



**Department of Technology and Communication Services
Office of Cable Administration**

August 5, 2013

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *In the Matter of Accessibility of User Interfaces, and Video Programming Guides and Menus, MB Docket No. 12-108, Notice of Proposed Rulemaking (FCC 13-77)*

Dear Commissioners:

Howard County's Cable Administration Office submits this letter in the above-referenced rulemaking proceeding (NPRM) in response to comments filed by: Montgomery County, MD; National Association of Counties, National Association of Telecommunications Officers and Advisors, and the United States Conference of Mayors; and the Alliance for Communications Democracy.

Howard County's GTV is a government access television station that produces local video programming, including public affairs programming, live County Council sessions and County Executive press conferences, aired on a local government access television station. We annually produce over 200 hours of productions resulting in 52 live programs of original locally produced Government content. Our mission is to expand and enhance public participation in the governmental process by (a) broadcasting meetings of governmental bodies, public hearings, and news conferences; (b) creating and presenting programs that expand the awareness of residents, businesses and visitors of the County government, its decision-making processes and events and programs provided by the County government; and (c) facilitating two-way communication between residents, businesses and visitors and County government officials.

In addition to our Government Channel, Howard Community College's Channel produces 27 local origination programs focusing on Art, Culture, Literature, Sports and Education; while our Board of Education Channel produces over 120 programs annually. Their programs feature Board of Education meetings, highlight Author interviews through *Books Alive*, and connect Parents, Teachers, Schools and Businesses through video programs. The Annual Spelling Bee, Poetry recitation competitions, musical performances, Superintendent Community engagement events and High School Commencements are also provided

Each Legislative program, including County Council Legislative meetings and public hearings are closed captioned, on the Government channel. The onscreen video programming guide of our multichannel video program distributors (MVPD), Comcast and Verizon, do not provide a label or symbol indicating that these programs are closed captioned.

We have program descriptions and accessibility information readily available for our programs with accessibility options such as closed captions. However, currently, Verizon lists our Government channel as “Government” and lists all of its programming as “Government Programming.” Comcast will list some of our Government and Community College program descriptions on the electronic guide; however they do not list programming descriptions for our Board of Education programs. This level of information is inadequate to meet the accessibility goals of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA). We have asked the MVPDs to carry our program information and Verizon has said it is not possible to do so. Comcast’s response has been inconsistent. Viewers cannot determine from the MVPD’s video programming guide what our programs are and whether our programs are accessible. Thus, viewers with visual or auditory disabilities cannot make meaningful video program choices.

The Video Programming Accessibility Advisory Committee (VPAAC) identified “Channel / Program Selection” and “Display Channel / Program Information” among the essential functions covered by CVAA,¹ and also expressed concern that “often it is impossible to determine the accessibility of a program (whether it provides captioning or video description) until after watching a few minutes of the program. This can lead to frustration on the part of users dependent on such capabilities as they attempt to locate programming that meets their accessibility needs.”² The VPAAC identified that “[a] more accessible and usable solution for deaf or hard of hearing and blind or vision impaired users would provide clear identification of the accessibility options that are available for a program *prior to viewing, such as labeling the program as having captions and/or video description within the mechanism used to display channel / program information.*”³ We urge the Commission to adopt this approach and note that it is even more difficult to locate programming that meets viewers’ accessibility needs if neither the name of the program nor the closed captioning label is included on the video programming guide.

At paragraph 36 of the NPRM, the Commission asks: “Does Section 205 provide us authority to require that MVPDs provide programming description information in programming guides for local programs and channels for the purpose of promoting accessibility?”

We believe the Commission has direct authority under the CVAA to require MVPDs to include high level channel and program descriptions or titles, as well as a symbol identifying the programs with accessibility options (captioning and video description) on their onscreen video programming guides. By enacting the CVAA, Congress has already decided that user interfaces and video programming guides and menus are essential to making video services accessible and it has given the Commission direct responsibility to make them accessible. At a minimum this authority allows the Commission to require that MVPDs provide programming description information in programming guides for local programs and channels with accessibility options. However, we also believe that the Commission has authority, or could exercise ancillary authority, to require that MVPDs include programming description information in programming guides for all local programs and channels because the Commission is authorized to make essential functions such as “Channel / Program Selection” and “Display Channel / Program Information” accessible, and to make this accessibility meaningful, the onscreen video programming guides should include a minimum level of program and channel information.

¹ Second Report of the Video Programming Accessibility Advisory Committee on the Twenty-First Century Communications and Video Accessibility Act of 2010: User Interfaces, and Video Programming Guides and Menus (April 9, 2012) (“Report”) at 8.

² Report at 18.

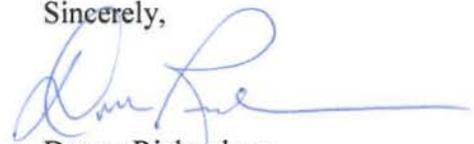
³ *Id.* (emphasis added).

More than a dozen years ago, when the Commission adopted rules to implement Section 255 of the *Communications Act*, 47 USC § 255, to make telecommunications services accessible, the Commission also exercised its ancillary authority to include within the accessibility requirements two non-telecommunications services – voicemail and interactive menus.⁴ Having been charged by Congress to ensure that telecommunications services and equipment are accessible and usable by persons with disabilities, the Commission determined that could not “carry out meaningfully the accessibility requirements”⁵ or “fully achieve that objective without this limited use of [its] ancillary jurisdiction.”⁶ Similarly, we believe that that the Commission cannot carry out meaningfully the accessibility requirements of the CVAA – to make user interfaces and video programming menus on digital video programming apparatus, and menus and video programming guides provided by navigation devices accessible to people who are blind or visually impaired – or fully achieve that objective without this limited use of the Commission’s ancillary jurisdiction to require that that MVPDs provide programming description information in onscreen video programming guides for local programs and channels for the purpose of promoting accessibility.

Therefore, we urge the Commission to adopt rules that would require video programming guides and menus which display channel and program information include, for all channels, high level channel and program descriptions and titles, as well as a symbol identifying the programs with accessibility options (captioning and video description).

Thank you for the opportunity to submit these comments.

Sincerely,



Donna Richardson
Cable Administrator
Howard County Government

⁴ See 47 CFR Part 7.

⁵ *Id.*

⁶ *Id.*