

FCC Proposes New CVAA Rules for Emergency Information and Video Description

November 20, 2012

On November 19, 2012, the Federal Communications Commission (FCC or Commission) released a Notice of Proposed Rulemaking (NPRM) seeking comment on proposals to implement portions of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA). The NPRM addresses two distinct aspects of the CVAA. First, it seeks comment on whether to require emergency information provided visually outside of regularly scheduled television newscasts to be presented aurally. Second, it seeks comment on requirements for certain apparatus with regard to video description and emergency information.

Current FCC rules require emergency information provided in non-newscast video programming, such as with an on-screen crawl, to be accompanied by an aural tone. The NPRM seeks comment on a new requirement pursuant to Section 202 of the CVAA that this emergency information be provided on a secondary audio stream after an aural tone. Specifically, the Commission seeks comment on the details of implementation of this new requirement, such as:

- possible technical difficulties of implementation, such as potential impact on channel sharing;
- the compliance deadline;
- whether to allow text-to-speech (TTS) technologies;
- whether to update its definition of “emergency information”;
- whether the aural information must be identical to the visual text;
- whether the emergency information should supersede content on the secondary audio stream;

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- whether to update FCC Form 2000C for disability access complaints; and
- whether to re-allocate responsibility for conveying accessible emergency information among video programming distributors and providers, and whether it is necessary to define “video programming owner” in the emergency information context.

The Commission also seeks comment on whether to allow alternative compliance measures aside from aurally presenting the emergency information on a secondary audio stream.

Notably, the NPRM did not propose substantive changes to the current rules requiring emergency information that is provided visually during newscasts (regardless of whether they are regularly-scheduled or interrupt regular programming) to be accessible to the blind or visually impaired through aural presentation of the information as part of the primary program audio stream.

In addition, the NPRM did not propose to extend applicability of the emergency information or video description rules to Internet-delivered content, as it did with the closed captioning rules.

Pursuant to Section 203 of the CVAA, the Commission must require certain apparatus to have the capability to decode and make available required video description services and emergency information in a manner accessible to individuals who are blind or visually impaired. The NPRM seeks comment on what requirements it should impose, what apparatus should be subject to the requirements, certain exceptions contained in the CVAA and alternate means of compliance. Importantly, the NPRM proposes to limit covered apparatus to only that designed to receive, play back, or record broadcast or MVPD service.

Comments and reply comments are due 20 and 30 days, respectively, after publication of the NPRM in the Federal Register.