



WILTSHIRE
& GRANNIS LLP

July 25, 2013

BY ELECTRONIC FILING

Marlene H. Dortch
445 12th Street, SW
Room TW-A325
Washington, DC 20554

*Re: Accessibility of User Interfaces, and Video Programming Guides and Menus
MB Docket No. 12-108*

Dear Ms. Dortch:

On July 23, 2013, Stacy Fuller of DIRECTV and outside counsel Michael Nilsson met with Commission staff to discuss the above-captioned proceeding. Present on behalf of the Media Bureau were Michelle Carey, Alison Neplokh, Jeffrey Neumann, Raelynn Remy, Maria Mullarkey, Adam Copeland, and Evan Baranoff. Present on behalf of the Consumer and Governmental Affairs Bureau were Karen Peltz Strauss, Rosaline Crawford, and Eliot Greenwald.

We discussed several points raised in DIRECTV's comments filed earlier this month, as follows:

- Congress passed a series of highly detailed, highly complex provisions in Sections 204 and 205 of the CVAA. The Commission must give meaning to the specific words used by Congress and the specific choices those words represent. Doing so will not only respect the limits on the Commission's authority, but will achieve measurably better results for the blind and visually disabled.
- The CVAA requires the Commission to grant "maximum flexibility" in meeting accessibility requirements for navigation devices. This includes flexibility with respect to developing audible text menus and guides, the classes of devices that must deliver audible text, compliance via software, peripheral devices, *etc.*, and "mechanisms reasonably comparable to a button, key, or icon."
- The CVAA requires the Commission to respect the differences between "navigation devices" and "digital apparatus."

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- Navigation devices must make audibly accessible only “on-screen text menus and guides . . . for the display or selection of multichannel video programming. . . .”
- Navigation devices need not provide an “icon/button” mechanism for functions other than closed captioning.
- The Commission should not apply Section 205 to MVPD-provided applications on third party devices, both because stand-alone software is not a “device” or “equipment,” and because such a requirement would unfairly disadvantage MVPDs against stand-alone, over-the-top offerings. That said, the text menus and guides for DIRECTV “apps” on tablets, phones, and similar devices employ text fields, and thus can be made audible via screen readers and similar technologies.
- The Commission should not require MVPDs to provide program information to third parties. MVPDs purchase such information from entities such as Tribune, and third parties should be required to do the same.

Pursuant to the Commission’s rules, I am filing one copy of this letter electronically in MB Docket No. 12-108. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Nilsson".

Michael Nilsson
Counsel to DIRECTV, LLC

cc: Meeting participants