

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *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 No. 12-107, Second Report and Order and Second Further Notice of Proposed Rulemaking.

When Congress enacted the Twenty-First Century Communications and Video Accessibility Act (CVAA) in 2010, I joined a broad community of public interest and industry groups in celebrating its intent: to ensure that we leverage technology so that people with disabilities are not left behind. Today, the Commission takes another important step towards successful implementation of this law.

Individuals who are blind and visually impaired have been able to enjoy information and entertainment programming via audio description services since its invention in 1981. Making video programming accessible is important not only to enjoy the latest iteration of *Grey's Anatomy*, *Game of Thrones*, or to stay current through news and information programming; it is important because our screens are able to transmit emergency alerts and other potentially life-saving messages. With today's item, we are addressing another critical piece of the emergency accessibility challenge: ensuring that information that appears on the screen simultaneously with regular programming, for example, an emergency alert crawl is capable of being understood by those who are blind or visually impaired.

I support today's item because it properly interprets our authority, under Sections 202 and 203 of the CVAA, to (1) make linear programming accessible to blind and visually impaired customers, through a secondary audio stream via laptop, smartphone, tablet, or other device, and (2) ensure the accessibility of that secondary audio stream via a "simple and easy to use" activation mechanism. Some may say that the broad authority provided to the Commission in Section 203 -- to make emergency information accessible for the blind or visually impaired -- is not sufficiently specific to allow us to accomplish this second goal. In my opinion, access to linear programming is only valuable when it is provided in a manner that makes it quickly available in an emergency. I believe we would frustrate the intent of the statute if we fail to accomplish this goal. To borrow a quote from the American Federation of the Blind and American Council of the Blind, "it is imperative that the Commission...ensure ease of use so that consumers are not confounded by avoidable technological barriers at the very time when time is of the essence."

Some cable providers have expressed concern about having to make the secondary audio stream available on devices used outside of the home. I have carefully considered this concern and I am persuaded that the approach crafted here, which limits this requirement to programming accessed "over the [MVPDs] network" rather than "over the Internet," provides regulatory clarity to consumers and industry in a way that advances the public interest. The Second Further Notice seeks comment on recommendations in the record that, I believe, will help to address any unintended challenges that could complicate the implementation of the CVAA, such as prioritizing emergency information and determining whether to reconsider our requirement that "school closings and changes in school bus schedules," be conveyed as a part of this audio stream.

Finally, while I understand that there are complexities involved in making the necessary technological modifications to implement the directives of this Report and Order, I believe that the two-year timeline provided is sufficient and I support the report's call for MVPDs not to wait that long, if it can be at all avoided. There is too much at stake. I want to thank the talented staff of the Consumer and Governmental Affairs Bureau and the Media Bureau for their very hard work on this item.