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May 1, 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. 12-107 & 11-43**

Dear Ms. Dortch:

On April 29, 2015, Mike Schooler, Stephanie Poday, and I, of the National Cable & Telecommunications Association (“NCTA”), spoke by telephone with Michelle Carey, Maria Mullarkey, and Mary Beth Murphy of the Media Bureau. We discussed issues related to requiring a cable operator to ensure that any application or plug-in that it provides to its cable customers to access traditional linear cable programming (“app”) via consumer devices, be capable of passing through audible emergency information provided in a secondary audio stream.<sup>1</sup> As explained in our comments, we discussed why the Commission should limit any such obligation to apps used with consumer devices in the home.<sup>2</sup>

If the Commission adopts such a pass-through requirement for cable-operator supplied apps, we explained why it must give cable operators sufficient lead-time after adoption of any new rule for implementation.<sup>3</sup> Finally, we urged that any mandates governing cable operator-supplied apps should only apply on a prospective basis, and that apps in use prior to the implementation date need not be retrofitted to comply with this requirement.

Respectfully submitted,

/s/ **Diane B. Burstein**

Diane B. Burstein

cc: Michelle Carey  
Maria Mullarkey  
Mary Beth Murphy

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<sup>1</sup> 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).

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

<sup>3</sup> See *id.* at 5 (explaining that the Commission should 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).