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April 20, 2015

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: MB Docket Nos. 12-108, 12-107, & 11-43**

Dear Ms. Dortch:

On April 16, 2015, Stephanie Podey, Vice President and Associate General Counsel; and I, of the National Cable & Telecommunications Association (“NCTA”), met with Rosaline Crawford, Eliot Greenwald, and Karen Peltz Strauss of the Consumer & Governmental Affairs Bureau; and Steven Broecker, Michelle Carey, Maria Mullarkey, and Mary Beth Murphy of the Media Bureau, regarding the above-captioned proceedings implementing the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”).

At the meeting, we described the significant progress that NCTA member companies have made since the Commission adopted rules implementing these CVAA provisions. Cable operators are working to develop intuitive ways for users to access enhanced captioning display features on navigation devices. Some companies have already rolled out new electronic program guides that provide easy access to such features. Given that significant efforts are already well underway to meet upcoming CVAA deadlines, any changes to the rules going forward would be disruptive and costly, in addition to exceeding the bounds of what the statute requires.<sup>1</sup>

We explained why the Commission should not adopt any new burdensome mandate for a “mechanism” to access emergency information in the secondary audio stream applicable to all new cable operator-supplied devices. The CVAA fails to provide the Commission with authority to require such a mechanism.<sup>2</sup> We noted that the Commission has already “strongly encourage[d] manufacturers and providers of navigation devices to provide a simple and easy means to access video description” (which is also contained in the secondary audio stream) and the cable industry is working to do so.<sup>3</sup> Indeed, as we reported, several cable companies today

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<sup>1</sup> See NCTA Comments at 5-6; NCTA Reply Comments at 6-8. Unless otherwise indicated, all comments and reply comments cited herein were filed in MB Dkt. Nos. 12-108 & 12-107 on February 18, 2014, and March 20, 2014, respectively.

<sup>2</sup> See NCTA Comments at 6-7.

<sup>3</sup> See *In re Accessibility of User Interfaces, and Video Programming Guides and Menus; Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation*

provide programmable buttons on remote controls and/or a button that “toggles” through options that can be used to access the secondary audio stream. We also noted that the Commission requires that “emergency information provided aurally on the secondary audio stream be conveyed at least twice in full to ensure that consumers are able to hear all of the information after they switch from the main program audio to the secondary audio stream.”<sup>4</sup> Finally, the roll-out of audibly-accessible guides and menus will assist blind or visually impaired individuals in locating secondary audio streams that will contain emergency information as well as video description.<sup>5</sup>

In addition, we discussed the Commission’s proposal to require cable operators to pass through a secondary audio stream to operator-supplied apps on IP-enabled customer devices in the home. As we have explained, “[d]evelopment and implementation of this capability will be a complex and costly task” because operators will “have to acquire additional equipment and encoding to support the pass through” and, given the increasing number of ways customers are accessing cable service in the home, “operators may need to provide audio enhancements to many different apps created to serve a multiplicity of devices in the home.”<sup>6</sup> The Commission should give cable operators sufficient lead-time after adoption of any such new pass through rule, and provide, at the least, the same amount of time post-adoption as that provided for compliance with the emergency information rules.<sup>7</sup>

Respectfully submitted,

**/s/ Diane B. Burstein**

Diane B. Burstein

cc: Rosaline Crawford  
Eliot Greenwald  
Karen Peltz Strauss  
Steven Broecker  
Michelle Carey  
Maria Mullarkey  
Mary Beth Murphy

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*of the Twenty-First Century Communications and Video Accessibility Act of 2010*, Report & Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 17330 ¶ 85 (2013).

<sup>4</sup> *In re 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 2010*, Report & Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 4871 ¶ 25 (2013).

<sup>5</sup> See NCTA Comments at 7.

<sup>6</sup> See NCTA Comments, filed in MB Dkt. Nos. 12-107 & 11-43, at 4-5 (July 23, 2013).

<sup>7</sup> See *id.* at 5.