



PUBLIC NOTICE

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Media Bureau Reminds Covered Manufacturers and MVPDs of December 20, 2016 Accessible User Interfaces Deadline

MB Docket No. 12-108

In October 2013, the Commission adopted rules under the authority of Sections 204 and 205 of the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”) to make user interfaces and video programming guides and menus accessible on televisions, set-top boxes, and other devices used to view video programming.¹ In November 2015, the Commission released the *Second Accessible User Interfaces Order*, which adopted additional rules to ensure that individuals with disabilities are aware of the availability of accessible devices and have ready access to information and support that will allow them to operate such devices.² This Public Notice serves as a reminder of the approaching December 20, 2016 compliance deadline for both sets of rules.

The rules adopted in the *Accessible User Interfaces Order* impose the following requirements:

- Digital apparatus must be designed, developed, and fabricated so that control of appropriate built-in functions (*i.e.*, those functions used for the reception, play back, or display of video programming) included in the apparatus are accessible to and usable by individuals who are blind or visually impaired, if achievable.³ In addition, digital apparatus with built-in closed captioning and/or video description capability must include a mechanism that is reasonably comparable to a button, key, or icon for activating the closed captioning and video description.⁴

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*, MB Docket Nos. 12-108, 12-107, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 17330 (2013) (“*Accessible User Interfaces Order*”).

² *Accessibility of User Interfaces, and Video Programming Guides and Menus*, MB Docket No. 12-108, Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, 30 FCC Rcd 13914 (2015) (“*Second Accessible User Interfaces Order*”).

³ 47 CFR § 79.107(a)(1). If a covered entity believes that it is not achievable for them to comply with the accessible user interfaces rules, they may either (i) seek a determination from the Commission that compliance with the rules is not achievable before manufacturing or importing the device; or (ii) raise as a defense to a complaint or Commission enforcement action that a particular device does not comply with the rules because compliance was not achievable. *Id.* §§ 79.107(c)(1), 79.108(c)(1). “Achievable” means “with reasonable effort or expense,” and the Commission will consider four specific factors when determining whether compliance with the requirements of the rules is not achievable. *Id.* §§ 79.107(c)(2), 79.108(c)(2).

⁴ *Id.* § 79.109(a)(1)-(2).

- The on-screen text menus and guides provided by navigation devices for the display or selection of multichannel video programming must be audibly accessible in real time upon request by individuals who are blind or visually impaired, if achievable.⁵ In addition, navigation devices with built-in closed captioning capability must include a mechanism that is reasonably comparable to a button, key, or icon for activating the closed captioning.⁶

Manufacturers of digital apparatus are responsible for compliance with the rules applicable to digital apparatus. Multichannel video programming distributors (“MVPDs”) that lease or sell navigation devices, manufacturers of navigation devices that place devices into the chain of commerce for sale to consumers, and other manufacturers of navigation device hardware and software are responsible for compliance with the rules applicable to navigation devices. Entities covered by the accessible user interfaces rules must comply no later than December 20, 2016, subject to certain exceptions.⁷ MVPD operators with 400,000 or fewer subscribers as of year-end 2012, and MVPD systems with 20,000 or fewer subscribers that are not affiliated with an operator serving more than 10 percent of all MVPD subscribers as of year-end 2012 are subject to a two-year deferred compliance deadline.⁸

The rules adopted in the *Second Accessible User Interfaces Order* (i) implement Section 204’s requirement that both the appropriate built-in apparatus functions and the on-screen text menus or other visual indicators built in to the digital apparatus to access such functions be “usable” by individuals who are blind or visually impaired;⁹ (ii) impose information, documentation, and training requirements on entities covered by both Section 204 and Section 205 of the CVAA;¹⁰ (iii) impose consumer notification requirements on manufacturers of digital apparatus and navigation devices that will require manufacturers to publicize the availability of accessible devices on their websites;¹¹ and (iv) require MVPDs, as well as manufacturers, to ensure that the contact office or person listed on their website is able to answer both general and specific questions about the availability of accessible equipment.¹² Covered entities must also comply with these rules by December 20, 2016, subject to certain exceptions.¹³

Given the ample amount of time that has passed since adoption of the initial rules, we expect that covered entities have been working on the design and development of accessibility solutions that are

⁵ *Id.* § 79.108(a)(1). *See supra* note 3. The *Accessible User Interfaces Order* also adopted rules that govern how covered entities should make accessible navigation devices available to requesting blind or visually impaired consumers, how such entities can comply through the use of separate equipment or software, and how MVPDs should provide notice to consumers about the availability of accessible navigation devices. *See* 47 CFR § 79.108(a)(5)-(7), 79.108(d).

⁶ 47 CFR § 79.109(b).

⁷ *Id.* §§ 79.107(b), 79.108(b), 79.109(c). Certain categories of digital apparatus such as display-only monitors and video projectors and devices primarily designed for purposes other than displaying video programming are subject to a five-year deferred compliance deadline. *Id.* § 79.107(b)(1)-(3).

⁸ *Id.* §§ 79.108(b)(1)-(2), 79.109(c)(1)-(2).

⁹ The definition of “usable” requires that “individuals with disabilities have access to information and documentation on the full functionalities of digital apparatus, including instructions, product information (including accessible feature information), documentation, bills, and technical support which are provided to individuals without disabilities.” *Id.* § 79.107(a)(5).

¹⁰ *Id.* §§ 79.107(d), 79.108(f).

¹¹ *Id.* §§ 79.107(e), 79.108(d)(2).

¹² *Id.* §§ 79.107(e), 79.108(d)(1)(ii), 79.108(d)(2).

¹³ *Id.* §§ 79.107(b), 79.108(b). *See supra* notes 7-8 and accompanying text.

compliant with the Commission's rules in anticipation of the upcoming deadline. A Small Entity Compliance Guide intended to help small entities comply with the rules adopted in MB Docket No. 12-108 can be accessed [here](#). For more information, contact Maria Mullarkey, Maria.Mullarkey@fcc.gov, of the Media Bureau, Policy Division, (202) 418-2120.

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