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February 6, 2013

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: In re 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**

Dear Ms. Dortch:

On February 4, 2013, Andy Scott, Vice President, Engineering, Stephanie Podey, Associate General Counsel, and I, of the National Cable & Telecommunications Association (“NCTA”), and Daniel Alvarez of Willkie Farr & Gallagher LLP, met with Steven Broeckaert, Michelle Carey, Maria Mullarkey, Mary Beth Murphy, Alison Neplokh, Jeffrey Neumann, and Diana Sokolow of the Media Bureau, and Rosaline Crawford, Eliot Greenwald, John Herzog, and Karen Peltz Strauss of the Consumer & Governmental Affairs Bureau, regarding the Commission’s implementation of the accessible emergency information and apparatus requirements of the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”).

We briefly discussed the array of services that cable operators are delivering today to a variety of consumer devices, and how these services are at a nascent stage. We pointed to the difference between Congress’ intent in the CVAA to caption IP-delivered video services and the Commission’s more limited mandate in this proceeding. We noted that Congress directed the Commission to conduct a separate inquiry addressing “the technical and operational issues, costs, and benefits of providing video descriptions for video programming that is delivered using Internet protocol” one year after implementation of the video description rules.¹

¹ See *NCTA Comments* at 15-16 (citing CVAA § 202(a)(3), 47 U.S.C. § 613(f)(3)(B)).

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We also clarified that when a cable customer elects to record a particular broadcast program on an operator-supplied DVR, the DVR records the primary and secondary audio stream as it is transmitted by the broadcast station.² Thus, if a broadcaster is transmitting emergency information in the second audio stream in lieu of video description, the emergency information will be recorded. When a customer plays back the recorded program at a later time, the emergency information, rather than the video description, will be contained in the secondary audio stream.³

Respectfully submitted,

/s/ **Diane B. Burstein**

Diane B. Burstein

cc: Steven Broeckaert
Michelle Carey
Maria Mullarkey
Mary Beth Murphy
Alison Neplokh
Jeffrey Neumann
Diana Sokolow
Rosaline Crawford
Eliot Greenwald
John Herzog
Karen Peltz Strauss

² See *id.* at 9.

³ *Id.* at 9-10.