



August 10, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Accessible Emergency Information and Apparatus (MB Docket No. 12-107)

Dear Ms. Dortch:

Below are comments in support of Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010.

Introduction

Established in 1940, the National Federation of the Blind is the oldest and largest consumer organization of the blind in the nation with over fifty thousand members participating through affiliates organized in each of the fifty states as well as the District of Columbia and Puerto Rico.

The National Federation of the Blind knows that blindness is not the characteristic that defines us or our future. Every day, we raise the expectations of blind people because low expectations create obstacles between blind people and our dreams. Blind people can live the lives they want: blindness is not what holds us back.

Living the lives we want means full integration into society with all of the rights and responsibilities of citizenship. It is not a lack of judgment, but rather inadequacies in the delivery of information which create the greatest barriers between blind people and complete independence.

Information involving matters of life and death, health and safety, and other types of emergencies is as important to the blind as it is to the sighted. Accordingly, this organization commends the Federal Communications Commission (the Commission) for its commitment to ensuring that members of the blind community in an affected geographic area are advised about emergencies at the same time as other consumers are.

Background

On July 10, 2015, the Federal Register published a summary of a Final Rule adopted by the Commission on May 21, 2015, and released on May 28, 2015, concerning access to emergency information (80 Fed. Reg.39698-39714).

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In this document, the Commission adopts additional rules under the authority of the Twenty-First Century Communications and Video Accessibility Act of 2010 to make emergency information in video programming accessible to individuals who are blind or visually impaired. First, the document requires multichannel video programming distributors (MVPDs) to pass through a secondary audio stream containing audible emergency information when they permit consumers to access linear programming on second screen devices, such as tablets, smartphones, laptops, and similar devices. Second, the document requires manufacturers of an apparatus that receives or plays back video programming to “provide a mechanism that is simple and easy to use for activating the secondary audio stream to access audible emergency information” (*Id* at 39698).

In addition to adopting the above rules, the Commission seeks comments regarding three issues as follows: how to prioritize aural emergency information on the secondary audio stream; whether to continue to require school closing information to be included aurally on the secondary audio stream; and whether to require MVPDs to ensure that the devices and applications they provide to subscribers include “a simple and easy to use activation mechanism for accessing audible emergency information on the secondary audio stream” (*Id* at 39699).

Discussion

This organization enthusiastically and whole-heartedly supports the Commission’s final rule regarding access to audible emergency information.

Issue 1: How to prioritize aural emergency information on the secondary audio stream.

The Commission defines “emergency information” as information which “is intended to further the protection of life, health, safety, and property” (47 C.F.R. 79.2(a)(2)). Types of emergencies contemplated under this section include:

tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows, widespread fires, discharge of toxic gases, widespread power failures, industrial explosions, civil disorders, school closings and changes in school bus schedules resulting from such conditions, and warnings and watches of impending changes in weather.

Like any subscriber to CATV or DBS programming, blind consumers want to know when a life-threatening situation arises. This is so because blind people have the same interest in personal safety that other consumers have. Thus, information concerning the protection of life should be of paramount importance when prioritizing the delivery of emergency information to blind subscribers, followed by information regarding school closings, bus schedules, loss of property, etc.

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Issue 2: Whether to continue to require school closing information to be included aurally on the secondary audio stream.

While not rising to the level of a matter of life and death, the fact is that school closings, changes in bus schedules, and other non-life-threatening information contemplated in the proposed rule is important to blind consumers because many of them happen to be parents with the responsibility of caring for school-age children. Information about school closings is important to any parent regardless of whether the parent is blind or sighted. We believe the same standard should apply to all parents in any situation (including school closings and changes in bus schedules) if that situation is considered an emergency.

Moreover, subscribers who are paying a fee for MVPD programming are entitled to equal treatment regardless of whether the subscriber happens to be blind or sighted. This is so whether an individual is a parent or not. To deny some subscribers access to emergency information would be tantamount to creating a second, inferior class of subscribers.

Issue 3: Whether to require MVPDs to ensure that the devices and applications they provide to subscribers include a simple and easy to use activation mechanism for accessing audible emergency information on the secondary audio stream.

The term “multichannel video programming distributor” is defined as

a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming. (47 U.S.C. 522(13))

An activation mechanism that is simple and easy to use while attempting to acquire audible emergency information being passed through a secondary audio channel is, of course, essential when promoting the welfare and safety of members of the public who happen to be blind. But it is equally vital that the activation mechanism be fully accessible.

It is not the complexity of technology that presents a barrier to access for the blind, but the indifference on the part of those who deploy technology to whether it can be used by the blind. We therefore take the position that MVPDs should be required to deploy only that technology which is not only simple and easy to use, but also accessible by nonvisual means. After all, blind consumers (like their sighted counterparts) are often paying customers who are interested in the subscription services being offered to the general public by MVPDs. As such, blind subscribers are entitled to equal treatment and should not be relegated to a status which is less important than other subscribers.

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Finally, statistics show that some 75,000 Americans become blind each year, with the highest incidence rate occurring among those who are fifty-five years of age and older. Thus, the Commission should require MVPDs to distribute devices with a simple and easy to use activation mechanism so that audible emergency information can be accessed easily and immediately.

Conclusion

In light of the forgoing, the National Federation of the Blind would urge the Commission to adopt rules which will appropriately prioritize audible emergency information passed through a secondary audio channel, continue to provide details about school closings and bus schedule changes, and require MVPDs to deploy devices and applications featuring a simple and easy to use activation mechanism, as contemplated in the Commission's Second Further Notice of Proposed Rulemaking.

Sincerely,



John G. Paré Jr.
Executive Director for Advocacy and Policy
National Federation of the Blind

JGP/pd