March 7, 2013

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Communication, MB Docket No. 12-107

Dear Ms. Dortch:

Today Jane Mago, Kelly Williams and the undersigned of the National Association of Broadcasters (NAB) met with Steven Broeckaert, Michelle Carey, Maria Mullarkey, Alison Neplokh, Jeffrey Neumann, Mary Beth Murphy, Diana Sokolow and William Lake of the Media Bureau.

The purpose of the meeting was to discuss the rules governing the implementation of Accessible Emergency Information, MB Docket No. 12-107. We reiterated our position that the instant proceeding raises significant technical and operational challenges; accordingly, the Commission should adopt a phased-in approach to allow industry to implement the new rules in a reasonable manner.[1] To illustrate the complexity of transcribing the graphics displayed in

[1] *See* Comments of the National Association of Broadcasters, In the Matter of Closed Captioning of Internet Protocol-Delivered Video Programming Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, MB Docket No. 12-107, Dec. 18 at 17-20 (NAB Comments). We ask that the Commission to afford broadcasters in the top 25 markets that already have a secondary audio stream 36 months from Federal Register publication of the adopted rules to come into compliance. Broadcasters in the top 25 markets that currently lack a secondary audio stream will require sufficient time to make the necessary upgrades to their equipment, as will broadcasters in smaller markets (*i.e.*, markets below the top 25) with more limited resources. The Commission should provide these broadcasters (top-25 market broadcasters without a secondary audio stream, and broadcasters in markets below the top 25) 42 months from Federal Register publication of the rules to come into compliance.

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the broadcast plant from numerous originating sources to text from which accessible audio information can be derived, we provided the Commission with a diagram, herein attached.

Moreover, as the Commission implements this important phase of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), it must be careful to afford broadcasters sufficient flexibility to continue to innovate their multiplatform video programming, serve their audiences during times of emergencies and avoid stifling such innovation as an unintended consequence of any new rule. Thus, we urge the Commission to refrain from requiring or precluding any particular technology for audio transcription. *Id*. at 14-15.
We also discussed that the Commission should not require onsite station voice-over announcements for a variety of reasons, including, but not limited to (1) timely dissemination of emergency information; (2) limitations of on-air voice-over talent in union contracts; (3) availability of appropriate voice-over personnel during afterhours; and (4) configuration of stations that may be operated in “cluster” or “hub” operations.

To ensure that video described programming is not continuously disrupted during significant weather events (such as extended snow storms or hurricanes), we also urged the Commission to update Section 79.2 of its rules to apply to critically urgent information. *Id*. at 7-8. Not every crawl on television identifies an urgent issue directly affecting life, health, safety or property. In many cases, local broadcasters include in crawls information that is helpful, but not critical. This breadth of information is appropriate in crawls, where information can be displayed on the screen without significantly interfering with a viewer’s enjoyment of the underlying programming.

Finally, we reiterated our position that existing Section 79.2(a)(2) should be revised to end after the phrase “civil disorders,” so that the following examples are deleted: school closings, changes in school bus schedules resulting from such conditions, and non-imminent weather conditions and alerts. These types of information, which are not of immediate urgency, should not be required to be transmitted aurally on the second audio stream, although broadcasters certainly should continue to have the flexibility and discretion to transmit them aurally, if appropriate. This is also consistent with the recommendations of the Video Programming Accessibility Advisory Committee (VPAAC).[2]

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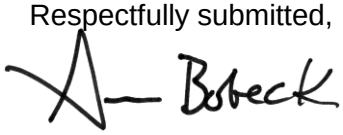
[2] *VPAAC Second Report: Access to Emergency Information* at 10.

Please direct any questions regarding these matters to the undersigned.

Respectfully submitted,



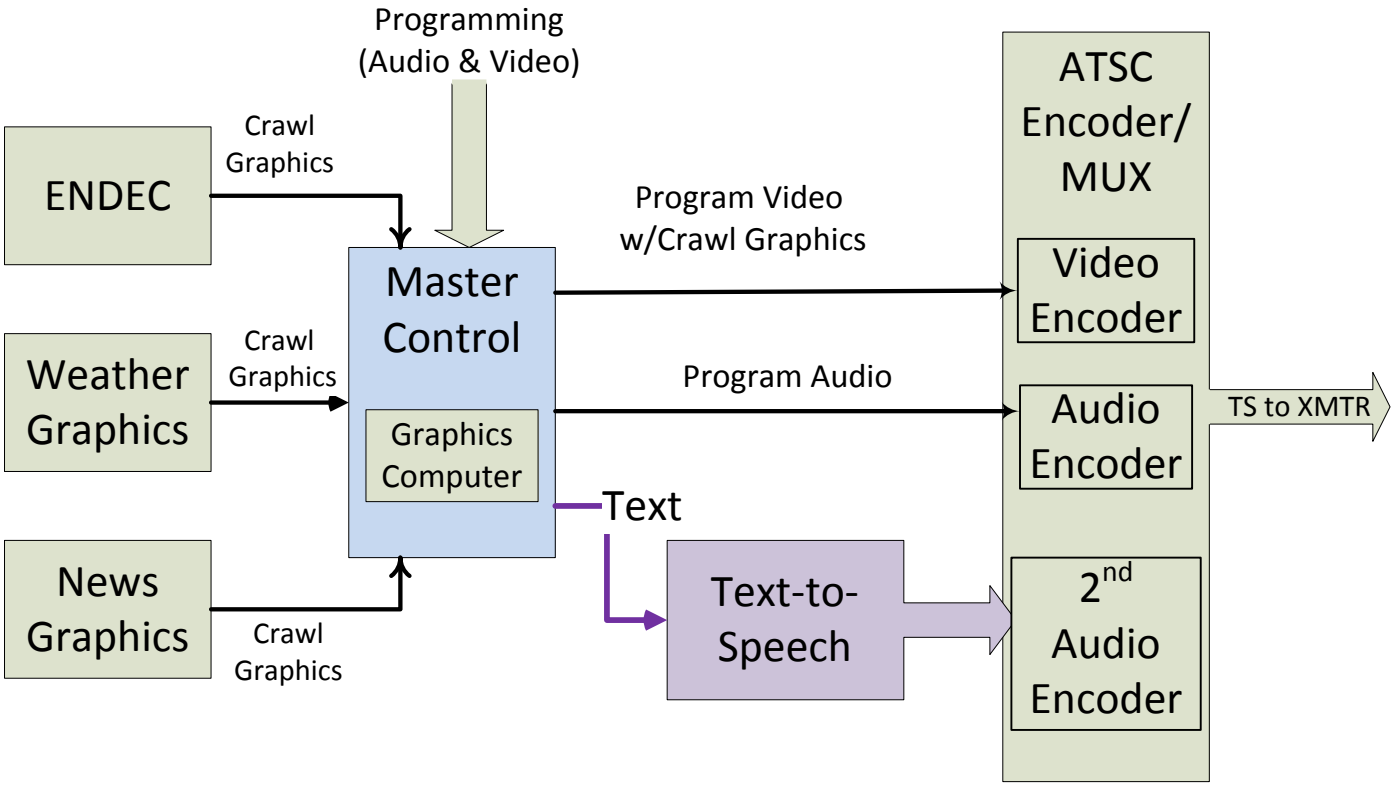
Ann West Bobeck
Senior VP and Deputy General Counsel
Legal and Regulatory Affairs

Attachments

cc: Diana Sokolow

Accessible Emergency Information

Simple Broadcast Station Graphics Signal Flow



NAB
NATIONAL ASSOCIATION OF BROADCASTERS