



Consumer Electronics Association  
1919 South Eads Street  
Arlington, VA  
22202 USA  
866-858-1555 toll free  
703-907-7600 main  
703-907-7601 fax  
CE.org

*Via Electronic Filing*

April 16, 2015

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

*Re: Written Ex Parte – MB Docket Nos. 12-108 & 12-107*

Dear Ms. Dortch:

The Consumer Electronics Association (“CEA”) hereby responds to a letter filed by the National Association of the Deaf (“NAD”) on March 16, 2015, in Docket No. 12-107, providing notice of a meeting between the representatives of NAD and other groups (the “Advocacy Groups”) and Commission staff (“Advocacy Groups Letter”).<sup>1</sup>

CEA continues to oppose a petition for reconsideration filed by the Advocacy Groups in the above-referenced proceedings.<sup>2</sup> CEA supports the Commission’s codification and reasonable interpretation of Sections 303(aa)(3) and 303(bb)(2) of the Communications Act of 1934, as amended by Sections 204 and 205 of the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”), which provide that certain accessibility features must be accessible through a mechanism “reasonably comparable to a button, key, or icon.”<sup>3</sup> As CEA has explained, the Commission is fully justified in holding that voice and gesture commands are two examples of compliant mechanisms that covered entities may choose in order to satisfy the “reasonably comparable” requirement.<sup>4</sup>

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<sup>1</sup> See Letter from Andrew Phillips, Policy Council, National Association of the Deaf, to Marlene H. Dortch, Secretary, FCC (filed Mar. 16, 2015), <http://apps.fcc.gov/ecfs/document/view?id=60001040544>.

<sup>2</sup> See Opposition of CEA, MB Docket Nos. 12-108, 12-107 (filed Feb. 18, 2014) (“Opposition”).

<sup>3</sup> See *id.* at 2, quoting 47 U.S.C. §§ 303(aa)(3); 303(bb)(2).

<sup>4</sup> See *id.*, citing *Accessibility of User Interfaces, and Video Programming Guides and Menus*, 28 FCC Rcd 17330, 17381-83 ¶¶ 81-82 (2013) (“Order”).

CEA recently provided information to the Commission staff which the staff had requested.<sup>5</sup> CEA described the many positive developments it has seen from its industry members on user interface accessibility, including some of the technology solutions on display at the 2015 International CES. CEA also presented information from an informal poll of its TV manufacturer members. None of those who responded indicated that they plan to provide access to TV closed captions and video description features only via voice or gesture control.<sup>6</sup>

Contrary to statements made in the Advocacy Groups Letter, the information that CEA shared does not somehow “obviate” CEA’s Opposition.<sup>7</sup> As described above, CEA continues to support the rules the Commission promulgated in the Order, including the flexibility and forward- thinking embodied in those rules, consistent with the CVAA. CEA’s members are using that flexibility to provide accessibility solutions in a number of ways pursuant to the Commission’s current rules, and they should be able to continue to do so. Consistent with the Opposition, the Commission should deny the petition for reconsideration.

Pursuant to Section 1.1206 of the Commission’s rules,<sup>8</sup> this letter is being electronically filed with your office. 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

Alexander B. Reynolds

Director, Regulatory Affairs

cc: Mary Beth Murphy  
Steven Broeckaert  
Maria Mullarkey  
Karen Peltz Strauss  
Gregory Hlibok  
Rosaline Crawford  
Suzy Rosen-Singleton

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<sup>5</sup> See Letter from Julie M. Kearney, Vice President, Regulatory Affairs, CEA, to Marlene H. Dortch, Secretary, FCC (filed Mar. 3, 2015), <http://apps.fcc.gov/ecfs/document/view?id=60001038965>.

<sup>6</sup> *Id.* at 2.

<sup>7</sup> See Advocacy Groups Letter at 2.

<sup>8</sup> 47 C.F.R. § 1.1206.