



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <https://www.fcc.gov>  
TTY: 1-888-835-5322

DA 17-1076

Released: November 1, 2017

**REQUEST FOR COMMENT**  
**PETITION FOR EXTENSION OF VIDEO GAME SOFTWARE CLASS WAIVER OF**  
**COMMISSION'S RULES FOR ACCESS TO ADVANCED COMMUNICATIONS SERVICES**  
**AND EQUIPMENT BY PEOPLE WITH DISABILITIES**

**CG Docket No. 10-213**

**Comments Due: December 1, 2017**

This Public Notice seeks comment on a petition filed by the Entertainment Software Association (ESA) on October 27, 2017, requesting a final extension of a class waiver of the advanced communications services (ACS) accessibility requirements for video game software for 12 months, through December 31, 2018.<sup>1</sup>

The Commission invites comments on the 2017 ESA Petition. Pursuant to the Commission's rules,<sup>2</sup> comments are due within 30 days from the date of this Public Notice.

**Ex Parte Rules.** The proceeding this Public Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>3</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the

<sup>1</sup> Petition of the Entertainment Software Association for Extension of Waiver, CG Docket No. 10-213 (filed Oct. 27, 2017), <https://www.fcc.gov/ecfs/filing/102722016691> (2017 ESA Petition). See also *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*; *Consumer Electronics Association*; *National Cable & Telecommunications Association*; *Entertainment Software Association*; *Petitions for Class Waivers of Sections 716 and 717 of the Communications Act and Part 14 of the Commission's Rules Requiring Access to Advanced Communications Services (ACS) and Equipment by People with Disabilities*, Order, 27 FCC Rcd 12970 (CGB 2012) (granting a three-year class waiver to ESA for video game consoles, video game services, and video game software). See also 47 U.S.C. § 617(h)(1); 47 CFR §§ 1.3, 14.5. The subsequent requests to extend the class waiver and the waiver orders that granted these requests covered video game software only. See, e.g., *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*; *Entertainment Software Association*; *Petitions for Class Waivers of Sections 716 and 717 of the Communications Act and Part 14 of the Commission's Rules Requiring Access to Advanced Communications Services (ACS) and Equipment by People with Disabilities*, Order, 31 FCC Rcd 13464 (CGB 2016).

<sup>2</sup> 47 CFR § 14.5(d).

<sup>3</sup> 47 CFR § 1.1200 *et seq.*

proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).<sup>4</sup> In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf).<sup>5</sup> Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Filing Instructions. Pursuant to sections 1.415 and 1.419 of the Commission's rules,<sup>6</sup> interested parties may file comments and reply comments on or before the dates indicated on the first page of this document.

- *Electronic Filers:* Comments and reply comments may be filed using the Commission's Electronic Comment Filing System (ECFS) at <https://www.fcc.gov/ecfs/filings>.<sup>7</sup>
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
  - Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive Annapolis Junction, MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 20554.

People with Disabilities. To request materials in accessible formats (such as braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 844-432-2275 (videophone), or 202-418-0432 (TTY). This Public Notice can also be downloaded in Word and Portable Document Format at <http://www.fcc.gov/encyclopedia/advanced-communications-services-acs>.

Additional Information. For additional information on this proceeding, please contact Will Schell, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-0767 or e-mail [Will.Schell@fcc.gov](mailto:Will.Schell@fcc.gov).

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<sup>4</sup> 47 CFR § 1.1206(b).

<sup>5</sup> 47 CFR § 1.49(f).

<sup>6</sup> 47 CFR §§ 1.415, 1.419.

<sup>7</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (May 1, 1998).