



PUBLIC NOTICE

Federal Communications Commission
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DA 12-636
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MEDIA BUREAU AND CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEK COMMENT ON SECOND VPAAC REPORT: VIDEO DESCRIPTION AND ACCESS TO EMERGENCY INFORMATION

MB Docket No. 12-107

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”).¹ By this Public Notice, the Media Bureau and Consumer and Governmental Affairs Bureau seek comment on two documents that are part of the VPAAC Second Report, one that addresses video description, and the other that addresses access to emergency information.²

2. On October 8, 2010, President Obama signed into law the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”).³ Provisions of the CVAA address video description, which is the insertion of audio narrated descriptions of a television program’s key visual elements into natural pauses in the program’s dialogue.⁴ The CVAA also includes provisions that require video programming access to emergency information,⁵ defined in the Commission’s rules as

¹ The VPAAC Second Report is available at <http://vpaac.wikispaces.com/>. The portion of the report that addresses video description is available at <http://vpaac.wikispaces.com/file/view/120409+VPAAC+Video+Description+REPORT+AS+SUBMITTED+4-9-2012.pdf>. The portion of the report that addresses access to emergency information is available at <http://vpaac.wikispaces.com/file/view/120409+VPAAC+Access+to+Emergency+Information+REPORT+AS+SUBMITTED+4-9-2012.pdf>.

² We seek comment on a third document that is part of the VPAAC Second Report, which addresses user interfaces and video programming guides and menus, in a separate public notice. *Media Bureau and Consumer and Governmental Affairs Bureau Seek Comment on Second VPAAC Report: User Interfaces, and Video Programming Guides and Menus*, DA 12-635 (PN rel. April 24, 2012).

³ 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).

⁴ 47 U.S.C. § 613(h)(1); 47 U.S.C. § 303(u)(1)(B).

⁵ 47 U.S.C. § 613(g).

information, about a current emergency, that is intended to further the protection of life, health, safety, and property.⁶

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 includes:

- (A) A recommended schedule of deadlines for the provision of video description and emergency information.
- (B) An identification of the performance objectives for protocols, technical capabilities, and technical procedures needed to permit content providers, content distributors, Internet service providers, software developers, and device manufacturers to reliably encode, transport, receive, and render video descriptions of video programming, except for consumer generated media, and emergency information delivered using Internet protocol or digital broadcast television.
- (C) An identification of additional protocols, technical capabilities, and technical procedures beyond those available as of the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010 for the delivery of video descriptions of video programming, except for consumer generated media, and emergency information delivered using Internet protocol or digital broadcast television that are necessary to meet the performance objectives identified under subparagraph (B).
- (D) A recommendation for technical standards to address the performance objectives identified in subparagraph (B).
- (E) A recommendation for any regulations that may be necessary to ensure compatibility between video programming, except for consumer generated media, delivered using Internet protocol or digital broadcast television and devices capable of receiving and displaying such programming, except for consumer generated media, in order to facilitate access to video descriptions and emergency information.⁷

4. The Commission is reviewing the VPAAC Second Report, which will inform certain upcoming rulemakings pursuant to the CVAA. Specifically, the VPAAC Second Report's information about emergency information offers guidance to the Commission for a proceeding that the Commission must complete by April 9, 2013, to "identify methods to convey emergency information . . . in a manner accessible to individuals who are blind or visually impaired," and to "promulgate regulations that require video programming providers and video programming distributors . . . and program owners to convey such emergency information in a manner accessible to individuals who are blind or visually impaired."⁸ The Commission will also review the VPAAC Second Report's recommendations pertaining to the capabilities of video programming apparatus to decode and make available video description and emergency information, for a rulemaking proceeding that the Commission must complete by October 9, 2013.⁹

5. We seek comment on the portions of the VPAAC Second Report that address access to emergency information and device capabilities with respect to the provision of video description and

⁶ 47 C.F.R. § 79.2(a)(2).

⁷ Pub. L. No. 111-260, § 201(e)(2). The CVAA also required the VPAAC Second Report to include information pertaining to user interfaces and video programming guides and menus, which is discussed in a separate public notice. *Media Bureau and Consumer and Governmental Affairs Bureau Seek Comment on Second VPAAC Report: User Interfaces, and Video Programming Guides and Menus*, DA 12-635 (PN rel. April 24, 2012).

⁸ 47 U.S.C. § 613(g).

⁹ Pub. L. No. 111-260, § 203(d)(2).

emergency information. How should these portions of the VPAAC Second Report inform our forthcoming rulemakings? 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 these rulemakings?

6. Permit-but-Disclose. The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹⁰ 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”).¹¹

- 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 12th 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 12th Street, SW, Washington DC 20554.

¹⁰ 47 C.F.R. §§ 1.1200 *et seq.*

¹¹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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 12th 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.

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 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 Diana Sokolow, Diana.Sokolow@fcc.gov, of the Media Bureau, Policy Division, (202) 418-2120. Press contact: Janice Wise (202-418-8165; janice.wise@fcc.gov).

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