Consumer Electronics Association
1919 South Eads Street
Arlington, VA
22202 USA
(866) 858-1555 toll free
(703) 907-7600 main
(703) 907-7601 fax
www.CE.org

Via Electronic Filing

February 1, 2013

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

Re: Notice of Ex Parte Presentation – MB Docket Nos. 12-107 and 11-154

Dear Ms. Dortch:

This is to notify you that on January 30, 2013, Julie Kearney, Vice President, Regulatory Affairs, 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, and CEA outside counsel William Maher and Chris Clark of Wilkinson Barker Knauer, LLP, met with Matthew Berry, Chief of Staff, Office of Commissioner Pai.

To help guide the meeting, CEA provided Mr. Berry with the attached agenda, which summarizes the items discussed and includes page references to CEA's comments and reply comments on the pending notice of proposed rulemaking in MB Docket No. 12-107 (the "*Notice*").[1]

Consistent with CEA's comments and reply comments on the *Notice*, CEA urged the Commission to limit the scope of the apparatus requirements for video description and emergency information to devices that include receivers used to access linear television broadcast and MVPD services. CEA also stated that the Commission should ensure that industry

[1] *See* CEA Comments, MB Docket No. 12-107 (filed Dec. 18, 2012); CEA Reply Comments, MB Docket No. 12-107 (filed Jan. 7, 2013). *See also 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*, Notice of Proposed Rulemaking, 27 FCC Rcd 14728 (2012) (the "*Notice*").

has the continued flexibility to innovate in providing video description and emergency information to all Americans by declining to adopt technical mandates or specific performance standards for covered apparatus.

Moreover, in light of the new requirements proposed in the *Notice*, CEA asked that the Commission provide sufficient time for industry to implement the changes needed to comply with the new apparatus requirements by adopting a phase-in period of two years (*i.e.*, 24 months) from Federal Register publication of the new rules. As stated in CEA's previous filings, the apparatus compliance deadline should be interpreted to refer only to the date of manufacture, and not the date of importation, of apparatus.

Furthermore, the Commission should refrain from addressing the three issues pertaining to equipment features that arose in the 2011 video description proceeding and focus instead on meeting the deadlines established by the Twenty-First Century Communications and Video Accessibility Act of 2010 (the "CVAA"),[2] which require the Commission to complete its proceeding on access to emergency information by April 9, 2013, and on apparatus requirements for video description and emergency information by October 9, 2013.[3]

CEA also urged the Commission to act immediately to grant CEA's petition for reconsideration of the *IP Captioning Order* in MB Docket No. 11-154.[4] Grant of that petition would make the IP captioning rules consistent with the CVAA while providing certainty for consumers and the consumer electronics industry.

---

[2] *See* Pub. L. No. 111-260, 124 Stat. 2751 (2010) (as codified in various sections of Title 47 of the United States Code), *amended by* Pub. L. 111-265, 124 Stat. 2795 (2010).

[3] *See Notice*, 27 FCC Rcd at 14730 ¶ 2.

[4] *See 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); CEA, Petition for Reconsideration, MB Docket No. 11-154 (filed Apr. 30, 2012).

Pursuant to Section 1.1206 of the Commission's rules,[5] this letter is being electronically filed with your office and a copy of this submission is being provided to the meeting attendee 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: Matthew Berry

[5] 47 C.F.R. § 1.1206.

EX PARTE PRESENTATION OF CEA
ACCESSIBLE EMERGENCY INFORMATION AND VIDEO DESCRIPTION
MB Docket No. 12-107; MB Docket No. 11-154

I. INTRODUCTION

A. CEA is the principal U.S. trade association of the consumer electronics and information technologies industries.

B. CEA has been deeply involved in CVAA implementation, including as a member of the Video Programming Accessibility Advisory Committee ("VPAAC").

II. THE CVAA LIMITS THE SCOPE OF THE NEW APPARATUS RULES

A. CEA supports the Commission's proposal to limit the scope of the apparatus requirements for emergency information and video description to devices that make available the type of programming that is subject to the current rules – devices designed to receive, play back, or record television broadcast services or MVPD services, consistent with CVAA § 203. (Comments at 4; Reply at 3-4)

B. To the extent that devices interact with IP-delivered video, they are not covered because Congress did not extend the CVAA's emergency information and video description provisions to IP-delivered video programming. The provisions of Section 303(u) of the Communications Act that address emergency information and video description, which were added by the CVAA, differ in scope from the provision that addresses IP closed captioning (Comments at 4-6; Reply at 3-4)

C. The Commission should not include "video players" installed by manufacturers as a defining characteristic of "apparatus" covered by CVAA § 203 because the statute limits such apparatus to a subset of video players – those designed to receive or play back "video programming" as defined in the CVAA. (Comments at 6-8; Reply at 4-5)

D. The apparatus requirements for emergency information and video description should not apply to "removable media players" because such requirements would be based on an unreasonable reading of the CVAA. Moreover, the removable media that the devices play are not required to contain emergency information or video description. Finally, as the *Notice* recognizes, emergency information will not be timely at the time of playback. (Comments at 8-9, Reply at 5)

III. THE COMMISSION SHOULD AVOID INFLEXIBLE TECHNICAL RULES

A. The Commission should not adopt any technical mandates or specific performance standards for covered apparatus. (Comments at 10-11; Reply at 5)

B. *TTS*: The Commission should not require that covered apparatus include built-in text-to-speech ("TTS") capability. As recognized by multiple parties, TTS technology currently is not sufficiently reliable for mandatory use in providing emergency information to the blind and visually impaired. Instead of requiring apparatus manufacturers to build in TTS functionality, the Commission should permit manufacturers to develop solutions in collaboration with other industry participants. (Comments at 11; Reply at 5-6)

C. *Recording Devices*: New regulations here are not needed because most modern recording devices are already capable of recording both the primary and secondary audio streams, enabling consumers to play back emergency information or video description that was transmitted on the secondary audio stream when viewing the recorded programming at a later time. (Comments at 11; Reply at 6)

D. *Secondary Audio Channel*: The VPAAC correctly recommends that best efforts be undertaken to ensure that main channel audio, instead of silence, is carried on secondary channels when those channels are not carrying other audio. (Comments at 11-12)

IV. THE COMPLIANCE DEADLINE FOR THE APPARATUS REQUIREMENTS FOR EMERGENCY INFORMATION AND VIDEO DESCRIPTION SHOULD APPLY TO DEVICES BASED ON THE DATE OF MANUFACTURE

A. There is ample precedent for this common-sense interpretation, which will not harm consumers. (Comments at 12-13)

B. Contrary to TDI et al., the compliance deadline should not be based on the date of sale, and no new labeling requirements should be imposed.

V. AN INITIAL PHASE-IN PERIOD OF TWO YEARS IS NEEDED TO IMPLEMENT THE APPARATUS REQUIREMENTS FOR EMERGENCY INFORMATION AND VIDEO DESCRIPTION

A. The phase-in period should be 24 months from the date of Federal Register publication of the new rules. (Comments at 13; Reply at 7-8)

VI. THE COMMISSION SHOULD REFRAIN FROM ADDRESSING THE THREE ISSUES PERTAINING TO EQUIPMENT FEATURES THAT AROSE IN THE 2011 VIDEO DESCRIPTION PROCEEDING

A. It is unnecessary to address the issues raised in the *Notice* re signaling, the receiver-mix proposal, and multiple ancillary audio services.

B. Rather, the Commission should focus on the tasks that it must complete by the apparatus deadline of October 9, 2013. (Comments at 14-15; Reply at 7)