



March 26, 2019

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

RE: MB Docket No. 11-43, DA 19-40

Dear Madam Secretary:

Pursuant to 47 CFR §§ 1.415 and 1.419, the National Federation of the Blind submits the following comments regarding recent developments in the video description marketplace to inform the Federal Communications Commission's ("the Commission") upcoming report to Congress.

In its 2014 Report to Congress,¹ the Commission found that "video description provides significant benefits to individuals who are blind or visually impaired by making key visual components of video programming accessible to them, which allows them greater independence,"² because blind consumers "no longer need to rely on their sighted family members and friends to narrate the visual elements of television programming."³ The Commission also noted in its 2017 Video Description Expansion Order,⁴ "Television programming is a shared piece of American culture,"⁵ and "there is no reason to believe that those who are blind or visually impaired would not seek to access a medium of communications as central to American life and culture as television in the same way, and at the same rates, as other Americans."⁶

Given that the Commission has acknowledged television as an integral piece of American culture, recognized that blind Americans access television in the same ways and at the same rates as their sighted peers, and demonstrated knowledge of the benefits of video description to blind consumers, it is perplexing that the Commission would once again seek comment on the consumer use and benefits of video description services.⁷ The benefits to blind consumers are the same as they were five years ago when the Commission published its findings in the initial Report to Congress, and television is no less a part of the fabric of American culture than it was eighteen months ago when the Commission published its Video Description Expansion Order. We have no doubt that the importance and necessity of video description for blind consumers has only grown since those documents were published.

¹ Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Report to Congress, MB Docket No. 11-43 (June 30, 2014) (Report to Congress).

² Report to Congress ¶ 35.

³ Report to Congress ¶ 15.

⁴ Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010. Published in the Federal Register, 82 Fed. Reg. 37345 (August 10, 2017) (Video Description Expansion Order).

⁵ Video Description Expansion Order (IV)(A)(7).

⁶ Video Description Expansion Order (IV)(A)(9).

⁷ Media Bureau Seeks Comment on Recent Developments in the Video Description Marketplace to Inform Report to Congress, MB Docket No. 11-43, DA 19-40 (February 4, 2019) (Comment Request on Recent Developments) ¶ 8.

The National Federation of the Blind recognizes that the Commission is working to increase the amount of video description on television programming through its 2017 Video Description Expansion Order,⁸ and we appreciate this initiative. We are confident that the Commission will continue to recommend increases in described programming in the future. We also appreciate the support and commitment of major networks to provide described programming.⁹ This broad support clearly demonstrates that the benefit of video description is no longer a point of contention, if it ever was at all. It is well beyond the time to gather information on the benefits of video description and move on to finding ways to ensure that blind consumers are provided as much described content as possible.

The Commission notes in this most recent Comment Request on Recent Developments that “video description is generally provided on the same secondary audio stream as other audio services such as foreign language audio tracks, and as a result is sometimes not available when its provision would conflict with these other uses.”¹⁰ The conflict between foreign language audio tracks and a video described audio track on the sole secondary audio program (SAP) channel is problematic. However, it is not one without a solution, as the Commission itself suggested as far back as 2011, “We expect that at some point in the near future, due to voluntary upgrades and equipment obsolescence, broadcasters, MVPDs, and the installed base of consumer equipment will be sufficiently advanced to handle a video description audio track that does not conflict with any other program-related service.”¹¹ Nearly a decade later, consumers still have only one SAP channel and the conflict between foreign language tracks and video described tracks still exists. As the Commission predicted, technology has advanced exponentially in the past eight years, yet we still have not implemented additional SAP channels. It is essential that the Commission require multiple SAP tracks so that non-English speakers and blind Americans can enjoy the same program at the same time.

The Commission also requested information regarding video description in video programming delivered via internet protocol (IP), a topic the Commission has researched before. In the 2014 Report to Congress, the Commission found that “video description for IP-delivered programming would provide the same, significant benefits that video description for television programming does for individuals who are blind,”¹² and that it would allow blind Americans “to participate more fully in cultural, informational, and entertainment discourse.”¹³ The opinions that the Commission reported to Congress in 2014 were heavily influenced by the reply comments of the National Federation of the Blind.¹⁴ More recently, in 2017 the Pew Research Center reported that 61 percent of young adults aged eighteen through twenty-nine say that online streaming services are the primary mode by which they watch television.¹⁵ Additionally, 37 percent of adults aged thirty through forty-nine primarily watch television online.¹⁶ We have already reached the point where an entire generation of viewers watches most of their television through online streaming services. It is nonsensical that programming delivered through these services is not required to have video description, and we strongly urge the Commission to address this matter in its forthcoming report to Congress.

⁸ Video Description Expansion Order (I)(1).

⁹ NBCUniversal Media, LLC, Notice of Ex parte (July 2, 2018).

¹⁰ Comment Request on Recent Developments ¶ 8.

¹¹ Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Report and Order, MB Docket No. 11-43 (August 24, 2011) ¶ 31.

¹² Report to Congress ¶ 56.

¹³ Id.

¹⁴ Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Reply Comments of the National Federation of the Blind, MB Docket No. 11-43 (October 22, 2013).

¹⁵ Pew Research Center. “About 6 in 10 young adults in U.S. primarily use online streaming to watch TV.” September 13, 2017. <http://www.pewresearch.org/fact-tank/2017/09/13/about-6-in-10-young-adults-in-u-s-primarily-use-online-streaming-to-watch-tv/>.

¹⁶ Id.

The concerns brought forth by the Commission in this newest comment request are not new. These are topics that have been considered and debated by the Commission, content providers, and advocacy groups for years, in some cases for the better part of a decade. It is time to ensure that something is finally done to address these issues. The National Federation of the Blind is confident that sufficient technology exists, or can be developed, to allow video description of all content created and distributed through both traditional television or IP-programming. This should not be difficult and we should not keep having this same discussion every two to three years. We hope that in the very near future, all blind Americans will be ensured the ability to fully participate in this “shared piece of American culture.”¹⁷

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Riccobono", with a long, sweeping underline that extends to the right.

Mark A. Riccobono, President
National Federation of the Blind

¹⁷ Video Description Expansion Order (IV)(A)(7).