

APPROVED AND ADOPTED BY THE
DISABILITY ADVISORY COMMITTEE
February 23, 2016

Recommendation of the FCC Disability Advisory Committee
Video Description Working Group of the Video Programming Subcommittee

WHEREAS, the Federal Communications Commission (“FCC”) rules require the top four commercial television broadcast networks and the top five national non-broadcast networks (the “covered networks”) to provide at least 50 hours per quarter of prime time or children’s programming with video description; and

WHEREAS, the FCC may issue a Notice of Proposed Rulemaking (“NPRM”) to determine whether to increase the number of hours of video-described programming provided by the top five national non-broadcast networks and the top four commercial television broadcast networks pursuant to Section 713(f)(4) of the Communications Act (the “Act”); and

WHEREAS, the Act prohibits the FCC from issuing additional video description rules unless it determines, no earlier than June 30, 2016, “that the need for and benefits of providing video description for video programming, insofar as such programming is transmitted for display on television, are greater than the technical and economic costs of providing such additional programming;” and

WHEREAS, if the FCC decides that the need for and benefits of providing video description for video programming displayed on television are greater than the technical and economic costs of providing such additional programming, the Act prohibits the FCC from increasing the amount of required video-described programming by more than 75 percent of the current requirement;

THEREFORE, if the FCC decides to issue an NPRM to determine whether to increase the number of hours of video-described programming, it is RECOMMENDED that the FCC consider the following issues:

- What is the extent of current consumer use of video- described programming required under the existing rules? Are there any studies or metrics on such use?
- Would an increase in the number of mandated hours of video-described programming introduce any technical or operational problems?
- What are the financial, operational, and/or opportunity costs of providing additional video-described programming? How should they be measured and quantified?

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- Since the Act instructs the FCC to weigh the costs of additional video-described programming against the benefits of and needs for such programming, how should the FCC measure the benefits and assess the needs?
- If the FCC were to increase the number of required hours of video-described programming, should its rules take into account program schedules that contain less than the required number of hours of prime time or children's programming that could be video-described? For example, NCTA previously urged the FCC to modify its rules to provide flexibility to networks that may air a significant amount of live prime time programming in a given quarter that would be inappropriate for video description.
- If the FCC were to modify its rules to take into account quarters in which a covered network airs less than the required number of hours of prime time or children's programming that could be video-described, should an affected network be required to file for a waiver based on its anticipated program schedule? Or should any revised rule avoid the need for FCC pre-approval by allowing the network to make a showing in response to a complaint?
- If the FCC were to increase the required number of hours of video-described programming, should programmers be allowed to count toward compliance not only prime time or children's programming, but other categories of programming, too?
- If the FCC were to increase the required number of hours of video-described programming, should it relax its rules on counting repeat programming?
- Does the FCC have authority to require the provision of video description in programming previously described for television that may be distributed on a different platform, such as online? Are there technical issues related to providing video description online or on other non-linear television platforms?