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Via Electronic Filing

January 16, 2014

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, DC 20554

Re: *Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description*, MB Docket No. 12-107; Written *Ex Parte* Submission

Dear Ms. Dortch:

The Consumer Electronics Association (“CEA”), by the undersigned, writes to respond to certain statements made in the record in the above-captioned proceeding¹ and to urge the Commission to use restraint in considering the small set of issues raised in the pending Further Notice of Proposed Rulemaking (“*FNPRM*”).² As explained below, CEA urges the Commission to refrain from subjecting mobile and other devices that receive linear programming via Internet protocol (“IP”) to the emergency information and video description apparatus rules and to decline to adopt new rules governing customer support services as contemplated in the *FNPRM*.

¹ *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*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 4871 (2013). CEA refers to ¶¶ 1-79 of the foregoing item as the *Order* and ¶¶ 80-86 as the *FNPRM*.

² CEA filed initial comments on the *FNPRM*. In this letter, unless otherwise specified, all “Comments” are short-cited and refer to initial comments filed on or about July 23, 2013, in MB Docket No. 12-107, and all “Reply Comments” are short-cited and refer to reply comments filed on or about August 22, 2013, in MB Docket No. 12-107.

Mobile and Other Devices Should Not Be Subject to the New Rules. Contrary to the Wireless RERC Reply Comments,³ to the extent that mobile and other devices addressed by the *FNPRM* interact with video delivered via IP, they are not subject to the emergency information and video description apparatus requirements in Section 203 of the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”).⁴ As CEA stated in its comments on the *FNPRM*,⁵ Section 203 limits the emergency information and video description apparatus rules to devices that receive video programming via television broadcasts or traditional multichannel video programming distributor services. Consequently, as numerous parties have stated,⁶ the Commission should refrain from extending the emergency information and video description requirements to mobile and other devices through which consumers access linear programming via IP or other nontraditional means, *e.g.*, tablets, laptops, personal computers, smartphones, and similar devices.

However, if, despite the limited scope of Section 203, the Commission were to impose emergency information or video description requirements on manufacturers of mobile and other devices that access linear programming via IP or other nontraditional means, a phase-in period of at least two years from the date of Federal Register publication of such requirements would be essential.⁷ Moreover, if a new technical standard is needed to ensure interoperability for these services on mobile devices and networks, the implementation deadline would have to be extended based on adoption of the standard, which could take substantially longer than two years.⁸

³ See Wireless RERC Reply Comments at 4-6.

⁴ Pub. L. No. 111-260, § 203, 124 Stat. 2751, 2772-73 (2010) (“CVAA”) (codified at 47 U.S.C. § 303(u), (z)).

⁵ See CEA Comments at 3-8.

⁶ See ITI Reply Comments at 2-4; NAB Reply Comments at 2-3; ESA Reply Comments at 2-3; DIRECTV Comments at 2-8; TIA Comments at 3-4; AT&T Comments at 3-5; CTIA Comments at 3-6.

⁷ See *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14557, 14603, ¶ 110 (2011) (stating that a two-year phase-in period will give covered entities the time to incorporate their new obligations into their development processes and is also consistent with the Commission’s approach in other rulemakings); see also *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 Rcd 787, 859, ¶ 122 (2012) (adopting a two-year phase-in period).

⁸ See CEA Comments at 9 (explaining that complying with new requirements for mobile and other devices would require a sufficient amount of testing in an area where implementation can be challenging); see also ESA Reply Comments at 4.

The Commission Should Not Require Specific Customer Support Services. Contrary to the Wireless RERC Reply,⁹ the Commission should not mandate the type of customer support services that covered entities must provide, as presented in the *FNPRM*,¹⁰ but should instead monitor whether any issues develop with customer service before adopting any rules in this area.¹¹ In its reply comments, the Wireless RERC relies on unidentified and anecdotal “research” to argue that a mandate is needed to ensure that “recurrent” questions about accessing secondary audio channels and video descriptions are adequately addressed by customer support services.¹² However, the Wireless RERC fails to acknowledge that the Commission only released the *Order and FNPRM* in April 2013, and that the emergency information and video description apparatus rules have a future compliance deadline of May 26, 2015.¹³ Thus, covered entities are still early in the process of implementing the new rules adopted in the *Order*, including addressing any questions about the new rules posed by consumers.

Rather than mandating a specific set of requirements for customer support at this time, the Commission should afford covered entities the opportunity to integrate customer support services for emergency information and video description into their other customer care operations, including their operations mandated by other rules, before the Commission considers specific requirements for customer support.¹⁴ CEA and its members are well aware of the Commission’s expectations in this area. As covered entities implement the new rules during the compliance period provided in the *Order*, CEA anticipates that they adequately will be able to assist customers who are blind or visually impaired with navigating between the main and secondary audio streams. Because CEA’s members approach customer support in a wide variety of ways, they should be afforded flexibility to implement their own versions of customer support services to reflect the rules adopted in the *Order*, as well as other rules that the Commission has adopted pursuant to the CVAA. While most parties oppose new rules in this area,¹⁵ as alternatives they suggest adopting customer support rules similar to those already applicable to their industries.¹⁶ Those rules are not uniform across all industries. Rather than layer on new rules on the various industry sectors, the Commission should stay its hand as implementation of the new rules continues.

⁹ See Wireless RERC Reply Comments at 6-7.

¹⁰ See *FNPRM*, 28 FCC Rcd at 4929, ¶ 86 (discussing possible rules to govern customer support services for customers who are blind or visually impaired regarding navigating between the main and secondary audio streams).

¹¹ See CEA Comments at 12-13.

¹² See Wireless RERC Reply Comments at 7.

¹³ See 47 C.F.R. §§ 79.105-79.106; *Order*, 28 FCC Rcd at 4923-24, ¶ 76; see also 47 C.F.R. § 79.2(b)(2)(ii); *Order*, 28 FCC Rcd at 4900-01, ¶ 37.

¹⁴ See ITI Comments at 6.

¹⁵ See NCTA Comments at 7-8; TIA Comments at 5-6; DIRECTV Comments at 8-9; ACA Comments at 1-3.

¹⁶ See NAB Comments at 4-6; AT&T Comments at 5-6.

Pursuant to Section 1.1206 of the Commission's rules,¹⁷ this letter is being electronically filed with your office. Please let the undersigned know if you have any questions regarding this filing.

Respectfully submitted,

/s/ **Julie M. Kearney**

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¹⁷ 47 C.F.R. § 1.1206.