



August 19, 2011

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Communication, MB Docket No. 11-43

Dear Ms. Dortch:

On August 18, 2011, Kelly Williams and undersigned of the National Association of Broadcasters (NAB) met with Lyle Elder, John Gabrysch, Mary Beth Murphy and Alison Neplokh of the Media Bureau.

The purpose of the meeting was to discuss the rules governing the implementation of Video Description, MB Docket No. 11-43. We discussed the timing for stations that may become affiliates of the top-four commercial networks in the top 25 markets after the effective date of the rules, and their obligations under the Congressional timetables contemplated by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA).¹ A broadcast licensee not currently a top-four network affiliate may in the future become a top-four affiliate but may not at that time be technically ready to pass through video description. That station will need a reasonable period to become technically capable. The CVAA itself does not require an immediate imposition of the video description rules on a station that newly becomes a "top-four, top-25" affiliate, and NAB anticipates that without such a grace period, a station in this situation would seek a waiver of the rules.

Accordingly, rather than burdening Commission staff with waiver requests, a reasonable phase-in period of at least three months (but preferably six months), and in regulatory parity

¹ See Comments of the National Association of Broadcasters, In the Matter of Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, MB Docket No. 11-43, April 28, 2011 at p. 11.

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with other providers of video description, should be permitted to allow such stations time to become technically capable of passing through video description.

We also discussed specific technical recommendations of adopting ATSC DTV standard A/53, referenced in Appendix A in the Notice of Proposed Rulemaking. See NAB Comments at pp. 7-8. We proposed specific revisions to the modification of 47 CFR § 73.682(d) so that broadcast stations will be able to comply with the digital broadcast television transmission standard. Our proposed revision corrects a problem with an inconsistent reference contained in ATSC A/53, Part 5: 2010 to another ATSC standard. The correct reference is to ATSC A/52B (14 June 2005), which contains an updated AC-3 descriptor and reflects what is currently implemented in digital television equipment. A copy of the proposed rule revision is attached.

We also explored the issues surrounding the technical capability of pass-through requirements for stations outside the top 25 markets, as defined in the FCC's 2000 video description Order, and as contemplated by the CVAA. NAB Comments at p. 14. Specifically, we discussed the definitions of and exemptions for "technically capable" broadcast licensees, including those that may have secondary audio capabilities in their broadcast facilities.

Finally, as raised in our initial comments, we urged the Commission to harmonize video description pass-through requirements for Mobile DTV transmissions with those of Mobile DTV device capabilities as articulated in the CVAA.² The Media Bureau has requested additional information about video descriptions over Mobile DTV. We provide an explanation detailed below.

- 1) There are currently very few Mobile DTV receivers in the marketplace. These include some prototypes and first generation units that do not support the ability to decode and present video descriptions to the consumer. Mobile DTV receivers that support video description are not expected to be available for another two years.
- 2) Video descriptions in Mobile DTV are transmitted as an associated audio service. That is, the descriptions are sent alone on a separate audio track that is mixed with the main program audio at the receiver. In contrast, in standard ATSC broadcasts, the additional track contains audio that is a mix of program and descriptions.

² See NAB Comments at p. 22, citing CVAA § 204(d) ("Deferral of Compliance with ATSC Mobile DTV Standard A/153. --- A digital apparatus designed and manufactured to receive or play back the Advanced Television Systems Committee's Mobile DTV Standards A/153 shall not be required to meet the requirements of regulations prescribed [to implement video description capabilities] for a period of not less than 24 months after the date on which the final regulations are published in the Federal Register.").

Accommodating delivery of video descriptions in Mobile DTV would require a paradigm shift in the work flow of how described works are created and delivered to content providers. For example, networks might need to receive both a mixed track and a standalone descriptions track from service providers that will have to be delivered to local stations for insertion in their over-the-air signals. Broadcasters will need time to learn how to manage this new work flow.

- 3) Currently there are approximately 80 Mobile DTV stations on the air. Many additional broadcasters are in the process of bringing mobile services on line. The technical complexities of deploying a Mobile DTV transmission system over the next year and simultaneously implementing regulatory compliance with video description would be substantial and would severely stretch the engineering resources at local stations, especially considering that there will not be receivers available on the market that support video description. Thus, imposition of video description requirements on Mobile DTV at this time would severely inhibit the deployment of this nascent technology.

Please direct any questions regarding these matters to the undersigned.

Respectfully submitted,



Ann West Bobeck
Senior VP and Deputy General Counsel
Legal and Regulatory Affairs

cc: Lyle Elder
John Gabrysch
Mary Beth Murphy
Alison Neplokh
Sherrrese Smith
Joshua Cinelli
Erin McGrath
Dave Grimaldi

Attachment

NAB Proposed Revision to 47 C.F.R. § 73.682(d)

08/18/11

Appendix A (Proposed Rule)

Section 73.682 is amended by revising subsection (d) to read as follows:

(d) *Digital broadcast television transmission standard.* Effective May 29, 2008 transmission of digital broadcast television (DTV) signals shall comply with the standards for such transmissions set forth in ATSC A/52: “ATSC Standard Digital Audio Compression (AC–3)” (incorporated by reference, see §73.8000), ATSC A/53, Parts 1–4 and 6: 2007 “ATSC Digital Television Standard,” (January 3, 2007), **and ATSC A/53, Part 5: 2010 “ATSC Digital Television Standard,” (July 6, 2010)**, except for section 6.1.2 (“Compression Format Constraints”) of A/53 Part 4: 2007 (“MPEG–2 Video Systems Characteristics”) and the phrase “see Table 6.2” in section 6.1.1 Table 6.1 and section 6.1.3 Table 6.3 (incorporated by reference, see §73.8000), and ATSC A/65C: “ATSC Program and System Information Protocol for Terrestrial Broadcast and Cable, Revision C With Amendment No. 1 dated May 9, 2006,” (January 2, 2006) (incorporated by reference, see §73.8000). Although not incorporated by reference, licensees may also consult ATSC A/54A: “Recommended Practice: Guide to Use of the ATSC Digital Television Standard, including Corrigendum No. 1,” (December 4, 2003, Corrigendum No. 1 dated December 20, 2006, and ATSC A/69: “Recommended Practice PSIP Implementation Guidelines for Broadcasters,” (June 25, 2002) (Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303)). ATSC A/54A and ATSC A/69 are available from Advanced Television Systems Committee (ATSC), 1750 K Street, NW., Suite 1200, Washington, DC 20006, or at the ATSC Web site: <http://www.atsc.org/standards.html>.

Proposed Revision

Section 73.682 is amended by revising subsection (d) to read as follows:

(d) *Digital broadcast television transmission standard.* Effective May 29, 2008 transmission of digital broadcast television (DTV) signals shall comply with the standards for such transmissions set forth in **ATSC A/52B “Digital Audio Compression (AC-3, E-AC-3),” (14 June 2005) ~~ATSC A/52: “ATSC Standard Digital Audio Compression (AC–3)”~~** (incorporated by reference, see §73.8000), ATSC A/53, Parts 1–4 and 6: 2007 “ATSC Digital Television Standard,” (January 3, 2007), **and ATSC A/53, Part 5: 2010 “ATSC Digital Television Standard,” (July 6, 2010)**, except for section 6.1.2 (“Compression Format Constraints”) of A/53 Part 4: 2007 (“MPEG–2 Video Systems Characteristics”) and the phrase “see Table 6.2” in section 6.1.1 Table 6.1 and section 6.1.3 Table 6.3 (incorporated by reference, see §73.8000), and ATSC A/65C: “ATSC Program and System Information Protocol for Terrestrial Broadcast and Cable, Revision C With Amendment No. 1 dated May 9, 2006,” (January 2, 2006) (incorporated by reference, see §73.8000). Although not incorporated by reference, licensees may also consult ATSC A/54A: “Recommended Practice: Guide to Use of the ATSC Digital Television Standard, including Corrigendum No. 1,” (December 4, 2003, Corrigendum No. 1 dated December 20, 2006, and ATSC A/69: “Recommended Practice PSIP Implementation Guidelines for Broadcasters,” (June 25, 2002) (Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303)). ATSC A/54A and ATSC A/69 are available from Advanced Television Systems Committee (ATSC), 1750 K Street, NW., Suite 1200, Washington, DC 20006, or at the ATSC Web site: <http://www.atsc.org/standards.html>.