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April 24, 2015

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

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

Dear Ms. Dortch:

On April 22, 2015, Diane Burstein and I, of the National Cable & Telecommunications Association (“NCTA”), spoke by telephone with Steven Broeckart, Michelle Carey, Maria Mullarkey, and Mary Beth Murphy of the Media Bureau. On April 23, 2015, Michael Schooler of NCTA and I spoke by telephone with Mary Beth Murphy. On both calls, we discussed whether a cable operator should be required to ensure that any application or plug-in that it provides to its cable customers to access traditional linear cable programming via tablets, laptops, smart phones, and the like, should be capable of passing through audible emergency information provided in a secondary audio stream.¹

We discussed why the Commission should limit any such obligation to apps used with devices *in the home*, and urged the Commission to avoid any more expansive formulation for a new pass-through rule for emergency information. As we explained in our comments, development and implementation of even 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.”² Extending the obligation to operator-provided apps used to receive programming from Wi-Fi “hotspots” outside the home would impose additional technological and contractual burdens and uncertainty. In any event, if the Commission adopts a pass-through requirement for operator-provided apps for mobile devices, it should make explicit that the requirement does not apply to video programming that is transmitted and accessed via the Internet.

¹ See *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 (“CVAA”); Video Description: Implementation of the CVAA*, Report & Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 4871 ¶ 80 (2013).

² See NCTA Comments, filed in MB Dkt. Nos. 12-107 & 11-43, at 4-5 (July 23, 2013).

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We emphasized that the Commission should give cable operators sufficient lead-time after adoption of any new pass through rule for implementation, and provide, at the least, the same amount of time post-adoption as that provided for compliance with the emergency information rules already adopted pursuant to the Twenty-First Century Communications and Video Accessibility Act.³

Respectfully submitted,

/s/ Stephanie L. Podey

Stephanie L. Podey

cc: Steven Broeckaert
Michelle Carey
Maria Mullarkey
Mary Beth Murphy

³ See *id.* at 5.