Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Accessible Emergency Information, and Apparatus	)	
Requirements for Emergency Information and Video	)	MB Docket No. 12-107
Description; Implementation of the Twenty-First	)	
Century Communications and Video Accessibility	)	
Act of 2010	)	

COMMENTS

The Broadcaster Coalition (the "Coalition"),[1] by its attorneys, hereby submits these comments in support of the petition filed March 27, 2015 by the National Association of Broadcasters ("NAB"), seeking a partial exemption and limited waiver of the rules implementing the Twenty-First Century Communications and Video Accessibility Act of 2010 (the "CVAA").[2] While the Coalition strongly supports the CVAA's goal of ensuring access to emergency information for viewers who are blind or visually impaired, the technology necessary to implement some of the Commission's rules adopted to achieve that goal is still in development. With grant of NAB's limited requests to exempt or waive some of the audible crawl rules, broadcasters will be able to focus their energies on quickly selecting, installing and testing the

[1] The Broadcaster Coalition members are Block Communications, Inc.; Cordillera Communications, Inc.; Granite Broadcasting Corporation; Media General, Inc. and WBOC, Inc.

[2] *See* FCC Public Notice, "Media Bureau Seeks Comment on National Association of Broadcasters' Petition for Waiver of Accessible Emergency Information Requirements," DA 15-394 (rel. March 30, 2015); *In the Matter of 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*, Petition for Temporary Partial Exemption and Limited Waiver of the National Association of Broadcasters, MB Docket No. 12-107 (filed March 27, 2015) (the "NAB Petition").

equipment necessary to best meet the needs of all viewers who access vital emergency information.

I. A SIX MONTH WAIVER OF THE MAY 26, 2015 AUDIBLE CRAWL DEADLINE IS NEEDED AND JUSTIFIED.

Under the audible crawl rule, broadcasters must provide aurally on their Secondary Audio Service ("SAP") emergency information presented visually during non-newscast programing.[3] For this to happen, all of a station's emergency crawl systems must work together in harmony so that the station can provide an aural representation of visual emergency information on its SAP. Although the equipment required to comply with the audible crawl rule was unavailable when the rule was adopted, the FCC established a deadline of May 26, 2015 for stations to come into compliance.

Between them, the Coalition members own and operate more than 110 television stations in markets across the country. While some members of the Coalition have owned all of their stations for decades, others have recently acquired stations, giving them a multitude of different operating systems and vendors. Some Coalition stations also report working with multiple systems and vendors at just a single station. Indeed, many of the Coalition stations are in the exact situation described in the NAB Petition in which three or more different systems provide station emergency crawls.[4]

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[3] *See generally 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, Video Description Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010I,* Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 4871 (2013) (the "*Audible Crawl Order*").

[4] NAB Petition at 6.

The challenge of working with multiple systems and vendors does not, of course, excuse broadcasters from fulfilling the important mandates of the CVAA; however, as the NAB Petition points out, vendors have not yet provided technical solutions that broadcasters can use to meet the audible crawl requirements.[5] While some Coalition member stations are working with vendors and hope to start implementing their solutions soon, other stations have not yet found equipment to meet their needs.[6] Many stations are using the NAB annual convention taking place now in Las Vegas as an opportunity to meet with vendors, evaluate their technology in person, and select the technology that will best meet their stations' and viewers' needs. The technology will then need to be ordered, installed, and tested – a process that Coalition members expect will take at least 12 – 16 weeks, although it could take longer if vendors have difficulty accommodating the large number of stations needing simultaneous service. This process will take stations well past the current May 26, 2015 audible crawl deadline.

As the NAB Petition explains, a waiver of Commission rules is justified when special circumstances warrant a deviation from general rules and when the deviation will serve the public interest.[7] Both prongs of the waiver standard are clearly met here. First, as discussed above and in the NAB Petition, the technology needed to implement the audible crawl

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[5] *See* NAB Petition at 7 – 9.

[6] One area of concern raised by Coalition members is that vendors have not focused on the need for correct pronunciation of proper names as required by the *Audible Crawl Order*. *See Audible Crawl Order* at 4884, ¶ 16. This could be a significant problem in parts of the country where the correct pronunciation of county names, for example, depends on local dialects and inflections such as Guadalupe County in the Albuquerque-Santa Fe DMA, Llano County in the Austin DMA, and Lenoir County in the Greenville-New Bern, Washington DMA. Stations in these markets may not have equipment solutions in the near term that can accurately translate text to speech and handle these proper names intelligibly. For these markets, the Commission should confirm that either "best efforts" will be acceptable or that stations may ask for further waivers if there is no available equipment that can meet their markets' demands.

[7] *See* NAB Petition at 14, citing *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

requirement is not yet fully available. Indeed, when the requirement was adopted in 2013, few commenting parties even addressed the appropriate compliance deadline.[8] Noting that the technology needed to implement the requirement did not yet exist, NAB proposed a phased-in approach ranging from 36 to 42 months.[9] The disability rights community disagreed, advocating a one-year deadline.[10] The Commission split the difference and adopted a two-year deadline, stating that "in prior proceedings we have found that software and product development, along with time for testing and implementation, are achievable within a two year period."[11] Unfortunately, the Commission's two-year estimate fell short in this instance as the software and product development are not, in fact, ready.

A brief six-month waiver of the audible crawl requirement deadline is also in the public interest. Rushing to install an audible crawl solution that does not effectively communicate emergency information for viewers will harm both broadcasters and the general public. As the NAB Petition explains, the different layers of emergency information must be properly considered so that all viewers – including viewers who are blind or visually impaired – have timely access to emergency information.[12] Faced with a choice of doing it poorly and triggering potential Commission enforcement auction, versus not doing it at all, some broadcasters may be forced to hold back on the emergency information they provide, which is in no one's interest. A

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[8] *Audible Crawl Order*, 28 FCC Rcd 4871, 4900.

[9] *Id.*

[10] *Id.*

[11] *Id.* at 4901.

[12] *See, e.g.*, NAB Petition at 8 (ensuring that the solutions "can reliably prioritize information from different crawl generators to ensure that vital information concerning an imminent emergency situation – such as a tornado warning – is conveyed on the secondary audio stream instead of less time-sensitive information.").

brief six-month extension of the audible crawl requirement, until November 26, 2015, should be granted, as NAB requests.

II. NON-TEXTUAL GRAPHICS ARE NOT TRANSLATABLE TO AURAL REPRESENTATIONS.

In the *Audible Crawl Order*, the Commission determined that visual but non-textual emergency information, such as maps or other graphic displays, shown during non-newscast programming must be aurally described.[13] The Commission stated that this requirement would not be burdensome because "the critical details of the emergency information conveyed in the graphic display can be included in the text that will be converted to speech."[14] Unfortunately, as the NAB Petition explains, software used to generate radar maps and other similar moving graphics does not utilize text files that can be converted to speech.[15] This makes it impossible for broadcasters to utilize text-to-speech software to aurally describe maps or graphic displays in the manner the Commission expected.

Only some broadcasters include maps or graphics when presenting weather and emergency information during non-news programming. These stations are typically located in regions where weather conditions are volatile and viewers have come to expect severe weather. While graphics and maps quickly orient a viewer to a storm's location and path, NAB is correct that this information is generally duplicative of information that is already conveyed in the audible crawl.[16] Accordingly, maps and graphics do not include information that visually impaired viewers are unable to obtain. Rather than essentially requiring broadcasters to remove

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[13] *Audible Crawl Order* at 4891-4892.

[14] *Id.* at 4892.

[15] NAB Petition at 10.

[16] *Id.*

all maps and graphics, the Coalition urges the Commission to waive this requirement from the *Audible Crawl Order* until such time as broadcasters and the Commission's Disability Access Committee's Video Programming subcommittee identify vendor-supported solutions for this problem.[17]

III. USING THE AUDIBLE CRAWL FOR SCHOOL CLOSINGS COULD PROVE DETRIMENTAL, DELAYING OTHER ESSENTIAL INFORMATION.

The Coalition supports NAB's request that school closings not be included in audible crawl requirements pending consideration of more effective solutions.[18] Prolonged readings of school closings via the audio stream of a television station do not serve a useful purpose. While the information may be interesting to the general public, parents of school-age children are the people who really need the information, and they are usually notified directly by their children's schools through phone calls, emails, and/or text messages. While well intentioned, the requirement that school closings be included in the audible crawl will not provide any demonstrable public benefit and could instead prove harmful if the broadcast of other critical, time-sensitive emergency information is delayed because all school closings are provided.[19] The Coalition agrees with NAB that this issue also should be referred to the Commission's Disability Access Committee's Video Programing subcommittee for further discussion and review while the requirement to include school closings in the audible crawl is waived pending a revised solution.[20]

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[17] *See* NAB Petition at 11 n.13.

[18] NAB Petition at 11 – 14.

[19] NAB Petition at 12 – 13.

[20] NAB Petition at 11.

IV. ALL VIEWERS DESERVE TIMELY, ACCURATE EMERGENCY INFORMATION.

Broadcasters have made great strides recently in ensuring that their programming is accessible to all viewers, including those with disabilities. Television broadcast stations continue to lead their communities as the place where all residents can turn to for local emergency information and guidance. While the Coalition generally supports the audible crawl rule adopted to implement the CVAA, the technology needed to implement the rule is not yet ready. The Commission should, therefore, grant the NAB Petition and the waivers requested therein so that the industry can continue to work towards comprehensive solutions benefiting all viewers.

Respectfully submitted,

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