

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

In the Matter of)	
)	
Accessibility of User Interfaces, and Video)	MB Docket No. 12-108
Programming Guides and Menus)	
)	
Accessible Emergency Information, and)	MB Docket No. 12-107
Apparatus Requirements for Emergency)	
Information and Video Description:)	
Implementation of the Twenty-First Century)	
Communications and Video Accessibility Act)	
of 2010)	

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**REPLY COMMENTS BY THE AMERICAN FOUNDATION FOR THE BLIND AND
AMERICAN COUNCIL OF THE BLIND**

On behalf of the American Foundation for the Blind and the American Council of the Blind, we are grateful for the opportunity to offer these reply comments in the above-captioned proceedings to make specific comment on the requirements we believe the Commission must impose to ensure that the nearly 25 million Americans living with vision loss are able to take full advantage of described video programming.

Our very brief comments herein are not necessarily concerned with the legal application or interpretation of any specific provisions of the Twenty-First Century Communications and Video Accessibility Act (CVAA). However, it is our confident assessment that the specific provisions of the CVAA, to say nothing of the Commission's overall public interest obligations under the Communications Act generally, clothe the Commission with broad authority to give meaning to Congress's clear call to ensure consumers' ease of use of a wide variety of accessibility features. Some industry commenters seem to suggest that the CVAA's reference to accessibility features accessed via a mechanism reasonably comparable to a button, key or icon is both frozen in time and refers to some particularly narrow enumerated list of such features. We find this interesting inasmuch as both industry and advocates have consistently contended that, as Congress itself has made plain, the CVAA is future oriented and is not tied to the status quo as it existed in 2010 when the CVAA was enacted. Rather, when Congress empowered the Commission to ensure ease

of access by people with disabilities to those features, from long-existing mechanisms to the latest innovations, that are specifically intended for their use, Congress did not tie the Commission's hands.

In any event, what we want to urge the Commission to do here, as we have urged over and over again in previous filings, is to remember to craft rules that are grounded firmly in the typical consumer experience. In the many rulemaking proceedings in which we have participated concerning the CVAA, we, and the individual consumers that we have encouraged likewise so to do, have commented on the current difficulty, and frequently virtual impossibility, of locating description controls and turning description on. We are then compelled to ask whether the CVAA bars the Commission from requiring that essentially a one-touch mechanism, or something very nearly close to it, be required to ensure ease of access to description. The answer is, of course, no; the Commission is not barred by the CVAA or the Communications Act generally from imposing such a requirement. We believe the CVAA does in fact affirmatively impose such a requirement ensuring ease of access to description. But even if it is merely a matter for the Commission's discretion, surely the consistent negative experience of consumers with vision loss today demands an appropriate response from the Commission.

Particularly in light of the fact that the mechanism used to access described programming is the same means whereby consumers are expected to access emergency information, it is imperative that the Commission give full voice to Congress's intent to ensure ease of use so that consumers are not confounded by avoidable technological barriers at the very time when time is of the essence. We have said repeatedly that emergencies are different; given that the one-touch, or nearly one-touch, mechanism that we are calling on the Commission to require is not merely intended to provide ease of access to entertainment but may very well save lives, the importance of a streamlined and obvious means for accessing accessible emergency information is indispensable.

In sum, we urge the Commission to require a one-touch, or nearly one-touch, means for accessing described programming and emergency information. We likewise urge the Commission to read the CVAA's language about the accessibility features that must be "reasonably comparable" broadly so that, particularly as the array of accessibility features evolves, the CVAA does not stifle such innovation but grows with it.

Respectfully submitted,



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