

I. SCOPE OF SECTION 204 AND 205

A. The Scope of Section 204

- (1) **The scope of Section 204 excludes display-only video monitors.** The scope of Section 204 is limited to digital apparatus which "receive or play back" video programming.
 - Section 203(a)(2)(B) states that "any apparatus or class of apparatus that are display-only video monitors with no playback capability are exempt from the requirements" to implement closed captioning.
- (2) **Manufacturer's design intent is an important factor.**
 - The Commission should give weight to the design intent of the manufacturer as demonstrated in its device operating instructions and related marketing communications.
- (3) **Proper interpretation of the term "transmitted".**
 - Section 204 excludes display-only video monitors, video projectors, or removable media players (e.g. DVD and Blu-Ray Disc™ players) ...or any other devices which are incapable of receiving or displaying programming in digital format using Internet protocol without assistance from a separate video source device or video recorder.
 - The Commission should confirm that the mere routing or pass through of Internet Protocol-encoded video content does not mean such products are "receiving" video programming transmitted in digital format using Internet protocol.

B. The Scope of Section 205

The Commission should limit the scope of Section 205 to MVPD-provided navigation devices or MVPD-provided software applications, but it could also appropriately include independently-provided navigation devices which have a CableCARD interface.

- (1) **Definition of "navigation devices" must consider statutory intent.**
 - Panasonic believes that a correct interpretation of the statute would be that Section 205 applies only to "...**on-screen text menus and guides** provided by navigation devices... for the **display or selection of multichannel video** [*emphasis added*]."
 - Thus the scope of Section 205 should be limited to include only MVPD-provided devices or independently-provided commercial devices that provide menus and guides which enable a consumer to control the display or selection of multichannel video programming.
- (2) **Only CableCARD equipped devices can fully display or select multichannel video programming.**
 - Absent the use of a CableCARD, the Commission's rules do not ensure the availability of the channel information necessary for independent manufacturers to design "navigation devices" that could provide "on-screen text menus and guides provided by navigation devices... for the display or selection of a cable system's multichannel video programming."
- (3) **MVPD-provided applications.**
 - Section 205 specifies that for "navigation device features and functions... delivered in software, the requirements set forth in this subsection shall apply to the manufacturer of such software."

II. FUNCTIONS THAT MUST BE MADE ACCESSIBLE

A. Functions of Devices under Section 204

- (1) **Section 204 requires only “control of appropriate built-in apparatus functions”** limited to only the “appropriate” functions that are necessary to control an apparatus in order to receive or play back video programming.
 - The eleven functions identified by the VPAAC include all that are necessary to control an apparatus to receive or play back video programming.
 - Any additional functions may greatly complicate product designs and add to consumer costs. The Commission should also recognize that some devices may not need to support all of these eleven functions.
 - A requirement to seek the Commission’s approval for newly developed functions would greatly impede the very innovation which may ultimately benefit people with disabilities.
- (2) **On-screen text menus or other visual indicators.**
 - This does not apply to all on-screen text menus or visual indicators, but only those that are used to access the appropriate built-in apparatus functions – specifically, the eleven essential functions listed in the VPAAC report.
 - This does not apply to user-downloaded applications because they are not “built-in apparatus functions.”
 - Audio output functionality may be provided “either integrated **or** peripheral to the apparatus
- (3) **Removable Media Players.**
 - The method used by DVD & Blu-Ray Disc™ media to provide support for accessible menus in removable media already complies with this Section.
 - Removable media players cannot support a requirement to enable accessibility of media content menus because such menus are not under the control of the equipment manufacturer.

B. Functions of Devices under Section 205

- (1) **Section 205 is limited to on-screen menus and guides.**
 - Navigation devices subject to Section 205 are explicitly excluded from the requirements of Section 204.

III. ALTERNATE MEANS OF COMPLIANCE AND ACHIEVABILITY

A. Alternate Means of Compliance under Section 204

- (1) **Alternate means should be determined by the manufacturer.**
 - The Commission should provide discretion to Bureau staff to provide short-term waivers for the introduction of new technology or products.

B. Achievability

- (1) **Achievability analysis should include a product-line approach.**
 - The Commission should recognize that products are positioned at differing features and price points which may influence the achievability of accessibility features.