



# PUBLIC NOTICE

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## MEDIA BUREAU SEEKS COMMENT ON JOINT PETITION FOR EXTENSION OF WAIVER OF ACCESSIBLE EMERGENCY INFORMATION REQUIREMENTS OF THE AMERICAN COUNCIL OF THE BLIND, THE AMERICAN FOUNDATION FOR THE BLIND, AND THE NATIONAL ASSOCIATION OF BROADCASTERS

MB Docket No. 12-107

**Comment Date: April 13, 2018**

**Reply Comment Date: April 20, 2018**

The American Council of the Blind (ACB), the American Foundation for the Blind (AFB), and the National Association of Broadcasters (NAB) have filed a joint petition<sup>1</sup> requesting that the Commission grant a five-year extension of the Commission's rules requiring broadcasters to provide an aural representation of visual, non-textual emergency information, such as radar maps or other graphics, 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-news 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> In the *Emergency Information/Video Description Order*, the Commission found that if visual but non-textual emergency information (e.g., maps or other graphic displays) is shown during non-news programming, 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>3</sup> The rule set a compliance deadline of May 26, 2015.<sup>4</sup>

On May 26, 2015, the Media Bureau granted NAB's request for an 18-month waiver of the requirement to aurally describe visual but non-textual emergency information to provide the broadcast

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<sup>1</sup> Joint Petition for Extension of Waiver of the American Council of the Blind, the American Foundation for the Blind, and the National Association of Broadcasters, MB Docket No. 12-107 (filed Mar. 23, 2018) (Petition).

<sup>2</sup> 47 CFR § 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, para. 36 (2013) (*Emergency Information Order*).

<sup>3</sup> See *Emergency Information Order*, 28 FCC Rcd at 4891-92, para. 24.

<sup>4</sup> 47 CFR § 79.2(b)(2)(ii). See also *Emergency Information Order*, 28 FCC Rcd at 4900-01, para. 37.

industry time to develop a technical solution for compliance.<sup>5</sup> At the time, NAB explained that an automated text-to-speech solution cannot be used to aurally describe maps and other graphics because they do not contain text files that can be converted to speech, and it noted that further work is needed to develop reliable automated solutions.<sup>6</sup> On November 16, 2016, the Bureau granted a joint request of ACB, AFB, and NAB to further extend this waiver for an additional 18 months.<sup>7</sup>

ACB, AFB, and NAB contend that they remain unable to identify a workable technical solution for aurally describing visual, non-textual information in emergency crawls despite their collaboration and efforts to identify a solution during the current 18-month extension.<sup>8</sup> ACB, AFB, and NAB request a five-year extension of the waiver to “allow time for industry to transition from the current broadcasting system to technologies with greater potential for integrating a technical solution that will enable broadcasters to aurally describe visual emergency information.”<sup>9</sup> ACB, AFB, and NAB indicate that broadcasters, accessibility advocates, and other stakeholders will continue to work toward the development of a technical solution.<sup>10</sup> We seek comment on this 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.

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<sup>5</sup> *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, 5022-23, para. 17 (2015).

<sup>6</sup> *See id.*

<sup>7</sup> *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*, Memorandum Opinion and Order, 31 FCC Rcd 12540 (2015). *See also* Joint Petition for Extension of Limited Waiver of the American Council of the Blind, the American Foundation for the Blind, and the National Association of Broadcasters, MB Docket No. 12-107 (filed Sept. 2, 2016). This waiver is set to expire on May 26, 2018.

<sup>8</sup> *See* Petition at 2, 5-7.

<sup>9</sup> *Id.* at 3. ACB, AFB, and NAB also note that a further extension would also be consistent with a recently approved recommendation of the Commission’s Disability Advisory Committee (DAC), which called for an extension of the current waiver for a period of five years. *Id.* at 3, 10-11.

<sup>10</sup> *Id.* at 3.

- 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, 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 12<sup>th</sup> 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 12<sup>th</sup> 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.

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