



VIA ECFS

August 22, 2013

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
TW-A325
Washington D.C. 20554

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]

Dear Ms. Dortch:

Enclosed for filing in the above referenced Further Notice of Proposed Rulemaking are reply comments of the Rehabilitation Engineering Research Center for Wireless Technologies (Wireless RERC).

Should you have any questions concerning this filing, please do not hesitate to contact me via email at helena.mitchell@cacp.gatech.edu.

Respectfully submitted,

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Enclosure

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

In the Matter of)
)
Accessible Emergency Information, and)
Apparatus Requirements for Emergency) MB Docket No. 12-107
Information and Video Description:)
Implementation of the Twenty-First Century)
Communications and Video Accessibility Act)
of 2010)

FURTHER NOTICE OF PROPOSED RULEMAKING

COMMENTS OF
REHABILITATION ENGINEERING RESEARCH CENTER FOR
WIRELESS TECHNOLOGIES (WIRELESS RERC)

INTRODUCTION

The Rehabilitation Engineering Research Center for Wireless Technologies (Wireless RERC) hereby submits reply comments in the above-referenced Further Notice of Proposed Rulemaking, released on April 9, 2013. The Wireless RERC¹ mission is to research, evaluate and develop innovative wireless technologies and products that meet the needs, enhance independence and improve the quality of life and community participation of people with disabilities. As such, we commend the FCC’s efforts to promulgate rules to guide the implementation of provisions of the *Twenty First Century Communications and Video Accessibility Act of 2010* (CVAA). Specifically, in this rulemaking, rules aimed at ensuring people with disabilities have parity of access to emergency information via video programming now and in the future.

¹ The Rehabilitation Engineering Research Center for Wireless Technologies (Wireless RERC) is sponsored by the National Institute on Disability and Rehabilitation Research (NIDRR) of the U.S. Department of Education under grant number H133E110002. The opinions contained in this filing are those of the authors and do not necessarily reflect those of the U.S. Department of Education or NIDRR.

Among the Wireless RERC's policy research, consumer research and development projects are a focus on emergency lifelines for people with disabilities. This includes addressing how emergency communications can be inclusive of people with disabilities. We have conducted on-line surveys, field trials and focus groups with people with disabilities that gather qualitative and quantitative data on the user's experience with receiving and reacting to public alerts and the technologies they use to do so. The Wireless RERC's recently concluded survey *Emergency Communications and People with Disabilities* indicated that people with disabilities utilize multiple methods to receive emergency information.² This included legacy technologies such as sirens, traditional television and the radio, as well as next-generation alerting technologies such as mobile alerts and social media. Therefore, we are pleased with the Commission's forward looking consideration of the integration of mobile devices into the emergency information and video description rules. This is especially relevant for people with disabilities of which 91%³ use mobile devices with 65%⁴ indicating that mobile devices are particularly important during emergencies. It also supports the FCC's proposition to create "a sound emergency communications system which also includes the needs of people with disabilities."⁵ While the latter quote was made in reference to the Emergency Alert System, the Wireless RERC contends that a reliable emergency communications system includes

² Morris, J, LaForce S., Mueller, J. (2013). *Social Media, Public Emergencies & Disability*. CSUN 2013 28th Annual International Technology and Persons with Disabilities Conference, San Diego, CA, February 28, 2013. Available at <http://b.gatech.edu/14W0f4W>.

³ Morris, J. (2013). *SUNspot–Wireless Use By People with Disabilities SUNspot–Adults with Disabilities, Age and Use of Wireless Devices*. Volume 2013, Number 04–July 2013. Available at http://www.wirelessrerc.gatech.edu/sites/default/files/publications/SUNspot_2013-04_Wireless%20Devices-Disability-Age_2013-07-15.pdf.

⁴ Mueller, J., Morris, J., Jones, M. (2010). *Accessibility of Emergency Communications to Deaf Citizens*. *International Journal of Emergency Management* 7(1):41-46.

⁵ Federal Communications Commission (2005). *Amendment of Part 73, Subpart G, of the Commission's Rules Regarding the Emergency Alert System, First Report and Order and Further Notice of Proposed Rulemaking* [FO Docket 91-301/FO Docket 91-171]. Washington, DC.

redundancy, of which can be further established by incorporating the provision of emergency information on mobile television services.

The comments respectfully submitted below are based on subject matter expertise developed over the 12 years of the Wireless RERC's existence. Findings from our consumer and policy research and development efforts inform the recommendations made herein.

SECTION V. PARAGRAPH 80 - 82, PROVISION OF LINEAR PROGRAMMING TO MOBILE AND OTHER DEVICES

Reply to comments filed by AT&T, Telecommunications Industry Association (TIA), CTIA-The Wireless Association (CTIA), and the Consumer Electronics Association (CEA)

People are increasingly watching television via mobile devices, with the younger population leading the trend.⁶ If this continues, we may one day live in a world where IP, mobile TV is the norm rather than the exception. Many video content providers, including local network and cable providers, now provide some amount of their programming block via IP delivery for both computers as well as mobile, wireless devices. These services, in some cases, are the same as being broadcast over the air (delayed by a few seconds due to network latency and buffering). Consumers may not draw a distinction between these services and regular television broadcasts, therefore these services should provide emergency information and video description, especially given the Commission's closed captioning requirements for IP-video. Any requirement for emergency information to be included in this should be applicable *only* to programming that is simultaneously being provided to the home television. This caveat

⁶ Lafayette, J. (2012). *Viewers Show Interest in TV on Mobile Devices*. Available at http://www.broadcastingcable.com/article/486420-Viewers_Show_Interest_in_TV_on_Mobile_Devices.php?rssid=20065

introduces a different set of technical considerations, not the least of which is identifying if the viewing apparatus (i.e, smartphone, laptop, gaming console, PC) is within the geographic boundaries of the emergency in progress. It is critical to maintain the relevance of emergency information to the viewer's current location.

AT&T asserts that "...when an MVPD is allowing its subscribers to access video programming that is distributed to the home via the MVPD's network, the MVPD is subject to the Commission's emergency information rules, regardless of the devices that are accessing the video programming."⁷ The Wireless RERC agrees. Also with the assertion made by TIA and CTIA that the responsibility for provisioning emergency information on alternate devices is the responsibility of the MVPDs because they are doing so via an app or website, thus the mobile device in this case is serving as a conduit.⁸

However, if mobile device manufactures at any point incorporate the ability to tune into linear programming via a chip or other built-in modification (via software, hardware or firmware) or an app that is "integrated into a mobile device by the manufacturer,"⁹ then the device manufacturer should be responsible for ensuring the provision of accessible emergency information. As CTIA aptly stated, "[the] responsibility for ensuring compliance with the Commission's rules properly lies with entities that control the technology in question, a principle that the Commission has applied consistently throughout its CVAA implementation proceedings."¹⁰

⁷ Comments of AT&T in Docket No. 12.107, p. 3.

⁸ Comments of TIA in Docket No. 12-107, p. 5; Comments of CTIA in Docket No. 12-107, p. 6.

⁹ Comments of CTIA in Docket No. 12-107, p. 4.

¹⁰ Ibid.

Despite the fact that currently, mobile and IP video programming is being delivered utilizing, for the most part, an app, the Wireless RERC believes it is critical for the rules to address the potentialities of mobile television. In conceiving a future scenario where device manufacturers would be required to be compliant, the FCC can get in front of the technology with policy guidance. Then, as suggested by CEA, if necessary industry could prepare by developing “...a new technical standard...to ensure interoperability for these services on mobile devices and networks...”¹¹

SECTION V. PARAGRAPH 86, CUSTOMER SUPPORT SERVICES

Reply to comments filed by CEA and TIA

Contrary to contentions expressed by CEA and TIA, the Wireless RERC believes that covered entities should be required “to provide customer support services that are specifically designed to assist consumers who are blind or visually impaired to navigate between the main and secondary audio streams”¹² The FCC should not stipulate how, but only that accessible methods, whether via telephone, chat, email, or some other method, be made available to people with vision loss.

TIA writes that such dedicated customer support services would be “redundant to existing customer support services already offered.”¹³ CEA states that “There is no indication that covered entities will not adequately be able to assist customers who are blind or visually

¹¹ Comments of CEA in Docket No. 12-107, p. 9.

¹² FCC (2013). *FNPRM In the matter of 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]. Washington, D.C., April 9, 2013, p. 59.

¹³ Comments of TIA in Docket No. 12.07, p. 6.

impaired with navigating between the main and secondary audio channels.¹⁴” Throughout the course of the Wireless RERC’s research with the disability community, a recurrent question from many people with vision loss concerned accessing secondary audio channels and video descriptions. This question was posed to us despite the fact that the research being conducted was unrelated (or tangentially, at best) to video programming. Often, discussion centered on the inability of customer service to resolve their issues. The common theme being that the agents simply did not have the expertise. These instances are representative of the frustration felt by people with vision loss regarding the insufficient knowledge on accessibility features and deficient technical assistance provided by manufacturers and service providers. Hence, anecdotally, customer support services *have been* inadequate; so providing dedicated customer support agents that are well versed in technology and media access, with specific training on accessing the secondary audio channel would not be redundant. It would be a first. Mandating that covered entities not only make the technology available, but that they also provide effective troubleshooting will lessen frustrations experienced by people with vision loss and ultimately, enable the secondary audio stream rules to have the intended impact.

CONCLUSION

In closing, the Wireless RERC wishes to emphasize the importance of advancing parity of access to video programming. The media and technology landscape is ever changing, and despite the well-documented access issues, people with disabilities are consumers of media content and the multiple methods used to “view” said media at rates similar to their non-disabled

¹⁴ Comments of CEA in Docket No. 12-107, p. 12.

cohorts. Effectively addressing access disparities is not only the right thing to do, it makes good business sense.

Respectfully submitted,



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Dated this 22nd day of August 2013