



July 7, 2010

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

In the Matter of Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees, MB Docket 10-56

Dear Secretary:

The Coalition of Organizations for Accessible Technology (COAT) submits Comments in regard to this matter on behalf of millions of consumers with disabilities.

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Our comments are intended to address all of Comcast's major operating subsidiaries, including Comcast Cable and Comcast Entertainment Group which will, upon closing of the transaction with GE, include NBCU and NBCU's major subsidiaries such as Universal Studios and Universal Theme Parks. Our understanding is that upon the closing, Comcast will own 51 percent of the Comcast Entertainment Group and will manage the combined NBCU/Comcast programming assets. COAT expects, therefore, to see from Comcast, significant leadership in accessibility and usability in all its products, services, entertainment and other ventures, for people with disabilities, across its entire customer service and delivery structure.

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Thank you for your acceptance and consideration.

Sincerely,

Jenifer Simpson

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Jenifer Simpson
Co-Chair
Coalition of Organizations for Accessible Technology (COAT)

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**Before the
Federal Communications Commission
Washington, DC USA**

In the Matter of)
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Applications of Comcast Corporation,)
General Electronic Company and NBC) MB Docket 10-56
Universal, Inc. for Consent to Assign)
Licenses or Transfer Control of Licensees)

Comments of the Coalition of Organizations for Accessible Technology (COAT)

I. Introduction

The Coalition of Organizations for Accessible Technology (COAT) submits these comments In the Matter of Applications of Comcast Corporation, General Electronic Company and NBC Universal, Inc. ([NBCU](#)) for Consent to Assign Licenses or Transfer Control of Licensees (MB Docket 10-56). COAT is a coalition of over 300 national, state and local disability-related organizations that was founded in 2007.¹ [COAT](#)'s chief interest is in both maintaining and ensuring greater accessibility and usability for persons with disabilities in the services provided by the entities involved. We understand that the proposed transaction would combine the broadcast, cable programming, motion picture studio, theme park, and online content businesses of NBCU with the cable programming and certain online content businesses of Comcast. Further, we understand that this is a combination of one of the world's largest media conglomerates with the largest U.S. cable television provider.

Our understanding is that the merger applicants bear the burden of proving that the proposed transaction, on balance, will serve the public interest. COAT's comments, therefore,

¹ More on COAT at <http://www.coataccess.org>, including COAT's broad agenda at <http://www.coataccess.org/node/1>. COAT advocates for legislative and regulatory safeguards to ensure full access by people with disabilities to evolving high speed broadband, wireless and other Internet Protocol (IP) technologies.

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reflect a public interest in the proposed transaction, one that demands that for the public to be served by this transaction, the merged entity should take a committed and leadership role in ensuring greater accessibility and usability of all its products and services for people with disabilities.

II. The Merged Corporation Should be Required to Meet the Accessibility Needs of People with Disabilities

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This merger is likely to result in the convergence and development of technologies that foster new and improved features and functions across various services as well as positive synergies among technologies, content and services. This may include video material delivered via new distribution methods, such as over the Internet, or by new methods devised by the entities that are part of the merged corporation and which have new, unreleased or re-released video material, such as from motion picture collections. Our understanding is that there may be distribution channels involving Apple, Amazon.com, Google, NetFlix, Hulu, as well as Comcast.

In order to ensure that these various video material distributed by the new corporation are accessible to and usable by people with disabilities, COAT urges the Commission to require the following disability-specific conditions on the merged entity.

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A. Television & Movie Services

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COAT asserts that the proposed merger is likely to foster the growth of more Internet-enabled television and movie delivery services. As a condition of the merger, these video services should be accessible to and usable by people with disabilities.

1. Captioning

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The Commission should require any such video programming services that are delivered by the new entity to comply with the closed captioning requirements of Section 613 of the

Communications Act and its implementing regulations, found at 47 C.F.R. Part 79. [COAT](#) specifically draws the Commission’s attention to the “closed captioning pass through requirement” found at 47 C.F.R. §79.1(c), *i.e.*, the obligation for all distributors of video programming to “deliver all programming received from the video programming owner or other origination source containing closed captioning to receiving television households with the original closed captioning data intact in a format that can be recovered and displayed.” Although these rules are presently linked to decoder standards contained at Part 15 of the agency’s rules, Congress has made plain its intent for closed captioning services to continue to be available to consumers as new video technologies are developed.²

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In addition to requiring the merged provider to pass through captions wherever these are otherwise required on the video programming that they distribute, the Commission should require the new entity to ensure all video content it provides includes captioning, regardless of the channels used for distribution, *i.e.*, television, Internet-enabled or successor protocols.

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COAT notes that there are over 100 million Americans, including [36 million individuals who are deaf or hard of hearing](#), 30 million people for whom English is a second language, 27 million illiterate adults, 12 million children learning how to read, and 4 million remedial readers who would benefit from more widespread availability of captioning, such as the new merged entity would provide.

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2. [Video Description](#)

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There are two proposals in the U.S. Congress³ to reinstate the Commission’s previous regulations on video description of television.⁴ These measures would authorize the Commission

² 47 U.S.C. § 330(b) states: “As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that closed-captioning service continues to be available to consumers.”

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³ H.R. 3101, “The [Twenty-first Century Communications and Video Accessibility Act of 2009](#),” introduced June 2009, and S. 3304, “The Equal Access to 21st Century Communications Act,” introduced May 2010.

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to promulgate rules (a) for a modest four hours a week of video description for certain channels that was previously provided April through November 2002; (b) to further expand provision of the video description; (c) to require non-visual access to televised on-screen emergency information; and (d) ensure that new digital television standards include the capacity to deliver video description.

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COAT asserts that, as a condition to merging, that the Commission should require provision of video description by the new entity across all its distribution channels, including Pay Per View (PPV) and Video On Demand (VOD). We believe the merged entity would have synergistic resources that would allow implementation of greater accessibility and usability for millions of current customers and possible new customers. COAT notes that there are more than 25 million American television viewers with significant vision loss, and that this number is expected to increase as the population ages over the next 25 years. This means there is an expanding population of millions of viewers who will only be able to enjoy full access to video programming with the aid of video description.

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3. Accessible and Usable Equipment and Interfaces

As a condition of merging, the Commission should require specifically that the merged entity incorporate accessibility features into its video service devices and products. That is, all devices used to receive or display video programming transmitted with sound must be designed, developed, and fabricated to enable people with disabilities to control, through non-visual and other means accessible to and usable by them, the receipt, display, navigation and selection of video programming.

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⁴ Video description is the provision of verbal descriptions of on-screen visual elements that are provided during natural pauses in dialogue.

Television programming is now made available through a variety of means, including broadband and cellular transmissions. The devices used to access this programming are often quite complex, with controls that are difficult to use and displays that are difficult to navigate.

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For America's approximately 50 million consumers with disabilities, these frustrations are exacerbated because the controls are not designed to be accessible or "disability friendly." For example, the commonplace task of choosing options from on-screen menus routinely requires vision and manual dexterity to make the selection through a "point and click" remote control or via a touch screen or via a set-top box interface. Individuals with sensory, motor, and cognitive disabilities, as well as seniors, struggle to manipulate these ubiquitous devices every day. Requiring the implementation of controls that are usable by these consumers, who are eager to access programming like all other consumers, is both right and smart business. For instance, remote controls and set-top boxes should be designed and developed to be accessible to and usable by people with hearing disabilities and people with vision disabilities.⁵ Such a requirement would upgrade the consumer experience for the services and products to be provided by the new entity.

B. IP-Enabled Voice Services

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COAT also believes that voice over Internet protocol (VoIP) services, as well as other IP-enabled services, are likely to further proliferate as a result of this merger, including the likelihood of new channels for information delivery. To ensure the accessibility of these services, COAT urges the Commission to require any VoIP service or other IP-enabled service – whether it is interconnected to the PSTN or non-interconnected – to comply with the requirements of Sections 225, 251, 255, and 710 of the Communications Act to ensure full

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⁵ A closed captioning button and/or a first level menu option to access captioning and audio outputs for menu selection controls will go a long way to ensuring accessibility and usability.

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accessibility for people with disabilities. Extending these safeguards as part of this merger proceeding would be a major step forward in ensuring that the needs of persons with hearing, vision, and other disabilities are not forgotten, left out, or otherwise overlooked as any new and emerging technologies, including communications applications distributed over the new entity's system, are expanded by the entity as a means of delivering voice services.

The Commission should require specifically the merged entity to incorporate accessibility features into its services and products as required by Section 255, to make VoIP and other IP-enabled telephone-like devices hearing aid compatible consistent with Section 710, and to ensure interconnection with and provision of telecommunications relay services (TRS) by contributing to the Interstate TRS fund, consistent with Section 225. There is every reason to ensure that the needs of persons with disabilities pass through to the new entity in its provision of IP-enabled voice service.

C. Customer Service and Standards

The Commission should require that the entity resulting from the merger raise their standards for customer service and support for people with disabilities both during and following the merger. It has been our experience that typically when companies merge, there may be significant staff turnover and turmoil within the merging companies, as customer support and technical support services in call centers and service centers are integrated. As these transitions take place, customers of the merging entities often find it difficult to resolve service or other issues. COAT is concerned specifically about the effect that this merger will have on current and potential customers with disabilities who need assistance in resolving their billing, technical, installation or service concerns.

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To prevent disruption in handling of requests by consumers with disabilities, COAT urges the Commission to require a well-publicized single Disability Point of Contact for the various lines of business that the new merged entity will be selling or distributing. The contact information for these individuals should be easily found via a corporate website, through an outreach campaign to the major disability advocacy organizations, such as COAT affiliates, through routine website surfing, and via customer support materials (billing, product information, manuals, etc.).

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COAT also urges that, to the extent new personnel are brought in to deliver the products and services of the new entity, or where previous personnel have been involved in provision of disability information, that the Commission direct the merged entity to immediately and effectively train new individuals responsible for handling disability concerns about the company's disability accessible products and services obligations.

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III. Conclusion

COAT appreciates this opportunity to comment on the proposed formation of a combined Comcast Corporation, General Electric Company and NBC Universal, Inc. entity. In some instances, historically, individuals at these companies have done much to promote accessibility and usability of products and services to people with disabilities. We ask the Commission to require that this legacy continue and to guarantee, as current and new services and technologies created by the merged company evolve, that the new company will provide accessible services that effectively address the needs of persons with disabilities. In summary, we ask the Commission, in its review and approval of the new entity to require:

- Guaranteed passage of caption and video description data on all merged company platforms.

- Provision and insertion of captioning and video description in video programming where the originator did not already provide such modes of accessibility.

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- Assured accessibility of user interfaces of all company-controlled devices (e.g., set-top boxes, remote controls, other devices).
- Voice communications which are fully accessible to and usable by people with disabilities.
- A written commitment to and implementation of a better consumer experience for people with disabilities.

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We thank you for the opportunity to bring to the Commission's attention the continuing and growing need for accessibility and usability in new technologies and content for our nation's over fifty million people with disabilities.

Respectfully submitted, on behalf of COAT,

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