



The Walt Disney Company

Susan L. Fox
Vice President
Government Relations

August 9, 2011

The Honorable Julius Genachowski
The Honorable Michael J. Copps
The Honorable Robert M. McDowell
The Honorable Mignon Clyburn
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Written Ex Parte Submission in MB Docket No. 11-43 (In re: Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010)

Dear Chairman Genachowski and Commissioners Copps, McDowell and Clyburn:

Disney is submitting this written ex parte to provide some additional information relevant to the Commission's consideration of rules providing for video description. In opening comments in this proceeding, Disney submitted that the FCC should retain the "program-related conflict" exemption because, as described in detail in NCTA's Comments, there will remain conflicts between the carriage of video description and Spanish-language audio for some time. Given the conflict between these two services, Disney submits that operators (and thus programmers) need the flexibility to choose which episodes and which repeat airings contain video description or Spanish-language audio.

The program-related exemption is particularly important for non-broadcast networks like Disney Channel because Disney Channel airs a significant number of repeats of its popular children's and family programming. Indeed, Disney Channel currently provides approximately 65-70% of its programming schedule with Spanish-language audio. Given the significant number of repeated episodes on non-broadcast children's networks, if the FCC does not maintain the program-related conflict exemption, Disney Channel would have very little flexibility to air any Spanish-language audio. Such a result surely would not be consistent with the public interest in serving both the visually-impaired and the Spanish-speaking communities. Indeed, Disney Channel would like to ensure that its programming is accessible by *both* these important communities. And, in certain circumstances (depending on the nature of the program or audience for the show), it may be more appropriate to air an initial episode of a series with Spanish-language audio and then air subsequent episodes with video description. Disney submits that the program-related exemption should also accommodate such flexibility.



Respectfully submitted

A handwritten signature in black ink, appearing to read "Susan L. Fox". The signature is fluid and cursive, with a large initial "S" and "F".

Susan L. Fox

Vice President, Government Relations

The Walt Disney Company

425 Third Street, S.W., Suite 1100

Washington, DC 20024

202-222-4700

cc: William Lake
Sarah Whitesell
Mary Beth Murphy
Allison Neplokh
Lyle Elder
Sherrese Smith
Joshua Cinelli
Erin McGrath
David Grimaldi