

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

To: The Commission

REPLY COMMENTS OF VERIZON¹

The parties commenting in this proceeding widely support the proposals in the Notice of Proposed Rulemaking (“*Notice*”)² to implement the provisions of the Twenty-First Century Communications and Video Accessibility Act of 2010 (“Video Accessibility Act”) governing accessible emergency information and apparatus requirements for emergency information and video description.³ Verizon actively supported this legislation, and participated in the Video Programming Accessibility Advisory Committee (“Advisory Committee”). It offers these reply comments to address several of the issues addressed in initial comments.

¹ The Verizon companies participating in this filing (“Verizon”) are the regulated, wholly owned subsidiaries of Verizon Communications Inc.

² *Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, MB Docket No. 12-107, Notice of Proposed Rulemaking, FCC 12-142 (rel. Nov. 19, 2012).

³ Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751 (2010). *See also* Amendment of Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-265, 124 Stat. 2795 (2010) (making technical corrections to the CVAA).

I. ACCESSIBLE EMERGENCY INFORMATION

Under the Video Accessibility Act, the Commission is required to adopt rules to require video programming providers, video programming distributors, and program owners to convey emergency information in a manner accessible to individuals who are blind or visually impaired.⁴ No commenter in this proceeding objected to the proposal to require the use of an aural presentation of emergency information via secondary audio programming following the already required aural tone⁵ if such information is provided visually and is not part of a newscast. As a member of the Advisory Committee, Verizon supported the use of a secondary audio stream for this purpose and continues to believe that this is the appropriate mechanism to meet the requirements of the Video Accessibility Act.⁶

Verizon's FiOS TV service already supports two and in some cases three audio streams that are used today to deliver Spanish or other alternative audio content. The secondary audio streams are supplied by the providers of the content and Verizon sees no reason to create a different process for the emergency information that is the subject of this proceeding. For its part Verizon as a distributor will pass through the emergency secondary audio programming that is provided to it by providers of content. Verizon can and will pass through the emergency secondary audio programming as soon as it is made available by the providers of content. However, the process for accessing secondary audio programming may prove to be difficult for some blind or visually impaired individuals because there currently is no dedicated button on Verizon's FiOS TV remote that will immediately access secondary audio programming. Verizon

⁴ 47 U.S.C. § 613(g)(2).

⁵ 47 C.F.R. § 79.2(b)(1)(iii).

⁶ *Notice*, ¶¶ 9-10.

is working with its set-top box and remote control manufacturers to design remotes that will allow its customers who are blind or visually impaired to more easily navigate to the secondary audio stream when they are alerted to the presence of emergency information by the audible emergency tone. As noted by the Entertainment Software Association (“ESA”) and the Consumer Electronics Association (“CEA”), the equipment development process will take time, so the Commission should provide an implementation period of 24 months from the date of publication of the rules in the Federal Register for manufacturers and video programming distributors to design and deploy equipment that facilitates easy and rapid access to emergency secondary audio programming once the aural tone is heard.⁷

Verizon agrees with the American Council of the Blind (“ACB”) that the availability of text-to-speech, a technology that generates an audio version of a textual message immediately, may increase the likelihood that the industry will meet forthcoming implementation deadlines.⁸ Accordingly, Verizon supports use of text-to-speech as an alternative to secondary audio programming. However, there are still technical challenges that must be resolved before text-to-speech can be included in set-top boxes. For that reason, Verizon agrees with Telecommunications Industry Association (“TIA”), National Cable & Telecommunications Association (“NCTA”), ESA, CEA, AT&T and National Association of Broadcasters (“NAB”) that the Commission should not adopt mandatory use of text-to-speech.⁹

The Commission sought comment on several other aspects of the rules governing the video description of emergency information, including: to what extent should there be

⁷ ESA Comments at 7; CEA Comments at 13.

⁸ ACB Comments at 3.

⁹ TIA Comments at 6; NCTA Comments at 9; ESA Comments at 6; CEA Comments at 11; NAB Comments at 14; AT&T Comments at 9.

consistency between the aurally described and text information; and whether it should require aural emergency information to supersede any other content that is present on the secondary audio stream.¹⁰ Verizon supports NAB's position that there should not be a requirement for verbatim transcription of the emergency news crawl. Rather, as recognized by the Advisory Committee, the rules need not require verbatim translation, as long as the aural description provides substantially the same information, which could be in summary form.¹¹ Further, Verizon suggests that visual information presented in a format such as maps should be presented aurally in a manner that contains sufficient location attributes to be useful to blind consumers. However, as NAB noted, the Commission should not prescribe exactly how a map should be aurally communicated – that determination should be left to the broadcasters.¹² Verizon agrees with ACB that aural emergency information should supersede any other content that may be present on the secondary audio stream (*e.g.*, video description or foreign languages).¹³

Verizon agrees with NCTA that operator-supplied set-top boxes play no active role in creating the content of the aural stream or secondary audio programming.¹⁴ Set-top boxes are used to locate the appropriate stream when instructed to do so by the customer. Thus, it is not appropriate to mandate any text-to-speech capability for those devices. Supplying the aural information currently rests with the owners of the content and should remain there. Moreover, as NCTA notes, there is no need to adopt rules for recording devices to enable rendering or pass

¹⁰ *Notice*, ¶¶ 13 and 14.

¹¹ NAB Comments at 13.

¹² *Id.*

¹³ ACB Comments at 3.

¹⁴ NCTA Comments at 9.

through of video description and emergency information, as operator supplied DVRs record both the primary and secondary audio streams embedded in that program giving the customer to ability choose to view/listen to the descriptive and emergency information.¹⁵

Finally, Verizon does not believe that the Commission should revisit the alternative methods to convey emergency information other than through a secondary audio stream. Given the broad participation of industry and consumer advocates in the Advisory Committee and the Advisory Committee's rejection of those alternative methods,¹⁶ there is no reason to reconsider any alternatives.

II. REQUIREMENTS FOR APPARATUS SUBJECT TO SECTION 203 OF THE CVAA

As proposed in the *Notice*, the Commission should only apply emergency information and video description rules to apparatus that are used to receive, play back, or record television broadcast services or traditional multichannel video programming distributor services (for example, "cable service," as defined in the Communications Act), and not to all other devices that may be used to view or record video programming from other sources.¹⁷ Furthermore, if the apparatus is designed to receive, play back, or record television broadcast services or traditional multichannel video programming distributor services, then the emergency information and video description rules should apply only to the apparatus' treatment of such services, and not to any other video content that may be displayed on such device. As TIA notes, the *Notice* is correct that emergency information and video description rules should apply to "television broadcast services and MVPD services, but not to IP-delivered video programming that is not otherwise an

¹⁵ *Id.* at 9-10.

¹⁶ *Notice*, ¶ 18.

¹⁷ *See Notice*, ¶ 30.

MVPD service.”¹⁸ Specifically, the rules adopted in this proceeding should not apply to apparatus such as tablets or other Internet-connected devices that consumers may use to view video programming delivered by an multichannel video programming distributor, unless such device (for example, a “smart” TV) also includes a receiver that can be used to access broadcast or traditional multichannel video programming distributor services. For example, while the emergency information and video description rules will apply to television sets and other apparatus that can display programming delivered via Verizon’s FiOS TV service, they should not apply to devices, such as tablets (*e.g.*, iPads) and gaming consoles, on which Verizon subscribers can view video programming online over an Internet connection. Congress did not contemplate extending the rules beyond broadcast television and multichannel video programming distributor delivery of video programming.¹⁹ Indeed, the Commission explicitly recognizes this distinction in the *Notice*, noting that display of IP-delivered programming that is not part of a television broadcast service or multichannel video programming distributor service should not trigger the apparatus requirements, in contrast to television broadcast services or multichannel video programming distributor services that would be covered.

In any event, even if the Commission had authority to impose emergency information and video description rules on this type of apparatus (which it does not), the Commission’s existing video description rules and proposed emergency information accessibility rules rely on a

¹⁸ TIA Comments at 6, *citing Notice*, ¶ 6.

¹⁹ 47 U.S.C. § 303(u)(1) (directing the FCC to require that, if technically feasible, apparatus designed to receive or play back video programming transmitted simultaneously with sound have the capability to decode and make available the transmission and delivery of video description services as required under the FCC’s rules, which, in turn, apply only to broadcast television and traditional MVPD services). The provision also directs the FCC to require apparatus to decode and make available emergency information, as defined in the FCC’s rules, which, in turn, apply only to broadcast television and traditional MVPD services.

secondary audio stream approach, which is unworkable for programming delivered over the Internet. The Advisory Committee did not consider for either video description or emergency information whether a secondary audio stream could work in an IP context, nor did it consider alternative approaches for that context. Importantly, Congress directed the Commission to adopt rules based on the Advisory Committee's report, and the Commission should not adopt rules where the Advisory Committee has not even addressed the workability of a technical solution for a particular platform.

Verizon agrees with CEA to reject the "receiver mix" proposal by Dolby Laboratories, Inc.²⁰ The concept of mixing the narrative audio track with the regular audio track in the receiver has been considered and rejected by the industry. The Commission should not substitute its judgment for that of the industry. Similarly, the Commission should decline to address issues regarding a transition to the delivery of multiple simultaneous ancillary audio services at this time.²¹ As NCTA notes, providing an additional stream would represent a significant and costly undertaking for networks and manufacturers of set-top boxes.²² The industry standards development process has and will continue to evaluate the development of innovative products that can deliver multiple ancillary audio streams.

In terms of implementation, Verizon concurs with ESA and CEA²³ that the Commission should not require apparatus to be compliant until 24 months after publication of the new requirements for emergency information and video description in the Federal Register. The

²⁰ CEA Comments at 15.

²¹ *Notice*, ¶ 26.

²² NCTA Comments at 12.

²³ ESA Comments at 7; CEA Comments at 13.

Commission recognized in the *Notice* that it has adopted similar transition periods in other Video Accessibility Act dockets.²⁴ Further, as it did in the *ACS Order*, the Commission should not permit complaints to be filed before the effective date.²⁵

In order to address any failures to comply with the new requirements after the established deadline, the Commission proposed imposing complaint procedures comparable to those adopted for complaints in the *IP Closed Captioning Order*.²⁶ Verizon provides support to its customers to resolve the issues they may have. Accordingly, to the extent the Commission believes that an informal complaint process is necessary, it should require complainants to confirm that they already attempted to resolve the matter directly with the manufacturer or provider, to ensure that the most expedient method of resolving complaints has been used and to reserve Commission resources for those situations that have not been resolved by the appropriate manufacturer or provider.

III. CONCLUSION

Verizon supports the adoption of rules that will make emergency information that is provided visually during programming accessible to individuals who are blind or visually impaired by use of a secondary audio stream. However, Verizon urges the Commission to follow Congress's lead and not apply any new rules adopted in this proceeding to apparatus such as tablets or other Internet-connected devices that consumers use to view video programming

²⁴ *Notice*, ¶ 27.

²⁵ *See 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 14577, 14604, ¶ 112 (2011) (“*ACS Order*”).

²⁶ *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, Report and Order, 27 FCC Rcd 787, 859-60, ¶ 123 (2012) (“*IP Closed Captioning Order*”).

delivered by an multichannel video programming distributor, unless such devices also includes a receiver that can be used to access broadcast or traditional multichannel video programming distributor services.

Respectfully submitted,

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