

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
)
Accessible Emergency Information, and) MB Docket No. 12-107
Apparatus Requirements for Emergency Information and)
Video Description: Implementation of the Twenty-First)
Century Communications and Video Accessibility Act of 2010)

**Comments of the
American Council of the Blind**

Introduction

The American Council of the Blind (ACB) is pleased to submit these comments on the Federal Communications Commission’s Notice of Proposed Rule Making (NPRM) regarding video description apparatus and access to emergency information. Gathered for the purpose of advising the Commission on the implementation of the 21st Century Communication’s and Video Accessibility Act (CVAA), an advisory committee submitted three reports in April 2012: 1) on the availability of video described content; 2) on access to emergency information to blind and visually impaired people; and 3) on accessibility to user interfaces, program guides, and navigation devices. The Federal Communications Commission proposes the first set of rules based on the Advisory Committee’s reports.

The American Council of the Blind (ACB) is a national membership organization whose purpose is to work toward independence, security, equality of opportunity, and improved quality of life for all blind and visually impaired people. Founded in 1961, ACB's members work through more than 70 state and special-interest affiliates to improve the well-being of all blind and visually impaired people by: serving as a representative national organization; elevating the social, economic and cultural levels of blind people; improving educational and rehabilitation facilities and opportunities; cooperating with the public and private institutions and organizations concerned with blind services; encouraging and assisting all people with severely impaired vision to develop their abilities and conducting a public education program to promote greater understanding of blindness and the capabilities of people who are blind.

Scope of Video Description

In the NPRM, the Commission states that this proceeding does not extend the scope of the video description services to IP-based television programming. We must once again vehemently object to this course of action—especially in the case of television programming made available by online services. The analysis conducted by the Commission remains flawed as it is based on a significant limitation of understanding of the nature of the IP-based video programming. We ask the Commission to reconsider its fundamental understanding of video programming delivered

through IP-based distributors—not only for the purposes of this proceeding, but for future proceedings where such analysis is most likely to harm people who are blind or visually impaired. As we have stated in the past, the current analysis severely limits our members' ability to obtain described content and will continue to do so.

While we agree that the rules regarding emergency access may be adequate regarding IP-based content, we can imagine circumstances in which even those rules fall short. Imagine, as an example, a television scroll that suggests a hurricane warning which then asks the viewer to visit the network's web site to obtain additional information. While the currently proposed rules may provide the information to visit the network's web site, such rules do not guarantee true access to emergency information. Such circumstances were not addressed by the VPAAC as it ran out of time due to various issues documented in ACB's other comments. As a result, we suggest that the FCC broaden its views regarding access to emergency information. We no longer live in a simple world in which access to information is a matter of single source. We respectfully suggest that the current set of proposed rules do not address the world that is increasingly becoming the norm but a world that used to be two or three years ago—much less address the world of television programming that will be years from now.

Technical Capability Exception

In the NPRM, the FCC asks if it should maintain the technical capability exception for television stations which do not have the capability to pass on emergency information through a secondary channel. We hesitatingly agree that the exception should be maintained. Yet we must insist that the FCC consider the technical capability exception to be the thing of absolute last resort. Technical capability does not equate to financial capability. We must ask that the technical capability exception be accompanied by a rigorous set of requirements for achieving technical capability unless the station or network is financially unable to do so. Such requirements should be set forth in advance and should consider the financial assets of the parent organization that owns the station or network. In addition, for stations, networks, or distributors who have the technical capability to pass on emergency information and video description through the secondary channel but do not do so, the FCC should impose considerable fines for each documented violation.

Time for Implementation

Considering that the infrastructure for providing alternative content through the secondary channel already exists, we foresee no delays in implementing emergency information rules. We suggest a time line of one year after the final rule for implementation. We believe that industry will have sufficient time to have worked out the significant difficulties it has faced when implementing the video description rules.

In addition, we believe that the apparatus requirements in these rules should be no longer than 18 months after the publication of the final rules. As we have stated in the past, these rules are not being developed in a vacuum. The passage of the CVAA and the subsequent activities following its passage have made it impossible for industry to argue that they need even more time to

develop equipment that complies with description rules. Such arguments, if they occur, are spurious.

Text-to-Speech (TTS)

The rapid development of TTS systems along with sophisticated ways of deploying these systems makes them imminently ideal for circumstances in which real-time delivery of text reading is needed. When it comes to providing access to emergency information—especially scrolls, TTS systems could be ideal. We believe that having the ability to deploy TTS in providing emergency information will increase the likelihood that industry will meet the implementation deadlines set forth by the FCC. In addition, TTS provides the additional advantage of being available in multiple languages. Considering these factors, ACB readily agrees with the FCC that TTS should be permitted.

Textual and Verbal Information

In most cases, we do not believe that the verbal information provided to people who are blind should be different than the textual information provided on screen. There may be situations when additional context or description may be necessary to provide full information. We can imagine several circumstances in the future when the emergency information provided is not only textual but based on graphical data. Maps, photographs, or other illustrative data may be used to convey meaning. In such cases, it is not only important that the information be conveyed, but it should be required to be conveyed meaningfully. Due to these types of concerns, we suggest that the FCC use the “effective communication” standard promulgated by the Department of Justice.

SAP Content and Superseding Emergency Information

We cannot imagine any circumstance in which either described content or alternate language programming should supersede emergency information. We urge the FCC to expand the rule such that the primary use of the SAP channel be for verbal emergency information followed by described content. The current use of the SAP channel for Spanish language content is not a mandate. It is done for convenience whereas audio description and access to emergency information provide vital accessibility not available through any other means. Especially considering FCC’s narrow definition of how both video description and emergency information is to be delivered, it is essential that the Commission not burden the consumer with yet another artificial restriction.

Recording Devices and Video Description

Simply speaking, the FCC should require manufacturers who develop devices which record video programming to record the described content along with the nondescribed stream. We firmly believe that the manufacturer must allow the user to choose whether to record the described content via accessible means. As most described content is delivered through the secondary channel, the recording of this channel is important. However, the FCC should leave open the possibility for additional developments in the delivery mechanism. For instance, the

VPAAC considered several possibilities for delivering described programming. It is possible that additional methods of delivering described content will be developed in the future that permit for the simultaneous delivery of described content as well as alternate language content. In such case, the regulations should permit for the recording of described content. If SAP will be used to deliver emergency information, we find it more important for the recording of the described video content than the emergency information since the emergency information is not likely to be timely.

Apparatus Coverage

The FCC has indicated that the only devices covered under the proposed rules are those devised to receive, play back, or record television broadcast services or multichannel video programming distributor (MVPD) services. Once again, we believe that this definition leaves a significant portion of the activities of networks and MVPDs inaccessible to individuals who are blind or visually impaired. The FCC recognizes devices such as tablets which can be used to deliver content. Cable providers and others have already made apps available for Android, iOS and other operating systems to make content available for these devices. Consumers obtain content in multiple ways and are no longer restricted to sit in front of a television set to view such content. If consumers are to pay for the privilege of obtaining content, they must have it accessible in all formats—regardless of the delivery mechanism. Broadcast networks as well as MVPDs must be required to make their apps accessible as well as required to ensure that the described content is made available through these apps. Despite numerous industry protestations, there is no technical challenge preventing industry from providing full interface accessibility; nor is there a challenge to providing described content other than the will to do so.

In addition, there should be a requirement that all equipment including cable boxes, set top boxes, XBox (or other devices capable of showing video content) show described content as well as emergency information. Nothing should prevent these devices from carrying the additional content.

Respectfully submitted:

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