



February 7, 2013

BY ELECTRONIC FILING

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

Re: *MB Docket No. 12-107*

Dear Ms. Dortch:

This is to inform you that, on February 5, 2013, Stacy Fuller of DIRECTV, LLC and undersigned counsel spoke by telephone with Michelle Carey of the Commission's Media Bureau with respect to the above referenced proceeding. They first discussed complications that could arise from a requirement to make televised emergency information on national cable channels (as opposed to local broadcast stations) accessible to the visually impaired. DIRECTV transmits such channels on a nationwide satellite beam, making the provision of localized emergency information very challenging. Although DIRECTV has worked with national programmers (such as The Weather Channel) to develop strategies to make emergency information more accessible, the requirements currently under consideration would necessitate a significant investment of resources to develop an alternative approach. Accordingly, if the emergency information accessibility requirements of the Twenty-First Century Communications and Video Accessibility Act of 2010 are deemed to apply to such national channels, the Commission should allow distributors sufficient time (*i.e.*, at least three years) to implement this mandate, and flexibility in developing a solution to do so.

We also reiterated the fact that, although DIRECTV carries the secondary audio of broadcasters across the country that provide such feeds, capacity constraints would likely limit its ability to carry the secondary audio of additional stations in almost all markets. In recognition of this situation, we urged the Commission to adopt a streamlined procedure for granting a waiver of any secondary audio carriage requirement in a particular market (including Section 76.66). For example, when a DBS operator concludes that it cannot honor a request to add a new secondary audio stream from a broadcast station, a waiver would be granted if its Chief Technical Officer (or equivalent) certifies that the spot beam serving the relevant market does not have sufficient capacity to support carriage of the secondary audio without compromising the other broadcast signals carried on that beam. The waiver issued in response to such certification would remain in place for one year, subject to extension annually if the DBS operator re-certifies

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that it continues to have insufficient capacity to support additional secondary audio feeds in that market.

Respectfully submitted,

/s/

William M. Wiltshire
Counsel for DIRECTV

cc: Michelle Carey