

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Accessibility of User Interfaces, and Video Programming Guides and Menus)	MB Docket No. 12-108
)	
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
)	

REPLY COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION

The Telecommunications Industry Association (“TIA”)¹ submits these reply comments under the Commission’s Further Notice of Proposed Rulemaking (“FNPRM”) on whether “accessibility features” include user display settings for closed captioning and whether to require covered entities under the Twenty-First Century Communications and Video Accessibility Act of 2010² to ensure that consumers are able to locate and control such settings.

¹ TIA is a trade association based in the Washington, DC area which represents the global information and communications technology (“ICT”) manufacturer, vendor, and supplier community through policy advocacy and standards development. TIA represents ICT industry consensus accessibility-related positions to Congress, the Federal agencies, civil society, and other stakeholders. Through its Accessibility Working Group, TIA also serves its member companies by providing a forum for addressing existing and emerging accessibility-related issues and events for member companies, as well as a conduit for constructive dialogues with the disability community. See <https://www.tiaonline.org/policy/accessibility>.

² Pub. L. No. 111-260, 124 Stat. 2751 (2010) (as codified in various sections of 47 U.S.C.). See also Amendment of Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-265, 124 Stat. 2795 (2010).

TIA submits these brief reply comments to address a specific proposal raised in the comment round regarding labeling for digital apparatus and navigation devices. Specifically, the Consumer Groups and Wireless-RERC's filing states:

“It is critical that notice be included on the packaging for different digital apparatus and navigation devices. Product packaging is the first place people look to find accessibility information when shopping in stores or even when receiving a cable box from a service person. The notice needs to explain how to access the closed captioning control as well as display settings. This will allow a person to know at first glance whether they are getting a CVAA covered device or not, as well as how to access the closed captioning features. It is critical that deaf and hard of hearing people are able to gain notice about product accessibility at the point of sale or when selecting a device for installation. Also, inside the packaging or even on the packaging, there should be step-by-step instructions with pictures explaining how to access the closed captioning features.”³

TIA members understand and appreciate consumers' needs for product information when contemplating a purchase. In this specific matter and throughout the Commission's various rulemakings to implement the CVAA, TIA has urged that flexibility be afforded to the industry members, and that feasibility and practicality factor into CVAA regulatory requirements. Consistent with these views, TIA does not believe that the Commission should adopt requirements for notices on the packaging of digital apparatus and navigation devices to explain how to access the closed captioning control as well as display settings. Because many

³ Comments of the National Association of the Deaf (NAD), Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), Association of Late-Deafened Adults, Inc. (ALDA), Hearing Loss Association of America (HLAA), California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), Cerebral Palsy and Deaf Organization (CPADO) and Telecommunication-RERC (Gallaudet University and University of Wisconsin) (“Consumer Groups and Telecom-RERC”), MB Docket Nos. 12-108, 12-107 (filed Feb. 18, 2014) at 13.

multi-purpose devices may easily have several applications, each of which may have different closed captioning capability, it would be impractical for a manufacturer to be required to explain on the outside of the packaging exhaustive captioning instructions for the various video applications. In addition, information shared on the package cannot be timely updated and is inherently inaccessible which weighs against mandating that accessibility information be included on the package. The logical home for such detailed information is in the product's manual or help documentation .

As a general rule, the type of manufacturer-provided consumer information under discussion is best handled through voluntary action rather than mandates. Voluntary action provides manufacturers the flexibility needed to find the most useful mechanism for delivering the information, as well as the content most responsive to consumer demands. Furthermore, we note that the CVAA does not compel a manufacturer to add such information to the packaging of covered products, and also urge the Commission to carefully approach consideration of labeling requirements for the packaging of digital apparatus and navigational devices that would include "step-by-step instructions." Mandates for such information may infringe on manufacturers' First Amendment rights as applied to commercial speech, depending on the specific content of the mandate.⁴

⁴ See, e.g., *Central Hudson Gas and Electric Corp. v. Pub. Service Comm'n of N.Y.*, 447 U.S. 557, 562-63 (1980); *Hurley v. Irish-American Gay, Lesbian, and Bisexual Grp. Of Boston*, 515 U.S. 557 (1995); *CTIA—The Wireless Ass'n v. The City and County of San Francisco*, 494 F. App'x 752, 753 (9th Cir. 2012).

