

**Institute for Public Representation**

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January 22, 2013

*via electronic filing*

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TW-A325  
Washington, DC 20554

Re: **Notice of *Ex Parte* Presentation  
Accessible Emergency Information, and Apparatus Requirements for Video  
Description; Closed Captioning of Internet Protocol-Delivered Video  
Programming; Implementation of the Twenty-First Century Communications  
and Video Accessibility Act of 2010  
MB Docket Nos. 11-154 and 12-107**

Dear Ms. Dortch:

On January 17, 2013, Jim House of Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), Dr. Christian Vogler of the Technology Access Program at Gallaudet University (TAP) and the Rehabilitation Engineering Research Center on Telecommunications Access (RERC-TA), Arthur Roehrig, former president of the American Association of the Deaf-Blind (AADB) and current representative to the Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), and Blake Reid, Diana Cohn, Dashiell Milliman-Jarvis and Margarita Varona of the Institute of Public Representation at Georgetown Law, collectively, "Consumer Groups," met with Steven Broeckaert, Michelle Carey, Diana Sokolow, Mary Beth Murphy, Maria Mullarkey, Jeffery Neumann, and Alison Neplokh of the Media Bureau and Karen Peltz Strauss, Rosaline Crawford, and Eliot Greenwald of the Consumer and Governmental Affairs Bureau to discuss the Commission's ongoing rulemaking in MB Docket No. 12-107.<sup>1</sup>

Consumer Groups reiterated our position that the Commission's Notice of Proposed Rulemaking did not adequately address the diverse needs of consumers who are both blind or visually impaired and deaf or hard of hearing, and urged the Commission to

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<sup>1</sup> *Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description*, Notice of Proposed Rulemaking, 27 FCC Rcd. 14,728 (Nov. 19, 2012).

consider the needs of this important constituency as it implements the CVAA.<sup>2</sup> We noted that the CVAA plainly requires the Commission's rules to make emergency information accessible to all people who are blind or visually impaired, including those who are also deaf or hard of hearing, and that specific references elsewhere in the CVAA to deaf-blindness should not lead the Commission to reach the unwarranted conclusion that people who are blind or visually impaired are any less so because they are also deaf or hard of hearing.<sup>3</sup>

Next, we discussed the difficulties that people with both vision and hearing disabilities currently face in accessing emergency information in a timely manner. For example, Dr. Vogler explained that during Hurricane Sandy, several deaf-blind DC residents were forced to take shelter at Gallaudet University because they were unable to determine whether it was safe to remain in their own neighborhoods. Mr. Roehrig also discussed the inability of deaf-blind residents in Connecticut to obtain information in the wake of the Sandy Hook Elementary School shooting, noting that many were unaware that the shooting even occurred until several days after the incident.

We also discussed our proposal to require emergency information to be carried via both a secondary audio channel and closed captions, as detailed in our comments.<sup>4</sup> We believe that our proposal is a viable means to serve the diverse needs of the more than one million people who are blind or visually impaired and deaf or hard of hearing. We noted that while people who are blind or visually impaired with some hearing ability may be able to discern aural announcements on a secondary audio channel with the volume turned up, others cannot and instead rely on a Braille display or other tactile device fed with textual emergency information, such as through closed captions. Similarly, some people with limited vision may be able to enlarge or otherwise manipulate closed captions to view emergency information on a video screen.

We noted that crafting solutions to make emergency information universally accessible to people with both visual and hearing disabilities is a difficult task that will require careful consideration of the scope of emergency information, the specific technological methods to be utilized, and the allocation of cost and responsibility among various stakeholders. Nevertheless, we urged the Commission to press forward with this vital task, as required by the CVAA, to ensure that people who are both blind or visually impaired and deaf or hard of hearing are not denied access to critical emergency information.

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<sup>2</sup> Comments of RERC-TA and Consumer Groups, MB Docket No. 12-107, at 3-6 (December 18, 2012) ("*Comments*"); Reply Comments of TDI, et al., MB Docket No. 12-107, at 2-4 (Jan. 7, 2013) ("*Reply Comments*").

<sup>3</sup> See *Comments* at 2-4. But see Reply Comments of the National Association of Broadcasters, MB Docket No. 12-107, at 6-7 (Jan. 7, 2013).

<sup>4</sup> *Comments* at 6-7.

Finally, as detailed in our comments, we encouraged the Commission to adopt emergency information and apparatus rules consistent with the CVAA and the *IP Captioning Order* and to reject various industry proposals to the contrary.<sup>5</sup>

Please don't hesitate to contact me if you have any questions.

Respectfully submitted,

/s/

Blake E. Reid  
*Counsel to TDI*<sup>†</sup>

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<sup>5</sup> *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 (2012); see *Comments* at 4-18.

<sup>†</sup> Counsel thanks Georgetown Law student clinicians Diana Cohn, Dashiell Milliman-Jarvis and Margarita Varona for their assistance in preparing this document.