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Via Electronic Filing

March 21, 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 March 19, 2013, Julie Kearney, Vice President, Regulatory Affairs, Consumer Electronics Association (“CEA”), and CEA outside counsel William Maher and Christopher Clark of Wilkinson Barker Knauer, LLP, spoke via telephone with Dave Grimaldi, Chief of Staff and Media Legal Advisor, Office of Commissioner Clyburn.

During this telephone call, CEA discussed its positions regarding the pending notice of proposed rulemaking on emergency information and video description rules in MB Docket No. 12-107.¹ In particular, CEA made the following points:

- As a general matter, a Further Notice of Proposed Rulemaking (“FNPRM”) in MB Docket No. 12-107 should not be necessary because Section 203 of the Twenty-First Century Communications and Video Accessibility Act of 2010² plainly limits the new

¹ See *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); see also CEA Comments, MB Docket No. 12-107 (filed Dec. 18, 2012) (“CEA Comments”); CEA Reply Comments, MB Docket No. 12-107 (filed Jan. 7, 2013) (“CEA Reply Comments”).

² Pub. L. No. 111-260, § 203, 124 Stat. 2751 (2010) (as codified at 47 U.S.C. § 303), *amended* by Pub. L. 111-265, 124 Stat. 2795 (2010).

apparatus rules for emergency information and video description to a narrow class of apparatus – devices that make available the type of programming that is subject to the Commission’s existing emergency information and video description rules.³ If the Commission deems it necessary to issue an FNPRM in this proceeding, it should avoid tentative conclusions and explain fully the legal theories on which it bases its questions.

- Stand-alone removable media players should not be covered by the new apparatus rules for emergency information and video description, as CEA explained in detail in its comments and reply comments in this proceeding.⁴ Moreover, any such regulation of these players is **unnecessary** because, as CEA explained in an *ex parte* letter⁵ dated January 24, 2013, most DVD players already support multiple audio streams. A user with a visual impairment has at least two options on every DVD player for discs based on the DVD Forum A/V formats—cycling through the available audio tracks, or going to the DVD’s setup menu provided by the DVD author and selecting the audio track for those with visual impairments on that menu. If the Commission decides to issue an FNPRM in its proceeding on emergency information and video description, it should include these removable media player issues there, rather than in an order on the merits.

In addition, because some of the issues raised in the proceeding on emergency information and video description are related to the issues raised in CEA’s pending petition for reconsideration (“CEA PFR”) of the Commission’s IP captioning rules in MB Docket No. 11-154,⁶ CEA urged the Commission to grant the CEA PFR promptly.

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³ See CEA Comments at 4–10; *see also* CEA Reply Comments at 3–5.

⁴ See CEA Comments at 8–10; CEA Reply Comments at 5.

⁵ See Letter from Julie M. Kearney, Vice President, Regulatory Affairs, CEA, to Marlene H. Dortch, Secretary, FCC, MB Docket Nos. 12-107 and 11-154, at 2 (filed Jan. 24, 2013).

⁶ CEA, Petition for Reconsideration, MB Docket No. 11-154 (filed Apr. 30, 2012); *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 Red 787 (2012).

Pursuant to Section 1.1206 of the Commission's rules,⁷ this letter is being electronically filed with your office and a copy of this submission is being provided to Mr. Grimaldi. 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

cc: Dave Grimaldi

⁷ 47 C.F.R. § 1.1206.