



PUBLIC NOTICE

Federal Communications Commission
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REQUEST FOR COMMENT PETITION FOR CLASS WAIVER OF COMMISSION'S RULES FOR ACCESS TO ADVANCED COMMUNICATIONS SERVICES AND EQUIPMENT BY PEOPLE WITH DISABILITIES

CG Docket No. 10-213

Comments Due: June 14, 2012
Reply Comments Due: June 25, 2012

The Entertainment Software Association (ESA), pursuant to section 716(h)(1) of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 617(h)(1), and sections 1.3 and 14.5 of the Commission's rules, 47 C.F.R. §§ 1.3 and 14.5, has filed a petition for a class waiver of the Commission's requirements for access to advanced communications services (ACS) and equipment by people with disabilities. ESA seeks a waiver for three classes of equipment: (i) game consoles, both home and handheld, and their peripherals and integrated online networks, which ESA states are designed for multiple entertainment purposes with a primary purpose of playing games; (ii) game distribution and online game play services, which ESA states are designed for the primary purpose of distributing game software or enabling online game play across a network, regardless of the device from which it is accessed; and (iii) game software that ESA says is designed for the primary purpose of game play. According to ESA, ACS-type features, where they exist in game industry products and services are subordinate to, and typically used to enhance and support the primary purpose of game play rather than ACS, and therefore qualify for a waiver from the Commission's ACS rules.

Pursuant to section 14.5(d) of the Commission's rules, 47 C.F.R. § 14.5(d), comments and oppositions are due within 30 days from the date of this Public Notice. Reply comments are due within 10 days after the time for filing comments and oppositions has expired.

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.¹ 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

¹ 47 C.F.R. §§ 1.1200 *et seq.*

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.

Filing Instructions. Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document.

- Electronic Filers: Comments and reply comments may be filed using the Commission's Electronic Comment Filing System ("ECFS")² by accessing <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 Street, 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.

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.

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 Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY). This *Public Notice* can also be downloaded in Word and Portable Document Format at <http://www.fcc.gov/encyclopedia/advanced-communications-services-acs>.

Additional Information. For additional information on this proceeding, please contact Eliot Greenwald, (202) 418-2235, or e-mail eliot.greenwald@fcc.gov; or Rosaline Crawford, (202) 418-2075 or e-mail rosaline.crawford@fcc.gov, of the Consumer and Governmental Affairs Bureau.

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² See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).