

**STATEMENT OF  
COMMISSIONER AJIT PAI  
APPROVING IN PART AND CONCURRING IN PART**

Re: *Accessibility of User Interfaces, and Video Programming Guides and Menus*, MB Docket No. 12-108.

On the whole, I believe that this item takes a reasonable and balanced approach to our continued implementation of sections 204 and 205 of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA). However, I do not necessarily agree with every determination made by the Commission here.

Most notably, I am skeptical that section 205 of the CVAA provides us with the authority to apply to navigation devices the same information, documentation, and training requirements currently applicable to digital apparatus covered by section 204. While it might make sense from a policy perspective to regulate section 204 apparatus and section 205 navigation devices similarly, Congress chose to include certain requirements in section 204 that are nowhere to be found in section 205, and I believe that our regulations should reflect that fact. For example, Congress chose to place a usability mandate in section 204<sup>1</sup> that is nowhere to be found in section 205.<sup>2</sup> And critically for purposes of this item, we previously relied on that section 204 usability mandate to impose information, documentation, and training requirements on digital apparatus. Therefore, applying these same requirements to section 205 navigation devices, which has no usability provision, does not appear to respect the distinctions drawn by Congress in the CVAA.

For this reason, I am voting to approve in part and concur in part.

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<sup>1</sup> See Communications Act § 303(aa)(1) (requiring that covered apparatus be “usable by individuals who are blind or visually impaired”).

<sup>2</sup> See Communications Act § 303(bb).