

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
American Cable Association’s Petition for	)	
Waiver	)	
	)	MB Docket No. 12-108
Accessibility of User Interfaces, and Video	)	
Programming Guides and Menus	)	
	)	

**Comments of Pine Belt Communications, Inc.**

Pine Belt Communications, Inc. (“Pine Belt”), by its counsel, hereby submits these brief comments in response to the above captioned Public Notice.<sup>1</sup> Pine Belt urges the Federal Communications Commission (“FCC” or the “Commission”) to grant the American Cable Association’s (“ACA”) petition for waiver of the talking guide requirement for certain cable systems.<sup>2</sup> The relief requested by ACA is necessary for certain small cable companies that currently have no affordable way to comply with the fast approaching compliance deadline.

Under the talking guide requirement, codified in Section 79.108 of the Commission’s rules,<sup>3</sup> MVPDs that lease or sell navigation devices must make functions of the user interfaces audibly accessible upon request to blind or visually impaired subscribers. When implementing the talking guide requirement, the Commission recognized that smaller MVPDs would have a difficult time coming into compliance. Accordingly, the Commission provided a delayed

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<sup>1</sup> *In re* American Cable Association’s Petition for Waiver of Accessible User Interfaces Requirements, *Public Notice*, MB Docket No. 12-108 (June 25, 2018) (“Public Notice”).

<sup>2</sup> Petition for Waiver of the American Cable Association, MB Docket No. 12-108 (filed June 15, 2018)(“*ACA Petition*”).

<sup>3</sup> *See* 47 C.F.R. §79.108.

compliance deadline for smaller MVPDs. While larger MVPDs were required to comply with the talking guide requirement by December 20, 2016, MVPDs with 400,000 or fewer subscribers and systems with 20,000 or fewer subscribers that are not affiliated with an MVPD serving more than ten percent of the marketplace must comply with the talking guide requirement by December 20, 2018. Pine Belt, which serves under 600 subscribers in rural Alabama on its cable system, is subject to the latter compliance deadline.

Pine Belt's cable system is an analog/digital hybrid system. As such, certain video programs on Pine Belt's system are in analog format only. As ACA explained in its petition, small cable companies offering video programming in analog format, like Pine Belt, will be unable to comply with the requirement by December 20, 2018 due to the unavailability of compliant solutions in the market.<sup>4</sup> Pine Belt has explored possible compliance solutions and has been unable to find any solution outside of upgrading its entire system, which is neither practical nor affordable.<sup>5</sup> Pine Belt provides broadband data services to its customers over the same hybrid fiber coax plant that it uses for its analog/digital video services. Pine Belt is currently moving toward an all IP based delivery system for both broadband data and video services. However, if the waivers requested by ACA are not granted, Pine Belt will be forced to squander scarce resources toward compliance with the talking guide requirement and will be unnecessarily impeded in its ability to improve and maintain existing services for all of Pine Belt's customers including completion of certain expansion efforts and upgrades to its broadband

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<sup>4</sup> *ACA Petition* at 1-2.

<sup>5</sup> For example, Pine Belt has looked into the possibility of using the TiVo Bolt. While the TiVo Bolt is a possible equipment solution for digital systems, the TiVo Bolt does not currently have any analog tuners, which would be necessary for subscribers to access Pine Belt's analog channels.

access network. Due to the lack of affordable solutions available for systems like Pine Belt's, Pine Belt requests that the Commission grant the partial and full waivers requested by ACA.

Pine Belt is also wary that equipment solutions will be available in the market in the near future and supports the ACA's proposal to grant the full waiver to small cable companies with programming in analog format only until a solution comes to the retail market. As the Commission has recognized, smaller cable companies "lack the market power and resources to drive independently the development of MVPD headend or customer premise equipment."<sup>6</sup> This is especially true for cable companies like Pine Belt that serve less than 600 subscribers. Without a reasonable equipment solution or the market power to influence equipment retailers, Pine Belt would be forced to upgrade its entire system to meet the talking guide requirement. Such an overhaul of its system would likely put Pine Belt out of business, which would leave many of its subscribers without cable and broadband services. Commission regulations like the talking guide requirement are very costly to small cable companies and continue to threaten the existence of these companies, many of which are the only provider in rural areas. The Commission would better serve consumers, especially those residing in rural areas, by imposing tougher regulations on retransmission negotiations.<sup>7</sup> If the waivers requested in the *ACA Petition* are not granted, Pine Belt will be forced to file its own waiver request.

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<sup>6</sup> *ACA Petition* at 3 (quoting *Accessibility of User Interfaces, and Video Programming Guides and Menus; 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*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 17330 (2013) at § 115).

<sup>7</sup> See, e.g., Letter from Donald L. Herman, Jr., Counsel for Pine Belt, to Marlene H. Dortch, Secretary, Federal Communications Commission, MB Docket No. 15-216 (filed Oct. 30, 2017).

For the foregoing reasons, Pine Belt supports the *ACA Petition* and respectfully requests that the Commission grant the waivers sought by the ACA.

Respectfully submitted,

Pine Belt Communications, Inc.



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