



# PUBLIC NOTICE

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

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**DA 12-635**  
**Released: April 24, 2012**

**MEDIA BUREAU AND CONSUMER AND GOVERNMENTAL  
AFFAIRS BUREAU SEEK COMMENT ON SECOND VPAAC REPORT:  
USER INTERFACES, AND VIDEO PROGRAMMING GUIDES AND MENUS**

**MB Docket No. 12-108**

**Comments Due: May 24, 2012**  
**Reply Comments Due: June 8, 2012**

1. On April 9, 2012, the Video Programming Accessibility Advisory Committee (“VPAAC”) submitted to the Federal Communications Commission (“Commission”) the Second Report of the Video Programming Accessibility Advisory Committee on the Twenty-First Century Communications and Video Accessibility Act of 2010 (“VPAAC Second Report”).<sup>1</sup> By this Public Notice, the Media Bureau and Consumer and Governmental Affairs Bureau seek comment on the portion of the VPAAC Second Report about user interfaces, video programming guides, and menus.<sup>2</sup>

2. On October 8, 2010, President Obama signed into law the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”).<sup>3</sup> Sections 204 and 205 of the CVAA direct the Commission 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.<sup>4</sup> They also direct the Commission to mandate access to closed captioning and video description features through the use of a mechanism that is reasonably comparable to a button, key, or icon designated for activating such features, on both video programming apparatus and navigation devices.<sup>5</sup>

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<sup>1</sup> The VPAAC Second Report is available at <http://vpaac.wikispaces.com/>. The portion of the report that addresses user interfaces, video programming guides, and menus is available at <http://vpaac.wikispaces.com/file/view/120409+VPAAC+User+Interfaces+and+Video+Programming+Guides+and+Menus+REPORT+AS+SUBMITTED+4-9-2012.pdf>.

<sup>2</sup> We seek comment on separate parts of the VPAAC Second Report, which contain information pertaining to video description and access to emergency information, in a separate Public Notice. *Media Bureau and Consumer and Governmental Affairs Bureau Seek Comment on Second VPAAC Report: Video Description and Access to Emergency Information*, DA 12-636 (PN rel. April 24, 2012).

<sup>3</sup> Pub. L. No. 111-260, 124 Stat. 2751 (2010). See also Amendment of the Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-265, 124 Stat. 2795 (2010) (making technical corrections to the CVAA).

<sup>4</sup> 47 U.S.C. §§ 303(aa)(1) & (2); 303(bb)(1).

<sup>5</sup> 47 U.S.C. §§ 303(aa)(3) & (bb)(2).

3. Section 201 of the CVAA directed the Chairman of the Commission to establish the VPAAC, and it required the VPAAC to submit to the Commission by April 9, 2012 a report that recommends user-interface standards, protocols, and procedures used to:

(1) enable the functions of apparatus designed to receive or display video programming transmitted simultaneously with sound (including apparatus designed to receive or display video programming transmitted by means of services using Internet protocol) to be accessible to and usable by individuals with disabilities;

(2) enable on-screen text menus and other visual indicators used to access the functions on an apparatus described in subparagraph (1) to be accompanied by audio output so that such menus or indicators are accessible to and usable by individuals with disabilities; and

(3) enable video programming information and selection provided by means of a navigation device, guide, or menu to be accessible in real-time by individuals who are blind or visually impaired.<sup>6</sup>

4. The Commission is reviewing the VPAAC Second Report, which will inform certain upcoming rulemakings pursuant to the CVAA. Specifically, the Report's information pertaining to user interfaces, video programming guides, and menus offers guidance to the Commission for a rulemaking proceeding that the Commission must complete by October 9, 2013, (i) to make user controls on video programming apparatus<sup>7</sup> "accessible to and usable by individuals who are blind or visually impaired,"<sup>8</sup> (ii) to ensure that on-screen text menus or other visual indicators built into digital apparatus are accompanied by audio output so that they are accessible and usable by individuals who are blind or visually impaired; (iii) to make on-screen menus and guides on navigation devices "audibly accessible in real-time upon request by individuals who are blind or visually impaired,"<sup>9</sup> and (iv) to mandate access to closed captioning and video description features on both video programming apparatus and navigation devices through a mechanism that is "reasonably comparable to a button, key, or icon" designated for activating the closed captioning or accessibility features.<sup>10</sup>

5. We seek comment on the portion of the VPAAC Second Report that addresses the above issues pertaining to making user interfaces, video programming guides, and menus accessible on video programming apparatus and navigation devices. How should this portion of the VPAAC Second Report inform our Notice of Proposed Rulemaking about user interface, video programming guide, and menu accessibility? In particular, we ask commenters to indicate whether they agree with the pertinent recommendations in the VPAAC Second Report, and if so, why. Are there additional issues that the Commission should consider as it prepares to commence this rulemaking?

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<sup>6</sup> Pub. L. No. 111-260, § 201(e)(2). We seek comment on separate documents that are part of the VPAAC Second Report, which pertain to video description and access to emergency information, in a separate Public Notice. *Media Bureau and Consumer and Governmental Affairs Bureau Seek Comment on Second VPAAC Report: Video Description and Access to Emergency Information*, DA 12-636 (PN rel. April 24, 2012).

<sup>7</sup> The statute specifies that this requirement shall apply to "digital apparatus designed to receive or play back video programming transmitted in digital format simultaneously with sound, including apparatus designed to receive or display video programming transmitted in digital format using Internet protocol." 47 U.S.C. § 303(aa).

<sup>8</sup> 47 U.S.C. § 303(aa)(1) and (2). The statute directs the Commission to impose this requirement "if achievable." *Id.* (citing 47 U.S.C. § 617(g)).

<sup>9</sup> 47 U.S.C. § 303(bb)(1). The statute directs the Commission to impose this requirement "if achievable." *Id.* (citing 47 U.S.C. § 617(g)).

<sup>10</sup> 47 U.S.C. §§ 303(aa)(3); 303(bb)(2).

6. Permit-but-Disclose. The proceeding this Public Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>11</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

7. Comments and Replies. Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments and Reply Comments may be filed using the Commission’s Electronic Comment Filing System (“ECFS”).<sup>12</sup>

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

8. Availability of Documents. Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., CY-A257, Washington, D.C., 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

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<sup>11</sup> 47 C.F.R. §§ 1.1200 *et seq.*

<sup>12</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

9. People with Disabilities. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

10. Additional Information. For additional information on this proceeding, contact Brendan Murray, [Brendan.Murray@fcc.gov](mailto:Brendan.Murray@fcc.gov), of the Media Bureau, Policy Division, (202) 418-2120. Press contact: Janice Wise (202-418-8165; [Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov)).

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