

**Before the  
Federal Communications Commission  
Washington, D.C.**

<b>In the Matter of:</b>	)	
	)	
<b>Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010</b>	)	<b>MB Docket No. 11-43</b>
	)	

**COMMENTS OF AT&T**

AT&T Services, Inc., on behalf of its affiliated companies, (collectively “AT&T”) files these comments on the Notice of Proposed Rulemaking released by the Federal Communications Commission (“Commission”) proposing modifications to its video description rules.<sup>1</sup>

**A. The Three-Year Cycle Provides Consistency and Preserves Industry Expectations.**

The Commission updates the list of the top non-broadcast networks on July 1 every three years using ratings from the previous October through September, with the next update taking effect in 2018.<sup>2</sup> AT&T agrees with the Commission’s proposal to retain this three-year cycle, which would result in a July 1, 2018 effective date for the modified video description network and hours requirements. Retaining the current three-year cycle provides consistency and preserves industry expectations, avoiding potential confusion and conflict that could arise with an alternative cycle.

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<sup>1</sup> Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, *Notice of Proposed Rulemaking*, MB Docket No. 11-43, 31 FCC Rcd 2463 (2016) (“*Notice*”).

<sup>2</sup> 47 C.F.R. §79.3(b)(4).

When the Commission last updated the list of top non-broadcast networks in 2015, it released the updated list on January 7, 2015. If the Commission stays with the existing three-year cycle, it is imperative that the Commission also publish the 2018 updated list of non-broadcast networks no later than the first week of January to provide ample time for multichannel video programming distributors (“MVPDs”) to renegotiate contracts and institute processes that would enable the required functionality in the identified networks. AT&T expects to need at least that much notice because of the greater number of non-broadcast networks that will be involved, and the potential for less time to implement for networks requesting waivers or networks replacing those non-broadcast networks that are granted a waiver.

**B. Consumer Contact Information is Best Communicated Via the Web.**

The Commission proposes rules that would require network broadcast distributors and MVPDs to provide contact information for persons who can answer consumer questions about video description and asks whether those rules should parallel similar requirements in its closed captioning rules. The proposed rules, as drafted and published in Appendix A to the Notice, adequately explain this obligation and should not be revised to more closely track the television closed captioning rules. The Commission’s closed captioning rules require distributors to provide contact information in telephone directories and consumer bills, as well as on company websites for immediate and non-immediate inquiries and complaints.

In AT&T’s experience, these closed captioning contact rules lead to a confusing and inefficient process. Contact information provided in telephone directories can become outdated before a new directory is published. Further, contact information in telephone directories and subscriber bills, which must be succinct by design due to space limitations, is visible to and used by persons without disabilities. As a result, over 90% of the inquiries that AT&T has received at the contact phone numbers and e-mail addresses provided in telephone directories and bills relate

to issues other than closed captioning, thereby delaying resolution of legitimate accessibility issues.

Nevertheless, AT&T agrees that it is important for consumers who are vision impaired to have access to video programming and for distributors to be available and responsive to those consumers when they have video description questions or problems. Providing contact information on the distributor's website in accessible format would be the most effective and accurate way to communicate this information to consumers. Contact information can be placed on a website page with other video description information, increasing the likelihood that it the contact information will be used for an inquiry related to that service. Although distributors, as they do now, will still receive inquiries unrelated to accessibility, those inquiries will be substantially fewer, allowing the distributor's video description contact team to focus on resolving issues relating to video description. Distributors could also provide contact information for publication with the Commission which, in turn, could make this information available to the accessibility community for further dissemination. This type of contact information would be more consistent with the Commission's more recent contact person requirements for IP-closed captioning<sup>3</sup> and user interfaces, menus, and guides for digital apparatus and navigation devices.<sup>4</sup>

**C. Non-Broadcast Networks, not MVPDs, are the Best Source of Video Description Information.**

The Commission asks about the feasibility of covered distributors notifying programming guide publishers when a program will be video described. AT&T agrees that consumers need to know which programs are video described and believes that voluntary industry efforts to identify video described programming will best ensure that this need is met. The Commission

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<sup>3</sup> 47 C.F.R. §79.4(c)(2)(iii).

<sup>4</sup> 47 C.F.R. §§79.107(e); 79.108(d).

acknowledges that some networks, notably ABC, CBS, NBC, Disney, History Channel, Nickelodeon, TNT, and TBS, offer a schedule of video described programming.<sup>5</sup> And, MVPDs, namely Comcast, have begun to identify video described programming on a voluntary basis.<sup>6</sup> Just as MVPDs, without a Commission mandate, identify closed captioned programming on their internal programming guides, MVPDs and networks will increasingly identify video described programming as networks and distributors make available more video described programming. A Commission mandate is unnecessary.

Included networks and broadcast stations, rather than MVPDs, are in the best position to identify to publishers the programming that is video described, and for that matter, to ensure the provision of video described programming. MVPDs do not own the programming content and have no involvement in the process of creating or modifying video description for a program. While MVPD contracts with non-broadcast networks require all included networks to provide the requisite number of hours of video described content to meet Commission rules, MVPDs do not determine or otherwise know in advance which programs will be video described. In fact, the Commission recognizes that as a practical matter, non-broadcast networks prepare and provide video description, which MVPDs merely pass through.<sup>7</sup> Imposing on MVPDs an obligation to identify video described programming to publishers of programming guides would be at best inefficient and more likely would lead to delayed or inaccurate information, such as when last minute programming changes occur. Thus, responsibility for both providing video description and

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<sup>5</sup> *Notice*, 31 FCC Rcd at 2477, n. 107.

<sup>6</sup> See <https://customer.xfinity.com/help-and-support/cable-tv/video-description/?eqs> (last visited on June 15, 2016).

<sup>7</sup> See *Notice*, 31 FCC Rcd at 2470.

identifying video described programming to publishers should lie with those included networks and broadcast stations, not on MVPDs.<sup>8</sup>

Nevertheless, AT&T agrees that consumers need information to identify video described programming. As more video described programming is made available, MVPDs can work with advocacy groups to share how best to gather video description information from listing services and provide that information within each group's website.

**D. Bandwidth Efficient Systems Do Not Consistently Provide a Third Audio Channel.**

The Commission seeks comment on distributors' ability to offer multiple audio streams, repeating its previous expectation that "at some point in the near future" voluntary upgrades and equipment obsolescence would allow broadcasters and MVPDs to provide a video description audio track that does not conflict with other program-related services. While equipment and transmission technology may have improved incrementally, distributors' transmission systems remain bandwidth constrained.

In prior comments filed in this docket, AT&T emphasized that MVPDs may be unable to consistently provide a third digital audio stream.<sup>9</sup> AT&T explained that "MVPDs operate bandwidth-constrained systems that . . . may provide HD programming, On Demand services, an ever-increasing number of channels, home broadband Internet access, and VoIP services[,] . . . present[ing] substantial bandwidth demands upon the MVPD's network, which would be further

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<sup>8</sup> See, e.g., Closed Captioning of Video Programming, *Second Report and Order*, CG Docket No. 05-231, 31 FCC Rcd 1469 (2016) (the Commission has shifted responsibility for providing closed captioning from MVPD's only to a shared obligation between programmers and MVPDs).

<sup>9</sup> Comments of AT&T, MB Docket No. 11-43, at 3-5 (filed April 28, 2011). AT&T incorporates those comments into this filing.

constrained if a third audio channel were required.”<sup>10</sup> As to its U-verse TV system, AT&T warned that “[a]dding another audio program to the stream multiplex is not a practical option given today’s state of technology and, if required, would likely result in a visible degradation in video coding quality.”<sup>11</sup> DirecTV, at the time unaffiliated with AT&T, filed similar comments, explaining that technological limitations, namely capacity constraints, preclude direct broadcast services (DBS) providers from offering a third audio channel.<sup>12</sup>

Capacity constraints continue to restrict distributors’ ability to offer a third audio channel. The state of technology has not changed to such an extent that distributors can consistently offer multiple audio tracks without compromising the quality of video services that the audio track supports. Nevertheless, AT&T is confident that the industry can voluntarily find a solution to overcome this challenge, particularly as digital video recording, IP delivery, and on-demand functionality become more commonplace. The Commission’s own Disability Advisory Committee’s Video Programming Subcommittee might consider hosting a workshop with consumer electronics device manufacturers, broadcasters, non-broadcast networks, and distributors to explore alternative technologies and other solutions to improve the delivery of video description across multiple platforms.

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<sup>10</sup> *Id.* at 3.

<sup>11</sup> *Id.* at 4.

<sup>12</sup> Joint Comments of DirecTV, Inc. and Dish Network L.L.C., MB Docket 11-43, at 2-4 (filed April 28, 2011). AT&T incorporates those comments into this filing.

June 27, 2016

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Vitanza", with a long horizontal flourish extending to the right.

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