

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Video Description of)	MM Docket No. 99-339
Video Programming)	
)	

**COMMENTS OF THE NATIONAL CABLE TELEVISION ASSOCIATION ON
PETITION FOR RECONSIDERATION**

The National Cable Television Association, by its attorneys, hereby submits its Comments on the Petition for Reconsideration filed by the National Federation of the Blind (“NFB”). The NFB urges the Commission to rescind its final rule requiring the provision of video description for prime time or children’s programming provided by certain networks. Instead, NFB proposes that the FCC give priority to requiring the accessibility of non-entertainment information presented textually on a television screen.

The Commission, in fact, took two steps in its video description order to address this concern. First, it adopted a rule that ensures that the critical details of emergency information are made accessible to those with visual disabilities.¹ Second, it “encourage[d] producers of programming with text information to provide that information aurally, by announcing the names of speakers.”²

¹ Implementation of Video Description of Video Programming, MM Docket No. 99-339 (Aug. 7, 2000) at ¶49 (hereinafter “Report and Order”). Cable operators already must make emergency alerting system information available in an aural format. See 47 C.F.R. §11.61 (as of October 1, 2002, all cable systems with 5,000 or more subscribers must provide the national audio and video EAS message on all programmed channels).

² Report and Order at ¶38. The FCC also expected that advertisers would “have a commercial incentive to provide contact information aurally.” Id.

NFB argues that the Commission should have gone further. Rather than merely encouraging the verbalization of textual information, NFB urges the Commission to mandate that program producers provide a wide variety of printed information aurally.³

The Commission, however, struck the right balance by encouraging greater accessibility of information without trying to force a regulatory solution in this sensitive area of program content. The Commission properly focused its use of regulatory authority on mandating the accessibility of critical emergency information where doing so would not interrupt other programming.⁴

But the Commission stopped short of taking the broader step urged by NFB and correctly drew the line there. NFB does not explain how any broader requirement to verbalize textual information could be accomplished without unduly disrupting the viewing experiences of many customers.

The Commission was right to encourage the addition of aural information. And it was also right to let programmers judge when providing that additional information makes sense.⁵ NFB provides no reason for concluding that this approach is a failure before it has even been tested.

³ NFB urges that information printed on the bottom of a television screen, such as the identity of speakers on a newscast, should be made accessible through voicing that information.

⁴ The FCC required use of an aural tone if emergency information is provided in a crawl or scroll and regularly scheduled programming is not interrupted. Report and Order at ¶51.

⁵ C-SPAN's Comments explained the difficulties it has encountered in attempting to include additional aural descriptions in conjunction with its simulcast radio service. According to C-SPAN, "our experience with providing additional aural information about C-SPAN television simulcast on WCSP-FM has demonstrated that such additional announcements often interfere with the coverage itself. After more than two years, we are still searching for a way to insert announcements in the midst of live public affairs events that do not also overlap and thereby obscure the spoken words of the participants." Comments of C-SPAN and C-SPAN2, MM Docket No. 99-339 (filed Feb. 24, 2000).

Finally, NCTA has previously explained how the new video description rules will add considerable new burdens to program networks and cable operators. The Commission should not compound these burdens by subjecting even more cable networks to obligations in this area. Thus, we urge the Commission to refrain from adopting additional rules addressed to the accessibility of textual information and instead to rely on voluntary efforts to address NFB's concerns.

Respectfully submitted,

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November 13, 2000

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CERTIFICATE OF SERVICE

I, Gretchen M. Lohmann, do hereby certify that I caused one copy of the foregoing Comments of NCTA to be served by mail, this 13th day of November 2000.

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Gretchen M. Lohmann