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*Via Electronic Filing*

March 26, 2012

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth St., S.W.  
Washington, DC 20554

*Re: Notice of Ex Parte Presentation – CG Docket Nos. 10-213 & 10-145, WT Docket No. 96-198*

Dear Ms. Dortch:

This is to notify you that on March 22, 2012, the undersigned, on behalf of the Consumer Electronics Association (“CEA”), accompanied by John Godfrey, Samsung Information Systems America, Inc., Jim Morgan, Sony Electronics, Inc., Paul Schomburg, Panasonic Corporation of North America, Alexander Reynolds, an intern at CEA, and outside counsel William Maher and Christopher Clark of Wilkinson Barker Knauer, LLP, met with Karen Strauss, Deputy Chief, Consumer and Governmental Affairs Bureau (“CGB”), Gregory Hlibok, Chief, Disability Rights Office (“DRO”), CGB, and Rosaline Crawford, Eliot Greenwald, and John Herzog of the DRO.

CEA participants presented an overview of CEA’s petition for waiver (the “Petition”),<sup>1</sup> filed on March 22, 2012. The Petition requests waiver of the rules governing Advanced Communications Services (“ACS”) adopted in the *ACS Order*<sup>2</sup> for two classes of equipment: those Internet Protocol (“IP”)-enabled television sets (“TVs”) and IP-enabled digital video players (“DVPs”) that allow consumers to access and use ACS, but are designed primarily to display video content rather than to provide access to ACS. The Petition defines these two classes as “IP-TVs” and “IP-DVPs,” respectively. The CEA participants’ presentation followed the attached outline, which includes page references to the Petition. Meeting participants discussed the scope of the

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<sup>1</sup> Petition for Waiver, CG Docket Nos. 10-213 & 10-145, WT Docket No. 96-198, filed by the Consumer Electronics Association on Mar. 22, 2012 (“Petition”).

<sup>2</sup> *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14557 (2011).

equipment classes that are the subject of the Petition. The Petition explains that a waiver is justified because, for example, the principal purpose of IP-TVs is to display video content (principally full-length, professional-quality video programming).<sup>3</sup> Where IP-TVs allow users to access and use ACS, including voice over Internet protocol (“VoIP”), these are only minor features. The vast majority of the apps on IP-TVs relate to video content, gaming, news, and general information, not to ACS.<sup>4</sup> With respect to IP-DVPs, the Petition explains that a waiver is justified because the principal purpose of IP-DVPs is to play back and render video content (principally full-length, professional-quality video programming).<sup>5</sup> Where IP-DVPs allow users to access and use ACS, including VoIP, these are only minor features. The Internet connectivity of IP-DVPs is primarily focused on enabling and improving the playback and rendering of video content through such Internet-based services as Netflix, YouTube, and Hulu Plus or the delivery of video-on-demand content from pay television services, not on providing access to ACS.<sup>6</sup> The meeting participants also discussed the duration of the class waivers requested in the Petition.

Pursuant to Section 1.1206 of the Commission’s rules,<sup>7</sup> this letter is being electronically filed with your office and a copy of this submission is being provided to the meeting attendees from the Commission. Please let the undersigned know if you have any questions regarding this filing.

Respectfully submitted,

/s/ **Julie M. Kearney**

Julie M. Kearney  
Vice President, Regulatory Affairs

Attachment

cc: Karen Strauss  
Gregory Hlibok  
Rosaline Crawford  
Eliot Greenwald  
John Herzog

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<sup>3</sup> See Petition at 5–6.

<sup>4</sup> See *id.* at 8–9.

<sup>5</sup> See *id.* at 12–13.

<sup>6</sup> See *id.* at 15–16.

<sup>7</sup> 47 C.F.R. § 1.1206.

**CEA Advanced Communications Services Waiver Petition  
(CG Docket Nos. 10-213, 10-145, WT Docket No. 96-198)  
CEA Ex Parte Meeting Agenda**

March 22, 2012

**1. Introduction/Background on CEA**

- a. Principal U.S. trade association for the consumer electronics and information technologies industries (Petition at 1 n.1)
- b. 2,000 member companies that cumulatively generate more than \$195 billion in annual factory sales (Petition at 1 n.1)
- c. CEA and its member companies were actively involved in the CVAA legislative process and continue to engage in regulatory and standards activities relating to accessibility

**2. Class Waivers Should Cover All IP-TV and IP-DVP (digital video player) models first manufactured prior to July 1, 2016**

- a. CEA urges the FCC to find that the date first manufactured is equivalent to the date “introduced into the market” (Petition at 2 n.3)
- b. This clarification will provide greater certainty to manufacturers of IP-TVs and IP-DVPs as they determine when and for which models the requested waiver would apply

**3. Class Waiver for IP-TVs**

- a. The requested IP-TV class waiver readily satisfies the Section 716(h)(1) and Rule 14.5 requirements (Petition at 5)
  - i. IP-TVs constitute a distinct class of equipment that consists of TVs that (i) allow consumers to access and use ACS via IP and (ii) are designed primarily to receive and display video content, principally full-length, professional-quality video programming, not to access ACS (Petition at 5-7)
  - ii. The Commission should grant the requested waiver for all IP-TV models that are first manufactured prior to July 1, 2016 (*i.e.*, less than three years after the expiration of the phase-in period for the ACS rules) (Petition at 7-8)
    - The product lifecycle is the period of time over which a device or service is developed and brought to market and continues until that product is no longer offered and marketed

- Although IP-TVs are relatively new in the marketplace, the typical IP-TV is expected to have a product lifecycle, under the Commission’s definition, of about three years, a two-year development phase plus one year, the typical period in which an IP-TV is offered and marketed by the manufacturer
  - iii. IP-TVs are multi-purpose but are designed primarily for the display of video content, not to access ACS (Petition at 8-10)
- b. The requested IP-TV class waiver also satisfies the FCC’s general waiver standard (Petition at 10-12)
  - i. The requested class waiver would serve the public interest by facilitating innovation in IP-TVs, specifically, the integrated display of Internet video content with video programming delivered via linear broadcast and non-broadcast channels (Petition at 11)
  - ii. Imposing the Section 716 requirements on IP-TVs would harm the public interest by inhibiting innovation in IP-TVs without meaningfully increasing access to ACS for persons with disabilities (Petition at 12)

#### **4. Class Waiver for IP-DVPs**

- a. The requested IP-DVP class waiver readily satisfies the Section 716(h)(1) and Rule 14.5 requirements (Petition at 12)
  - i. IP-DVPs constitute a distinct class of equipment, namely, digital video players that (i) allow consumers to access and use ACS via IP and (ii) are designed primarily for the playback and rendering of video content, principally full-length, professional-quality video programming, not access to ACS (Petition at 12-13)
  - ii. IP-DVPs include Internet-enabled Blu-ray Disc™ and DVD players, digital video recorders (“DVRs”) (*e.g.*, boxes used primarily for pay television service), and other similar digital video players, as well as players for streaming video (Petition at 13)
  - iii. The Commission should grant the requested waiver for all IP-DVP models that are first manufactured prior to July 1, 2016 (*i.e.*, less than three years after the expiration of the phase-in period for the ACS rules), reflecting their product lifecycle as defined by the Commission (Petition at 13-14)
  - iv. IP-DVPs are multi-purpose but are designed primarily for playback and rendering video content, not access to ACS (Petition at 15-16)

- b. The requested IP-DVP class waiver also satisfies the FCC's general waiver standard (Petition at 16-18)
  - i. The requested class waiver will serve the public interest by facilitating innovation in IP-DVPs, specifically, the combined viewing of traditional and Internet forms of video on a single device (Petition at 17)
  - ii. Imposing the Section 716 requirements on IP-DVPs would harm the public interest by inhibiting innovation in IP-TVs without meaningfully increasing access to ACS for persons with disabilities (Petition at 18)