

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the matter of

VIDEO DESCRIPTION: IMPLEMENTATION OF THE
TWENTY-FIRST CENTURY COMMUNICATIONS
AND VIDEO ACCESSIBILITY ACT OF 2010

MB Docket No. 11-43

COMMENTS OF DIRECTV, LLC

DIRECTV, LLC (“DIRECTV”) files these comments in response to the Public Notice issued by the Media Bureau seeking comment on video description in video programming distributed on television and via the Internet to inform the Commission’s report to Congress on the status, benefits, and costs of video description.¹

A. Video Description for Television

The video description rules for television were reinstated nearly two years ago.² Under those rules, a large multichannel video programming distributor (“MVPD”) such as DIRECTV must provide 50 hours of video description per calendar quarter during prime time or children’s programming on each of the top five national non-broadcast networks they carry, and must also pass through video description provided on all network-affiliated broadcast stations whose signals they retransmit. MVPDs were required to come into full compliance as of July 1, 2012.³

¹ See Public Notice, “Media Bureau Seeks Comment on Video Description in Video Programming Distributed on Television and on the Internet,” DA 13-1438 (rel. Jun. 25, 2013) (“Public Notice”).

² *Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, 26 FCC Rcd. 11847 (2011).

³ *Id.*, ¶ 34.

Accordingly, DIRECTV has met these video description carriage obligations for over a year. To the extent its affiliation agreements with the top five non-broadcast programming networks have come up for renewal, DIRECTV has incorporated video description requirements as contemplated by the Commission.⁴ To the extent necessary, it has also reconfigured the spot beams used to retransmit broadcast programming to local markets to ensure that sufficient capacity has been allocated to accommodate a video description feed from the network affiliates carried in each market. DIRECTV does not, however, track the extent to which its subscribers actually access video description services.

In reinstating the video description rules, the Commission also reinstated the exception under which entities that use the secondary audio program (“SAP”) channel for other, program-related purposes are allowed to continue doing so.⁵ As the Commission recognized, eliminating that exception could lead covered entities to replace other program-related content (such as foreign language audio) with video description on the SAP channel. DIRECTV supported retention of that exception, and sees no reason for the Commission to revisit the issue.⁶

B. Video Description on the Internet

The Public Notice also seeks comment on the technical and operational issues involved in providing video description for programming that is delivered using Internet protocol (“IP”).⁷ Extension of video description requirements to linear programming delivered via IP would be highly problematic from a technical perspective. Video description is delivered by broadcasters

⁴ See *id.*, ¶ 37.

⁵ *Id.*, ¶ 31.

⁶ See Joint Comments of DIRECTV, Inc. and DISH Network, L.L.C., MB Docket No. 11-43, at 1-4 (filed Apr. 28, 2011). The Public Notice makes clear that the Commission does not intend to revisit the possibility of mandating the carriage of more than two audio streams. See Public Notice, ¶ 5. Accordingly, DIRECTV will not repeat its prior arguments on the necessity of that policy.

⁷ Public Notice, ¶ 6.

and MVPDs using the SAP channel. As both the consumer and industry representatives on the Video Programming Accessibility Advisory Committee recognized, “[t]oday, the *one audio* approach is the primary audio for delivery over the sometimes-bandwidth-constrained Internet pipe.”⁸ Accordingly, “further effort would be required to develop internet technologies to accommodate consistent delivery of programming” with this assistive technology.⁹

Indeed, that is a significant understatement. Developing the technological ecosystem for a secondary IP audio stream to support video description would be a massive undertaking. Linear programming delivered via IP today does not include this capability, nor does the equipment used to view such programming support it. Moreover, the additional data added to the video stream would further congest already strained broadband facilities. Any report to Congress on this issue must reflect that fact that the technical and operational issues to be overcome and the costs imposed to achieve carriage of video description in programming delivered via IP would be very substantial.

Respectfully submitted,

/s/

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⁸ See Second Report of the Video Programming Accessibility Advisory Committee on the Twenty-First Century Communications and Video Accessibility Act of 2010: Video Description at 27, 28 (Apr. 9, 2012) (*available at* <http://vpaac.wikispaces.com/>).

⁹ *Id.* at 27.