

DOCKET FILE COPY ORIGINAL  
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

3000 K STREET, NW, SUITE 300  
WASHINGTON, DC 20007-5116  
TELEPHONE (202) 424-7500  
FACSIMILE (202) 424-7645

NEW YORK OFFICE  
405 LEXINGTON AVENUE  
NEW YORK, NY 10174

December 18, 2000

VIA COURIER

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
TW-A325  
Washington, D.C. 20554

RECEIVED  
DEC 18 2000  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

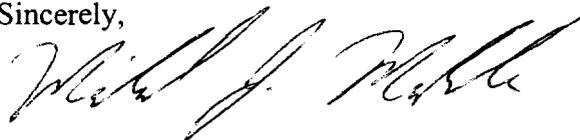
**Re: In the Matter of Standardized and Enhanced Disclosure Requirements for  
Television Broadcast Licensee Public Interest Obligations; MM Docket No.  
00-168**

Dear Ms. Salas:

Enclosed for filing in the above-captioned matter, please find an original and five (5) copies of the Comments of Telecommunications for the Deaf, Inc. in the above-referenced proceeding.

Please acknowledge receipt by date-stamping the enclosed extra copy of this filing and returning it to me in the envelope provided. If you have any questions regarding this filing please contact me at (202) 295-8338.

Sincerely,



Andrew D. Lipman  
Michael J. Mendelson

Counsel for Telecommunications for the Deaf, Inc.

Enclosures

361376.1

No. of Copies rec'd  
List ABCDE

015

Before the  
Federal Communications Commission  
Washington, D.C. 20554

RECEIVED

DEC 18 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Standardized and Enhanced )  
Disclosure Requirements for )  
Television Broadcast Licensee )  
Public Interest Obligations )

MM Docket No. 00-168

**COMMENTS OF  
TELECOMMUNICATIONS FOR THE DEAF, INC.**

Telecommunications for the Deaf, Inc. ("TDI"), by its counsel, hereby submits its comments in response to the Federal Communications Commission's ("Commission") above-captioned Notice of Proposed Rulemaking.<sup>1</sup>

**I. INTRODUCTION**

TDI is a national advocacy organization actively engaged in addressing issues of equal access to telecommunications and media for persons who are deaf, hard of hearing, late deafened and deaf-blind. TDI asserts that equal access to telecommunications services, equipment and technology ensures that persons with disabilities have the same educational and employment opportunities as other Americans. Only by ensuring such equal access will society benefit from the skills and talents of persons with disabilities.

TDI applauds the Commission's efforts to ensure that all Americans, including those who are deaf, late deafened, hard-of-hearing and deaf-blind, benefit from the rapid technological advancements in today's fast-paced telecommunications marketplace. TDI

---

<sup>1</sup> Standardized and Enhanced Disclosure Requirements for Television Broadcast License Public Interest Obligations, *Notice of Proposed Rulemaking*, MM Docket 00-168 (rel. Oct. 5, 2000) ("*NPRM*").

is also encouraged by the Commission's desire to make sure that the needs of people with disabilities are given due consideration, even as rapid technological advances provide new and exciting business opportunities for service providers.

These frustrations and others like them are intricately woven into the day to day life of every individual with a disability. Therefore, it is urgent that the Commission ensure that the technological capabilities offered by new technologies, such as making web content accessible to persons with disabilities, are used to maximize the potential of persons with disabilities to benefit from technological innovation to the same extent as any other person.

Section 336(d) of the Telecommunications Act requires that licensees serve the public interest, convenience and necessity.<sup>2</sup> In issuing the implementing regulations pursuant to Section 336, the Commission affirmed broadcasters' public interest obligations stating, "digital broadcasters remain public trustees with a responsibility to serve the public interest."<sup>3</sup> TDI provides these comments against this backdrop, encouraging the Commission to continue to proactively ensure that broadcasters remain mindful of their continuing obligation to serve the public interest, including the interests of persons with disabilities.

---

<sup>2</sup> 47 U.S.C. § 336(d) (2000).

<sup>3</sup> Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809-21811 (1977).

## **II. BROADCASTERS SHOULD BE REQUIRED TO IDENTIFY PROGRAMS THAT ARE CLOSED CAPTIONED OR CONTAIN VIDEO DESCRIPTIONS**

TDI strongly urges the Commission to its initial conclusion that the standardized disclosure form should include information on broadcasters' provision of closed captioning and video description.<sup>4</sup> Millions of Americans with disabilities rely substantially on closed captioning of television programs for news, information and entertainment. The process of simply discovering which programs are aired with closed captioning and video description is extremely frustrating for individuals who rely on such technologies. It is therefore important that the Commission take the necessary steps to ensure that this information is available to the segment of the population that is deaf, hard of hearing, late deafened, or deaf-blind. TDI is encouraged by the Commission's efforts to expand the availability of programs that are closed captioned or contain video descriptions, including the Commission's recent adoption of rules for providing video description of programming.<sup>5</sup> However, the Commission should continue the progress achieved in this area by requiring that broadcasters' public files contain information on the programs aired with closed captioning and video description.

TDI urges the Commission to require broadcasters to provide information in their public files or on their websites that identifies the programs that are closed captioned or which contain video descriptions. At a minimum, TDI requests that the Commission require broadcasters' standardized disclosure form to include information on the

---

<sup>4</sup> *NPRM* at ¶ 20.

<sup>5</sup> In the Matter of Implementation of Video Description of Video Programming, MM Docket No. 99-339, *Report and Order*, FCC 00-258 (Aug. 7, 2000).

broadcasters' provision of closed captioning and video description. Such information should include a description and schedule of the programs so that persons with disabilities are fully informed regarding the programming choices available. In addition, broadcasters will benefit from identifying their programming information in this manner as a result of the increased audience size as persons with disabilities are better informed about the programs that are closed captioned or contain video descriptions.

### **III. BROADCASTERS SHOULD BE REQUIRED TO POST THEIR PUBLIC INFORMATION IN THEIR PUBLIC FILES OR ON THEIR WEBSITES**

As part of their responsibility to keep the public informed, TDI asserts that the Commission should require broadcasters to post their public interest information in their public files or on their websites. As several parties have already noted, broadcasters' cost of placing the public files on their websites would not entail a significant cost, whereas the increased access will provide enormous benefits by increasing public access to such information.<sup>6</sup> In particular, 24-hour access to the web-based information will enhance the public's ability to more closely monitor broadcasters' efforts to meet their public interest obligations. This increased access to broadcasters' public information will also enhance the public's ability to actively help stations meet their obligation to provide programming that addresses the needs and interests of the community. For these reasons, TDI urges the Commission to require broadcasters to post their public interest information in their public files or on their websites.

---

<sup>6</sup> See also *NPRM*, at ¶¶ 30-31.

#### **IV. BROADCASTERS' WEB-BASED PUBLIC INTEREST INFORMATION SHOULD BE ACCESSIBLE TO PERSONS WITH DISABILITIES**

Unless broadcasters' websites are accessible to persons with disabilities, these individuals would be unable to access the public interest information posted on the broadcasters' websites. For this reason, TDI urges the Commission to ensure that broadcasters make the websites on which they post their public information accessible to persons with disabilities. Furthermore, the Commission should ensure that broadcasters design and maintain their websites in a manner that is fully accessible to persons with disabilities.

TDI urges the Commission to establish the manner to achieve this accessibility by requiring broadcasters to maintain their websites in accordance with the World Wide Web Consortium's Web Accessibility Initiative (W3C/WAI) guidelines.<sup>7</sup> Implementation of these guidelines can be accomplished without using significant resources, according to the W3C. Accessible sites can also be cost-effective when compared with the broader audience to whom a site would be available and the greater usability for other users. Additionally, broadcasters can make chat rooms or list serves available for on-line discussions and to disseminate information to individuals with disabilities. These types of services can be uploaded to a website with minimal effort and can be periodically updated to include information of special interest to persons with disabilities.

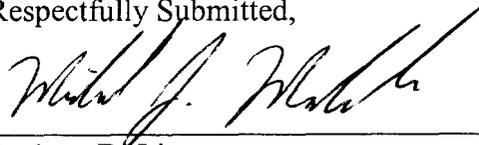
---

<sup>7</sup> The W3C/WAI standards set minimum standards for making websites accessible to persons with disabilities. According to W3C, each of the fourteen guidelines is associated with one or more checkpoints describing how to apply that guideline to particular features of web pages. These guidelines not only make pages more accessible to people with disabilities, but also have the side benefit of making pages more

V. CONCLUSION

For the reasons stated herein, TDI urges the Commission to require broadcasters to post their public interest and programming information on their websites in a manner that must be accessible to persons with disabilities.

Respectfully Submitted,



---

Andrew D. Lipman  
Michael Mendelson  
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP  
3000 K Street, NW, Suite 300  
Washington, DC 20007  
(202) 424-7500 (phone)  
(202) 424-7645 (fax)

Counsel for Telecommunications for the Deaf, Inc.

December 18, 2000

---

accessible to all users. The guidelines can be accessed on the World Wide Web at <http://www.w3.org/WAI/Resources/>.