



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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## MEDIA BUREAU ACTION

### MEDIA BUREAU SEEKS COMMENT ON NATIONAL ASSOCIATION OF BROADCASTERS' PETITION FOR WAIVER OF ACCESSIBLE EMERGENCY INFORMATION REQUIREMENTS

MB Docket Nos. 12-107, 11-43

**Comment Date: April 13, 2015**

**Reply Comment Date: April 20, 2015**

The National Association of Broadcasters (“NAB”) has filed a petition<sup>1</sup> requesting that the Commission grant a temporary partial exemption and limited waiver of the Commission’s rules requiring broadcasters to provide an aural representation of visual emergency information on a secondary audio stream. Section 79.2(b)(2)(ii) of the Commission’s rules requires video programming providers to ensure that emergency information provided visually during non-newscast programming is made accessible to individuals who are blind or visually impaired through the use of a secondary audio stream to provide such information aurally.<sup>2</sup> The rule sets a compliance deadline of May 26, 2015.<sup>3</sup>

First, NAB requests that the Commission grant a six-month partial exemption from or limited waiver of the requirement to provide an aural representation of visual emergency information on a secondary audio stream until November 26, 2015.<sup>4</sup> NAB argues that an extension of the compliance deadline is needed because the hardware and software necessary for broadcasters to aurally transcribe emergency information crawls has not yet been released and delivered by the vendors in many cases, and

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<sup>1</sup> National Association of Broadcasters, Petition for Temporary Partial Exemption and Limited Waiver, MB Docket No. 12-107 (filed Mar. 27, 2015) (“Petition”).

<sup>2</sup> 47 C.F.R. § 79.2(b)(2)(ii). In particular, the rule provides that the video programming provider or video programming distributor that creates the visual emergency information content and adds it to the programming stream is responsible for providing an aural representation of the information on a secondary audio stream, accompanied by an aural tone. *Id.* See also *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; 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 4871, 4899, ¶ 36 (2013) (“*Emergency Information/Video Description Order*”).

<sup>3</sup> 47 C.F.R. § 79.2(b)(2)(ii). See also *Emergency Information/Video Description Order*, 28 FCC Rcd at 4900-01, ¶ 37.

<sup>4</sup> Petition at 2, 5-9.

additional time is needed for testing, order, shipment, and installation of the solution developed by the vendors.<sup>5</sup> Second, NAB asks that the Commission waive the requirement that visual but non-textual emergency information be included in the aural representation of emergency information on the secondary audio stream until technological solutions are available.<sup>6</sup> According to NAB, it is currently infeasible to comply with this requirement with respect to radar maps and similar moving graphics because they do not contain text files that can be converted to speech.<sup>7</sup> Finally, NAB requests that the Commission temporarily waive the requirement to aurally convey school closing information on the secondary audio stream while NAB considers alternatives with input from stakeholders.<sup>8</sup> We seek comment on NAB's requests.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- 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> 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 12<sup>th</sup> Street, SW, Washington, DC 20554.

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<sup>5</sup> *See id.*

<sup>6</sup> *Id.* at 9-11. *See Emergency Information/Video Description Order*, 28 FCC Rcd at 4891-92, ¶ 24 (finding that, if visual but non-textual emergency information is shown during non-news-cast programming (e.g., maps or other graphic displays), the aural description of this information must accurately and effectively convey the critical details regarding the emergency and how to respond to the emergency).

<sup>7</sup> Petition at 10.

<sup>8</sup> *Id.* at 11-14. *See* 47 C.F.R. § 79.2(a)(2); *Emergency Information/Video Description Order*, 28 FCC Rcd at 4896-97, ¶ 31.

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For further information, contact Maria Mullarkey, [Maria.Mullarkey@fcc.gov](mailto:Maria.Mullarkey@fcc.gov) or (202) 418-2120. Press inquiries should be directed to Janice Wise, [Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov) or (202) 418-8165.

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