from a television program, or whether the secondary audio track carrying audio description of emergency information is absent, the Commission should not have separate complaint processes for handling such immediate concerns, especially during emergencies.

Because the same station personnel will likely be involved in addressing both types of consumer inquiries, it makes good sense to utilize the same procedures.


Separate procedures based on the type of accessibility concern also could lead to consumer confusion. Consumers, stations, and the Commission are already accustomed to the established television captioning complaint process. Thus, NAB strongly urges the Commission to refrain from requiring broadcasters from implementing a call center, and instead harmonize its accessible emergency information rules with the closed captioning complaint procedures for both immediate and non-immediate inquiries.

### **III. CONCLUSION**

Broadcasters support the goal of the CVAA and are eager to help ensure blind and visually impaired customers are receiving important emergency information via audible accessibility. To ensure that consumers receive critical information on secondary audio channels, the Commission should not mandate the use of VI tagging because of the inherent problems associated with legacy receivers that may disenfranchise intended audiences. Moreover, to address customer inquiries, a viable solution already exists. The current closed captioning inquiry process will be effective for handling any new inquiries and concerns which arise for accessible emergency information. By extending the established and well-understood procedural framework to accessible emergency information, video programming providers and distributors can timely resolve both immediate concerns and any ongoing issues that may occur.

Respectfully submitted,

**NATIONAL ASSOCIATION OF  
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