



March 27, 2015

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Notice of Ex Parte Communication, MB Docket No. 12-107

Dear Ms. Dortch:

On Thursday, March 26, 2015, Rick Kaplan, Ann West Bobeck, Kelly Williams, and the undersigned of the National Association of Broadcasters (NAB), along with Kathleen Kirby of Wiley Rein LLP, met with Mary Beth Murphy, Evan Baranoff, Diana Sokolow, Maria Mullarkey, and Steve Broeckaert of the Media Bureau; and Karen Peltz Strauss, Gregory Hlibok, Rosaline Crawford, Suzy Rosen Singleton, and Eliot Greenwald of the Consumer and Governmental Affairs Bureau.

The purpose of the meeting was to discuss NAB's forthcoming *Petition for Temporary Partial Exemption and Limited Waiver* of Section 79.2(b)(2)(ii)¹ of the Commission's rules (the Audible Crawl Rule).² Specifically, we discussed the need for a temporary or partial exemption from the Audible Crawl Rule until November 26, 2015. Because the complexity of developing audible crawl solutions has been even greater than the industry anticipated, additional time is required for vendors to deliver equipment, and for broadcasters to test, order, and install the software and hardware systems necessary to achieve compliance. We also explained that creating audible crawls that would describe visual but non-textual emergency information made available on the screen is, currently, technically infeasible. Finally, we asked for a limited waiver for broadcasters to work with the blind and visually impaired community to ensure that emergency information that should receive priority is provided in the audible crawl, and that other requirements do not impede the provision of more critical information.

¹ 47 C.F.R. § 79.2(b)(2)(ii).

² The *Petition for Temporary Partial Exemption and Limited Waiver* was filed today, March 27, 2015. A copy is attached.

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NAB described broadcasting industry efforts to work with vendors to develop a technical solution to make crawls audible. Unfortunately, developing a timely solution has proven to be much more technically difficult than both broadcasters and their vendor partners expected. NAB explained that a small number of stations have received equipment and are beginning to test it, but the vast majority of stations are still awaiting proposed solutions from vendors, or have yet to take delivery of vendor devices.

NAB continued that once delivery occurs, broadcasters will need to test the devices. Testing requires a number of steps to ensure that the devices, which are generally developed by third-party vendors without broadcaster input, work as intended. NAB said that its member stations believe that a limited six-month extension from the May 26 deadline should be sufficient for vendors to successfully deliver and install, and broadcasters to test, software and hardware solutions that ensure vital information is conveyed on the secondary audio stream timely and accurately. In the meantime, NAB committed to work with all parties to achieve compliance as quickly as possible.

Next, NAB discussed the need for a waiver of the requirement to include non-textual graphics in the audible crawl text. NAB explained that vendors have been unable to create automated solutions to pull graphical information provided by outside parties, such as a moving radar map, from video and translate it to text. Given the absolute lack of any automated solution, broadcasters cannot comply with this requirement at this time. To the extent that technological solutions become available, NAB believes its members will use them. But, until broadcasters can test, purchase, and implement such a solution, NAB described the need for a limited waiver.

Finally, NAB described its discussions with the Disability Advisory Committee (DAC) regarding the requirement to include school closings in the audible crawl. The large number of schools in many areas means that a complete audible crawl of school closings could last hours once the crawl is repeated twice, as is required. NAB expressed concern that an hours-long audible crawl may be an inefficient and unproductive method to disseminate information. Importantly, it could impede the distribution of impactful emergency information to consumers who are forced to wait for the long list of school closings to finish. NAB expressed a desire to work with the DAC to prioritize emergency news most effectively to the blind and visually-impaired community, asked that the Commission consider a temporary waiver until the DAC is able to discuss the issue.

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Please direct any questions regarding these matters to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin L. Faulb". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

Justin L. Faulb
Associate General Counsel
Legal and Regulatory Affairs

cc:

Mary Beth Murphy
Evan Baranoff
Diana Sokolow
Maria Mullarkey
Steve Broeckaert
Karen Peltz Strauss
Gregory Hlibok
Rosaline Crawford
Suzy Rosen Singleton
Eliot Greenwald