

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Accessible Emergency Information, and)	MB Docket Nos. 12-107, 11-43
Apparatus Requirements for Emergency)	
Information and Video Description:)	
Implementation of the Twenty-First Century)	
Communications and Video Accessibility)	
Act of 2010)	

To: The Commission

**JOINT COMMENTS OF THE
NAMED STATE BROADCASTERS ASSOCIATIONS**

Alabama Broadcasters Association, Alaska Broadcasters Association, Arizona Broadcasters Association, Arkansas Broadcasters Association, California Broadcasters Association, Colorado Broadcasters Association, Connecticut Broadcasters Association, Florida Association of Broadcasters, Georgia Association of Broadcasters, Hawaii Association of Broadcasters, Idaho State Broadcasters Association, Illinois Broadcasters Association, Indiana Broadcasters Association, Iowa Broadcasters Association, Kansas Association of Broadcasters, Kentucky Broadcasters Association, Louisiana Association of Broadcasters, Maine Association of Broadcasters, MD/DC/DE Broadcasters Association, Massachusetts Broadcasters Association, Michigan Association of Broadcasters, Minnesota Broadcasters Association, Mississippi Association of Broadcasters, Missouri Broadcasters Association, Montana Broadcasters Association, Nebraska Broadcasters Association, Nevada Broadcasters Association, New Hampshire Association of Broadcasters, New Jersey Broadcasters Association, New Mexico Broadcasters Association, The New York State Broadcasters Association, Inc., North Carolina Association of Broadcasters, North Dakota Broadcasters Association, Ohio Association of

Broadcasters, Oklahoma Association of Broadcasters, Oregon Association of Broadcasters, Pennsylvania Association of Broadcasters, Radio Broadcasters Association of Puerto Rico, Rhode Island Broadcasters Association, South Carolina Broadcasters Association, South Dakota Broadcasters Association, Tennessee Association of Broadcasters, Texas Association of Broadcasters, Utah Broadcasters Association, Vermont Association of Broadcasters, Virginia Association of Broadcasters, Washington State Association of Broadcasters, West Virginia Broadcasters Association, Wisconsin Broadcasters Association, and Wyoming Association of Broadcasters (collectively, the “State Associations”) by their attorneys in the matter, hereby file these Joint Comments in response to the Commission’s Public Notice of March 30, 2015 in this proceeding.¹

DISCUSSION

On March 27, 2015, the National Association of Broadcasters (“NAB”) filed a petition² urging the Commission to grant a temporary partial exemption and limited waiver of the FCC’s rules requiring TV stations to provide an aural representation on a Secondary Audio Program (“SAP”) stream of emergency information presented visually on the station. Specifically, the NAB asked the Commission to waive or exempt implementation of this requirement for a period of six months, until November 26, 2015,³ to permit vendors time to complete the design and distribution of hardware and software capable of performing the conversion of textual content

¹ See *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*, Public Notice, MB Docket Nos. 12-107, 11-43 (rel. March 30, 2015) (the “Public Notice”).

² *Petition for Temporary Partial Exemption and Limited Waiver*, filed by the National Association of Broadcasters on March 27, 2015 in MB Docket No. 12-107 (“Petition”).

³ The State Associations note that while the NAB requested a six month extension, making the new compliance deadline November 26, 2015, that is the date of the Thanksgiving holiday this year. For this reason, the State Associations urge in these comments that the requested extension run until *at least Monday, November 30, 2015*, which will be the next business day for most businesses. This will help to ensure that all station personnel are available to help the final stage of implementation go as smoothly as possible.

into aural content, as well as to permit TV stations adequate time to test and implement these technical solutions. In addition, the NAB requested that the FCC waive the requirement that visual but non-textual information be conveyed aurally on SAP until technological solutions to accomplish that become available, and asked that the Commission reconsider or waive the requirement that school closings be included as a form of emergency information in the SAP until stakeholders can garner consensus on a more practical approach to making this information available.

The State Associations support the goal of the Twenty-First Century Communications and Video Accessibility Act of 2010 to make video programming and emergency information accessible to all members of the public, including those with impaired vision or hearing. Because of that, the State Associations also support the NAB's request, which seeks to address certain aspects of the new requirements that may become inconsistent with those goals when encountering real world technical limitations. In considering the NAB's request, it is important that the Commission balance the need to make emergency content as broadly available as possible against the technological restrictions stations are encountering because of the limited hardware and software that is currently available.

The NAB is correct that technical solutions for converting textual emergency information into aural information, and commercial products incorporating such solutions, are not reaching the market in time for those products to be tested and implemented by the current May 26, 2015 deadline.⁴ In the absence of such technical solutions, TV stations' only practical option for complying with the new requirement by that deadline is to reduce or eliminate all visual

⁴ See also Comments of the Society of Broadcast Engineers, Inc., filed April 9, 2015 ("SBE Comments").

emergency information—a result that allows stations to comply with the rule, but fails to benefit those with impaired vision while also harming the flow of information to everyone else.

No broadcasters wish to do this, as it undermines their ability to serve their audience to the greatest extent possible, while also harming the public interest in general. Allowing time for products and services to come to market to avoid this result is a far more beneficial and pragmatic approach, and the State Associations therefore support the NAB’s request to move the compliance deadline. This extension will also have the added benefit of providing adequate time for TV stations to test and implement these new technical solutions to ensure that they work in real world conditions and don’t have to be implemented on the run, where a failure is far more likely to occur during an emergency than during testing.

The second part of the NAB’s request recognizes another unavoidable reality, but one which stations will need more than text to speech products and services to overcome. Specifically, the issue is how to convey non-textual visual information (e.g., Doppler radar or weather maps) to the visually impaired. Visuals like Doppler radar are often presented precisely because there is no linguistically equivalent way to deliver the *entirety* of this information, and once again, the answer has to be something better than just giving up on providing such useful visual information to all of the audience because there is no way to provide an aural equivalent. Moreover, as the NAB noted in its Petition, visual information such as Doppler radar or weather maps is usually presented to enhance the verbal message being delivered rather than as a separate standalone message.⁵ In these situations, while useful to audience members to provide the maximum level of detail regarding, for example, the precise shape of a storm moving into the area, the *emergency* information contained in it is already being conveyed verbally on the main

⁵ Petition at 10.

channel and through the crawls that are being presented aurally via SAP. This is different from the situation where the map is presented for extended periods of time as a small insert in the corner of the screen without verbal commentary or crawls, in which case there currently exists no automated solution to convert that image to an aural presentation.⁶ Even in that situation, however, it is safe to say that TV stations will break in with verbal reports or crawls (that will be made audible on the SAP) if significant storm developments occur.

The State Associations hope that methods and products to help aurally convey such graphical information will become available, and if so, are confident that their members will adopt such technology when it exists. However, the development of such technology may be stymied if the rule insists on nothing less than full aural conveyance of all non-textual graphical information. Such a goal may well be unachievable, and even if achievable, will require not just new technology, but the development of new paradigms of information delivery. Despite vendors' efforts since the adoption of the new requirements, no viable solution has yet appeared, and those sorts of leaps in capabilities will not happen overnight. More to the point, vendors are less likely to expend resources developing such a complex solution if the Commission takes the position that nothing less than "full conveyance" of visual information will satisfy the rule.

The State Associations therefore urge the FCC to reconsider or waive this requirement so that TV stations are not placed in the predicament of choosing between delivering the maximum amount of information to the greatest number of audience members, and complying with an impossible requirement in the only manner possible—by deleting all visual content that cannot be aurally conveyed. Delaying implementation of this requirement, at least until such time as a technological solution becomes available, will allow stations to continue to enhance emergency

⁶ See SBE Comments at 4.

information with onscreen graphics and focus on aurally conveying the more immediate and critical emergency information to the visually impaired, rather than cluttering the delivery of that information with time-consuming and far less helpful attempts to describe weather maps.

Finally, the State Associations agree with the NAB that the requirement to treat school closings as emergency information subject to the rule will in many cases be counterproductive. Particularly for stations serving areas with numerous schools and school districts, aurally listing all of the various closings, and then repeating it again as required by the rule, will crowd out more important emergency information, such as road closures and when conditions will be most treacherous. Current technologies aren't designed to prioritize the content of crawls coming from different pieces of studio equipment as they are converted to speech, meaning that school closings could block more vital breaking emergency information from reaching the public. Even if that were not the case, however, breaking into the school closings crawl would in many systems cause the crawl to restart from the beginning, or for the closings that would normally have been heard during the "breaking news" period to not be heard. In either case, the station would have little choice but to let the entire school closings list run a third time (and if again interrupted, a fourth time), compounding the problem by blocking even more non-closings aural content and frustrating any visually impaired audience member who just wants to know whether a specific school is closed quickly and efficiently.

The NAB is correct that such an individual will likely find it more fruitful to obtain this information from another source, whether it be radio, the Internet, or the school itself.⁷ For example, an increasing number of schools are using dial-out systems that call each student's home to announce that the school will be closed that day, and distribute the same information to

⁷ Petition at 13-14.

parents and students via email or texts. As a result, there is far less reason these days for parents to sit through long lists of station-delivered school closing announcements, whether or not they are visually impaired.

As a practical matter, in emergencies, TV stations are simultaneously delivering emergency information both visually and aurally—sometimes the same information, sometimes complementary information—and it may be physically impossible to relay all of that information serially on the SAP channel, particularly when all visual information has to be conveyed verbally, and then be repeated again. If a picture is worth a thousand words, then describing the picture (twice) is going to take a lot longer than merely showing the picture. Waiving the requirement to include school closings on the SAP will take at least some of the pressure off of the SAP and thereby make room for repeating more critical emergency information. That will make the SAP far more useful to visually impaired individuals, who have many other resources for finding out about school closings, but who rely on their local stations for breaking weather news and true emergency information.

The State Associations have little doubt that their members serving areas with relatively few schools and school systems will want to, and will be able to, deliver closing information via SAP, but the current “one size fits all” requirement will be unworkable in more populated areas with greater numbers of schools and school systems. Broadcasters want to work with the blind and visually impaired community to explore alternative means to deliver school closing information. As the NAB suggests, the Commission should reconsider or waive that portion of

the rule treating school closings as emergency information for purposes of aural presentation “pending identification of an alternative solution by all interested stakeholders.”⁸

CONCLUSION

For the foregoing reasons, the State Associations support the NAB’s request for a temporary partial exemption and limited waiver of the FCC’s rule requiring TV stations to provide an aural representation via SAP of emergency information presented visually on a TV station. Moving the text to speech implementation deadline to no earlier than **November 30, 2015**⁹ to permit vendors to complete the design and distribution of hardware and software capable of performing the conversion of textual content into aural content, and to permit TV stations adequate time to test and implement those technical solutions, is essential. In addition, the requirement that all graphical information be conveyed aurally on the SAP channel (twice) is not merely impractical, but likely impossible. Even if that were not the case, however, such a requirement is counterproductive to the extent it leads stations to attempt to describe color variations and shapes on a map aurally rather than focusing their attention on delivering aurally far more useful and pressing emergency information. For these reasons, the Commission should reconsider or waive this requirement.

Finally, the FCC should reconsider or waive the requirement that school closings be treated as a form of emergency information in the SAP. Clogging the SAP with long lists of closings (again, twice) will simply block aural access to far more vital emergency information, and far more useful methods are available for visually impaired individuals to obtain this information.

⁸ Petition at 14.

⁹ See *supra* Note 3.

Respectfully submitted,

NAMED STATE BROADCASTERS ASSOCIATIONS

/s/

Richard R. Zaragoza
Scott R. Flick

Their Attorneys in this Matter
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street, NW
Washington, DC 20036
(202) 663-8000

April 13, 2015