

Via Electronic Filing

July 18, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth St., SW
Washington, DC 20554

Re: Notice of Ex Parte Presentation – MB Docket No. 12-108

Dear Ms. Dortch:

This is to notify you that on July 14, 2016, Julie Kearney, Vice President, Regulatory Affairs, Consumer Technology Association (“CTA”), formerly known as the Consumer Electronics Association (“CEA”), together with CTA outside counsel William Maher and Rachel Wolkowitz of Wilkinson Barker Knauer, LLP, met with Michelle Carey and Maria Mullarkey of the Media Bureau, and Suzy Rosen Singleton and Jennifer Ledig of the Consumer and Governmental Affairs Bureau.

During the meeting, Commission staff and CTA representatives discussed a number of issues posed in the pending Second Further Notice of Proposed Rulemaking (“*Second FNPRM*”) in the above-captioned proceeding.¹ CTA representatives discussed CTA’s positions on those issues, consistent with CTA’s comments and reply comments on the *Second FNPRM*.² CTA stated its view that the Television Decoder Circuitry Act³ does not provide authority for the Commission to impose requirements that user display settings for closed captioning be “readily accessible” for apparatus subject to Section 79.103 of the rules.

In discussing members’ progress in making closed captioning display settings readily accessible, CTA representatives described one member’s work on making closed captioning display settings available using a long press on, e.g., a mute button. CTA representatives said that some operating systems provide caption settings at a menu location with an interface that is common across a variety of device makes and models.

¹ *Accessibility of User Interfaces, and Video Programming Guides and Menus*, Second Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 30 FCC Rcd 13914 ¶¶ 33-40 (2015).

² CTA f/k/a CEA Comments, MB Docket No. 12-108 (filed Feb. 24, 2016); CTA f/k/a CEA Reply Comments, MB Docket No. 12-108 (filed Mar. 7, 2016) (“CTA Reply Comments”).

³ Pub. L. No. 101-431, 104 Stat. 960 (1990).

CTA noted that one member's tunerless displays are controlled from a mobile app and, likewise, display settings can be included within the app, which is available for tablets and phones. CTA noted that these are works in progress that will not be complete by the December 20, 2016 implementation deadline for the existing user interface rules. Further, the Commission should not take any action to discourage accessibility options or limit the innovation that is a natural result of designing products with accessibility in mind to begin with. CTA also opposed the "first level of a menu" rule proposed by some parties,⁴ but noted that user display settings could be possible on other levels.

Pursuant to Section 1.1206 of the Commission's rules,⁵ this letter is being electronically filed with your office and a copy of this submission is being provided to the meeting attendees from the Commission. Please let the undersigned know if you have any questions regarding this filing.

Respectfully submitted,

/s/ Julie M. Kearney

Julie M. Kearney
Vice President, Regulatory Affairs

cc: Michelle Carey
Maria Mullarkey
Suzy Rosen Singleton
Jennifer Ledig

⁴ See CTA Reply Comments at 6-7.

⁵ 47 C.F.R. § 1.1206.