



PUBLIC NOTICE

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

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 18-246
Released: March 13, 2018

MEDIA BUREAU SEEKS COMMENT ON AMERICAN CABLE ASSOCIATION'S PETITION FOR WAIVER OF ACCESSIBLE EMERGENCY INFORMATION REQUIREMENTS

MB Docket No. 12-107

Comment Date: April 2, 2018
Reply Comment Date: April 12, 2018

The American Cable Association (ACA) has filed a petition¹ requesting that the Media Bureau (Bureau) grant a waiver of the Commission's rules requiring video programming distributors to pass through audible emergency information on a secondary audio stream for analog-only cable systems. Section 79.2(b)(2)(ii) of the Commission's rules requires video programming distributors to ensure that the aural representation of emergency information provided on the secondary audio stream gets passed through to consumers so that such information is accessible to individuals who are blind or visually impaired.² The rule set a compliance deadline of May 26, 2015.³

On May 26, 2015, the Bureau granted with conditions ACA's request to waive the compliance deadline until June 12, 2018 for analog-only systems that lack the equipment needed to pass through the secondary audio stream.⁴ At the time, ACA explained that it would be financially infeasible for analog-only systems to purchase new equipment to pass through the secondary audio stream.⁵ In the instant Petition, ACA requests that the Commission grant a permanent waiver of the emergency information pass-through requirement for analog-only cable systems that continue to lack equipment to pass through the secondary audio stream.⁶ In the alternative, ACA requests that the Bureau grant these analog-only systems an additional five years to come into compliance and to review the marketplace at that time to

¹ American Cable Association, Petition for Waiver, MB Docket Nos. 12-107, 11-43 (filed Mar. 9, 2018) (Petition).

² 47 CFR § 79.2(b)(2)(ii). 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, 4899-900, para. 36 (2013).

³ 47 CFR § 79.2(b)(2)(ii).

⁴ See *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*, Memorandum Opinion and Order, 30 FCC Rcd 5012, 5018-19, para. 11 (2015). As a condition of the waiver, the Bureau imposed a notice requirement to ensure that customers who are blind or visually impaired are informed that emergency information will not be audibly accessible on the secondary audio stream for analog-only systems subject to the exemption. See *id.* at 5019-20, para. 12.

⁵ See *id.* at 5018, para. 11.

⁶ Petition at 4-5.

determine whether further relief is necessary.⁷ The Petition indicates that analog-only cable systems remain unable to comply with the requirement because they still lack economically feasible options for compliance and would have to prematurely shut down operations if faced with the financial burden of acquiring the necessary equipment.⁸ We seek comment on ACA's request.

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 12th Street, SW, 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 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

Filings will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW, CY-A257, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

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).

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

-FCC-

⁷ *Id.* at 5.

⁸ *See id.* at 5-7.