

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
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Accessibility of User Interfaces, and Video Programming Guides and Menus)	MB Docket No. 12-108
)	
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)	MB Docket No. 12-107
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REPLY COMMENTS OF CENTURYLINK

CenturyLink submits these reply comments in response to the *Further Notice of Proposed Rulemaking* in the above-captioned proceeding¹ to express the following views:

(1) MVPDs should not be required to provide public, educational, and governmental (PEG) channel programming information in their programming guides and menus beyond what MVPDs provide for other channels; (2) the Commission does not have express authority under the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA) or ancillary authority to mandate the content of MVPD on-screen menus; (3) it is premature for the Commission to impose additional notification requirements regarding the availability of accessibility devices and solutions on MVPDs at this time; and (4) the Commission does not have the authority under the CVAA and thus should not require that there be a mechanism that is

¹ *Accessibility of User Interfaces, and Video Programming Guides and Menus; 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 17330 (2013) (Dec. 20, 2013 Fed. Reg. publication).

reasonably comparable to a button, key or icon designated for accessing closed captioning display settings.

In CenturyLink's experience as a multichannel video programming distributor, CenturyLink generally does not include content information regarding PEG channels' programming because PEG channel operators do not provide it to CenturyLink. CenturyLink receives its programming guide information from a third party that compiles that information and provides it to CenturyLink. CenturyLink is willing to receive PEG channel programming guide information through this same process. If PEG channel operators would like their content information to be displayed in programming guides in the same manner as other channels, then they need to provide that information in the same manner as other channels. For instance, in Las Vegas, KCLV is a PEG channel and provides its programming information for CenturyLink's PrismTV in the same manner as other channels provide their programming information for our Las Vegas system, specifically by providing the programming information to Tribune Media Services (TMS). TMS then provides KCLV's programming information in the programming guide information it regularly provides to CenturyLink.

But, the Commission should not as a policy matter require an MVPD to display PEG channel content in a manner that is different from the manner in which it receives and displays its other channel content on its programming guides.² Similarly, with respect to displaying a symbol to reflect whether a program is closed-captioned or has video description, the programmer would need to include that information along with its programming content information.

² As others have noted, such a requirement should not be adopted because it also would impose significant costs. *See* Comments to the National Cable & Telecommunications Association, filed Feb. 18, 2014 at 4-5 (NCTA Comments); Comments of Verizon and Verizon Wireless on Further Notice of Proposed Rulemaking, filed Feb. 18, 2014 at 10-12 (Verizon Comments).

Further, CenturyLink agrees with other commenters that the Commission does not have express authority under the CVAA or ancillary authority to mandate the content of MVPD on-screen menus.³ CTL agrees that the Commission's authority under the CVAA is limited to addressing the audible accessibility of information that the MVPD is already providing in its on-screen guides and does not extend to mandating the existence of such content in the first instance.

CenturyLink also agrees that the Commission should not impose additional notice requirements pertaining to device accessibility on MVPDs. The Commission seeks comment on whether it should impose additional notification requirements regarding the availability of accessibility devices and solutions on MVPDs, beyond those it has just imposed under the *Report and Order*.⁴ This seems a premature step at this juncture, given that there has been no opportunity to evaluate whether the newly required notifications are sufficient. CenturyLink agrees with other commenters that the Commission should not impose additional notice requirements on MVPDs at this time.⁵

Finally, without repeating the arguments already made, CenturyLink also agrees that the Commission does not have the authority under the CVAA and thus should not require that there be a mechanism that is reasonably comparable to a button, key or icon designated for accessing closed captioning display settings. The requirement that there be a mechanism that is reasonably comparable to a button, key or icon is specific to the activation of closed captioning and does not

³ See Verizon Comments at 8-10; Comments of DISH Network L.L.C. and EchoStar Technologies L.L.C., filed Feb. 18, 2014 at 7-8 (DISH/EchoStar Comments); NCTA Comments at 2-5.

⁴ Further Notice of Proposed Rulemaking, 28 FCC Rcd at 17419 ¶ 148.

⁵ See Verizon Comments at 4-6; DISH/EchoStar Comments at 8; NCTA Comments at 8.

apply to accessing closed captioning display settings. CenturyLink agrees with the other comments expressing this view.⁶

Respectfully submitted,

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⁶ See Comments of the Consumer Electronics Association, filed Feb. 18, 2014 at 6-8; Comments of the Telecommunications Industry Association, filed Feb. 18, 2014 at 4-5; DISH/EchoStar Comments at 4-5; NCTA Comments at 5-6.