

PUBLIC NOTICE

Federal Communications Commission
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DA 21-405

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CONSUMER AND GOVERNMENTAL AFFAIRS, MEDIA, AND WIRELESS TELECOMMUNICATIONS BUREAUS SEEK UPDATE ON COMMISSION'S FULFILLMENT OF THE TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT

GN Docket No. 21-140

Comments Due: May 24, 2021

Reply Comments Due: June 21, 2021

Through this Public Notice, we invite comment from all stakeholders on whether any updates are needed to the rules the Commission initially adopted as it implemented the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA).¹ The CVAA was enacted more than 10 years ago to help “ensure that individuals with disabilities are able to fully utilize communications services and equipment and better access video programming.”² The Commission adopted rules to fulfill these statutory objectives. Specifically, with respect to access to video programming, the Commission adopted rules supporting access to audio description, closed captioning of Internet-protocol (IP) delivered video programming, accessible emergency information, and accessible user interfaces (making functions such as captioning and audio description settings accessible and usable to individuals with disabilities), and video programming guides and menus.³ Further, the Commission adopted rules regarding access to advanced communications services (defined as interconnected voice over IP (VoIP), non-interconnected VoIP services, electronic messaging services, and interoperable video conferencing services), the National Deaf-Blind Equipment Distribution Program, and accessible internet browsers on mobile phones.⁴

¹ Pub. L. No. 111-260, 124 Stat. 2751 (2010) (CVAA); Pub. L. No. 111-265 (technical amendments to CVAA). See <https://www.fcc.gov/general/twenty-first-century-communications-and-video-accessibility-act-0>.

² See S. Rep. No. 111-386, 111th Cong., 2d Sess. at 1 (2010); H.R. Rep. No. 111-563, 111th Cong., 2d Sess. at 19 (2010).

³ The docket numbers for the proceedings adopting these rules are as follows: MB Docket No. 11-43 (audio description), MB Docket No. 11-154 (IP closed captioning), MB Docket No. 12-107 (accessible emergency information), and MB Docket No. 12-108 (accessible user interfaces and video programming guides and menus).

⁴ The docket numbers for the proceedings adopting these rules are as follows: CG Docket No. 10-145 (accessible internet browsers on mobile phones), CG Docket No. 10-210 (National Deaf-Blind Equipment Distribution Program), CG Docket No. 10-213 (advanced communications services), CG Docket No. 13-46 (hearing aid compatibility requirements for customer premises equipment used with advanced communications services), WT Docket No. 15-285 (expanding the scope of the Commission’s wireless hearing aid compatibility rules to cover advanced communications services where there is a Commission-approved technical standard in place), and CG Docket Nos. 03-123 and 11-47 (updated relay definitions and contributors). The CVAA requires the Commission to issue a biennial report to Congress on compliance with certain provisions of the Act. See *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications*

(continued...)

Most of these rules have been in effect now for many years, and many of them have not been revisited recently, some since initial adoption.⁵ Given changes in technology and industry practices, as well as taking into account consumer experiences, we seek comment on whether there is a need to update these rules. We invite all stakeholders, including operators and consumer groups, to provide input on aspects of the Commission's CVAA implementation that are working well, on specific areas in which commenters believe improvements are needed, and on requirements that may not be serving their intended purpose or have been overtaken by new technologies. Comments filed will help inform the Commission's determination of whether to take additional actions—and if so, what measures should be proposed or taken—in furtherance of the stated purpose and spirit of the CVAA to make communications services more accessible for persons with disabilities. Finally, parties are invited to suggest other initiatives the Commission could undertake to improve access to video programming and communications services through other existing sources of statutory authority under the Communications Act of 1934, as amended, such as the Television Decoder Circuitry Act of 1990.⁶

Ex Parte Rules. The proceeding this Public Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and

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and Video Accessibility Act of 2010, Biennial Report to Congress as Required by the Twenty-First Century Communications and Video Accessibility Act of 2010, CG Docket No. 10-213, 35 FCC Rcd 11227 (2020) (assessing industry compliance over the past two years with sections 255, 716, and 718 of the Communications Act of 1934 and addressing accessibility barriers to new communications technologies).

⁵ See, e.g., *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010; Amendments to the Commission's Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996; Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision*, CG Docket No. 10-213, WT Docket No. 96-198, CG Docket No. 10-145, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14557 (2011); *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010; Closed Captioning of Internet Protocol-Delivered Video Clips*, Second Order on Reconsideration and Second Further Notice of Proposed Rulemaking, MB Docket No. 11-154, 29 FCC Rcd 8687 (2014) (defining covered video clips delivered by Internet protocol); *Accessibility of User Interfaces, and Video Programming Guides and Menus*, Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, MB Docket No. 12-108, 30 FCC Rcd 13914 (2015) (adopting rules on captioning and audio settings); *Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets*, WT Docket No. 15-285, Fourth Report and Order and Notice of Proposed Rulemaking, 30 FCC Rcd 13845 (2015) (amending the Commission's wireless hearing aid compatibility rules consistent with the CVAA).

⁶ Television Decoder Circuitry Act of 1990, Pub. L. No. 101-431, 104 Stat. 960 (1990) (codified at 47 U.S.C. §§ 303(u), 330(b)) (TDCA).

⁷ 47 CFR § 1.1200 *et seq.*

memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Filing Requirements. All filings responsive to this Public Notice must reference GN Docket No. 21-140, as well as the specific docket number(s) of the applicable proceeding(s) listed in notes 3 and 4, *supra*. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.
- During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice).

Availability of Documents. Comments, reply comments, and *ex parte* submissions will be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

Additional Information. For additional information, contact Debra Patkin, Debra.Patkin@fcc.gov, of the Consumer and Governmental Affairs Bureau, Disability Rights Office, (202) 870-5226, Diana Sokolow, Diana.Sokolow@fcc.gov, of the Media Bureau, Policy Division, (202) 418-2120, or Eli Johnson, Eli.Johnson@fcc.gov, of the Wireless Telecommunications Bureau, Competition and Infrastructure Policy Division, (202) 418-1395.

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