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May 14, 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 May 13, 2015, Stephanie Podey and I, of the National Cable & Telecommunications Association (“NCTA”), met with Matthew Berry, Chief of Staff to Commissioner Ajit Pai, and Priscilla Argeris, Senior Legal Advisor to Commissioner Jessica Rosenworcel. Rick Chessen, also of NCTA, joined us for meetings with Robin Colwell, Chief of Staff and Senior Legal Advisor, Media, to Commissioner Michael O’Rielly, and Chanelle Hardy, Chief of Staff and Media Legal Advisor to Commissioner Mignon Clyburn. In each of the meetings, we discussed the above-captioned proceedings implementing the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”).

In particular, 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.¹ As explained in our comments, we discussed why the Commission should limit any such obligation to apps used with consumer devices in the home.² We pointed out that the emergency information rules apply to “video programming distributors,”³ defined as any broadcast television station, MVPD, or “any other distributor of video programming *for residential reception that delivers such programming directly to the home.*”⁴ If the Commission adopts such a requirement for cable-operator supplied apps, we described why it must give cable operators flexibility to implement a solution.

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).

³ 47 C.F.R. § 79.2(a), (b) (referencing the definitions in Sections 79.1 and 79.3 of the FCC’s rules).

⁴ 47 C.F.R. § 79.1(a)(2) (emphasis added).

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We also explained that 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.⁵ Instead, we suggested that any such solution be targeted specifically to equipment for users who are blind or visually-impaired and should be made available upon request. We discussed how those devices will be available for eligible customers from certain cable operators starting in December 2016.⁶

Respectfully submitted,

/s/ Diane B. Burstein

Diane B. Burstein

cc: M. Berry
P. Argeris
R. Colwell
C. Hardy

⁵ The CVAA fails to provide the Commission with authority to require such a mechanism. *See* NCTA Comments at 6-7.

⁶ Certain mid-sized and smaller MVPDs (400,000 or fewer subscribers) and small MVPD systems (20,000 or fewer subscribers that are not affiliated with an operator serving more than 10 percent of all MVPD subscribers) must comply by December 2018. *See* 47 C.F.R. § 79.108(b).