

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

National Association of Broadcasters’ Petition)	MB Docket No. 12-107
for Waiver of Accessible Emergency)	
Information Requirements)	MB Docket No. 11-43

To: The Chief, Media Bureau

**COMMENTS OF THE SOCIETY OF BROADCAST ENGINEERS,
INCORPORATED**

The Society of Broadcast Engineers, Incorporated (“SBE”)¹ by counsel, hereby respectfully submits its Comments in response to the *Public Notice* in the above-captioned proceeding.² The *Public Notice* responds to a Petition³ filed by the National Association of Broadcasters (“NAB”) requesting a temporary partial exemption and limited waiver of Section 79.2(b)(2)(ii) of the Commission’s rules⁴ requiring broadcasters to provide an aural representation of visual emergency information on a secondary audio stream. The purpose of the rule is to ensure that emergency information provided visually during non-newscast programming is made accessible to individuals who are blind or visually impaired through the use of a secondary audio stream. The rule sets a compliance deadline by all broadcasters of May

¹ SBE is the national association of broadcast engineers and technical communications professionals, with more than 5,000 members worldwide.

² *Public Notice*, DA 15-394 (released March 30, 2015) (the “*Public Notice*”). As per the Public Notice, these comments are timely filed.

³ National Association of Broadcasters, Petition for Temporary Partial Exemption and Limited Waiver, filed March 27, 2015) (“the NAB Petition”).

⁴ See 47 C.F.R. §79.2(b)(2)(ii)

26, 2015.⁵ NAB requests a six-month partial exemption from or limited waiver of the requirement to provide an aural representation of visual emergency information⁶ on a secondary audio stream until November 26, 2015 because the hardware and software necessary for broadcasters to aurally transcribe emergency information crawls has not yet been released and delivered by the vendors in many cases, and additional time is needed for testing, order, shipment, and installation of the solution developed by the vendors. NAB also asks that the Commission waive the requirement that visual but non-textual emergency information be included in the aural representation of emergency information on the secondary audio stream until technological solutions are available. At the present time, radar maps and similar moving graphics do not contain text files that can be converted to speech so the ability to comply with the requirement does not exist now. Third, NAB requests a temporary waiver of the requirement that broadcasters aurally convey school closing information on the secondary audio stream while alternatives can be considered. In support of these requests, well-presented by NAB, SBE states as follows:

1. The rules as they are currently stated cannot be complied with now, and that will be the case also on May 26 of this year. While the NAB Petition contains all necessary and sufficient

⁵ *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; Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 4871, 4899, ¶ 36 (2013).

⁶ Pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010, the 2013 *Report and Order and Further Notice of Proposed Rulemaking* defined the “emergency information” in video programming that must be made accessible to the blind or visually impaired as “information about a current emergency that is intended to further the protection of life, health, safety, and property, *i.e.*, critical details regarding the emergency and how to respond to the emergency.” Emergencies covered include tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows, widespread fires, discharge of toxic gases, widespread power failures, industrial explosions, civil disorders, school closings and changes in school bus schedules resulting from such conditions, and warnings and watches of impending changes in weather. “Critical details” include specific details regarding the areas that will be affected by the emergency, evacuation orders, detailed descriptions of areas to be evacuated, specific evacuation routes, approved shelters or the way to take shelter in one’s home, instructions on how to secure personal property, road closures, and how to obtain relief assistance.”

justifications for the relief requested, SBE would offer some practical observations based on its members' experience which offer some additional justification for the relief requested by NAB.

2. In the 2013 *Report and Order and Further Notice of Proposed Rulemaking* in Docket 12-107,⁷ the rules for Text-to-Speech (TTS) are explained. The rules state that the three-beep alerting tones will be transmitted on *both the main and secondary audio programming (SAP) channels*. Currently, devices used to produce alerts and emergency crawls only provide alerting beeps on one set of audio channels. Also, the current rules state that the alerting tones are required on *both* audio channels. However, the actual Text-to-Speech would be required only on the SAP channel. The TTS audio cannot be mixed or ducted over program audio. Rather, it must completely override it. This override requires a complex series of switching audio paths. The problem is compounded by the fact that most modern stations use embedded audio in their Serial Digital Interface (SDI) video paths. In that circumstance, audio would have to be “disembedded”; switched to its proper path; and then “re-embedded” into the video signal for its output to the transmitter. Some stations may choose to run separate AES audio paths. However, this would not lessen the need to perform complex switching of audio, given the language of the current rules.

3. Few stations have one device that performs all of its emergency crawl and alerting needs. A station may have one device that performs EAS tests and warnings; another that handles weather information; and a third that handles news bulletins. While vendors for these products will certainly, given time, create devices or sub-systems to perform the TTS required by the Commission, those devices still must be switched into the SAP audio chain. At the present time, no industry or other standard, voluntary or mandatory has been established to determine how each vendor will perform and execute the TTS functions. Stations therefore need time to

⁷ *Id.*, at ¶1.

test and evaluate the specifications of each vendor's product in order to engineer a switching solution for each particular station configuration. Vendors are only just now making products available for testing or purchase.

4. With respect to the requested waiver on the audio representation of the video crawls regarding school closings and changes in bus schedules, Section 1, Paragraph 1 of Report and Order and Further Notice of Proposed Rulemaking in Docket 12-107 states that all TTS announcements must be repeated twice as they are crawled across the screen. The reality of the situation, however, is that school closing crawls in particular have two inherent characteristics that make implementing this problematic as a practical matter: 1) they are very long; and 2) they are often changed and updated in real time. According to the rules now in place, every change or update to school closing information would have to be announced twice. While this can be performed by the system, it makes the SAP channel otherwise unusable as a source of audio programming for viewers using it as a second language channel or for sight-impaired people to use it as a video description service (VDS) channel. The TTS announcements could possibly last for periods of 30 or 45 minutes, or even an hour at a time.

5. Pursuant to paragraph 24 of the 2013 *Report and Order and Further Notice of Proposed Rulemaking* in Docket 12-107, aural descriptions of visual, non-texted information (maps and graphics for example) must be provided. This requirement is codified at Section 79.2(a)(2) of the Commission's rules. There is no mechanism in place to perform this function. Stations would have to input written descriptions of the map or graphics into the crawl information for the TTS to convert to audio. Most systems automatically produce crawl information either from the National Weather Service (NWS) or from the creator of a EAS alert. Stations would, therefore, in order to insert the written descriptions, have to manually modify

crawl alerts and emergency text information. Currently, that would require manually retyping alerts and emergency messages. Time is needed to modify systems to perform these functions and to create new work flows so that this requirement can be implemented.

6. For stations in smaller markets that do not yet require video description service (VDS), they will have to build these systems up in their plants to allow the TTS service to be used. This would be an added requirement to have done in the period of time between now and the deadline of May 26, 2015. It is not possible to meet this deadline under the circumstances.

7. Because of the complex audio switching involved stations will be far less likely to have alerting and emergency crawls on their dot-two or dot-three digit channels. While not currently required to do so, the Commission's rules create a strong disincentive to broadcasters to forego providing crawls on those program streams. While broadcast engineers will be able to design and overcome the complexities of audio switching necessitated by the Commission's 2013 implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, this cannot be accomplished within the time available prior to May 26, 2015.

Accordingly, for the reasons set forth hereinabove and for the reasons enunciated by NAB in its Petition, SBE respectfully urges that the Commission grant at least a six-month waiver of the requirement to provide an aural representation of visual emergency information; a waiver of the requirement that visual but non-textual emergency information be included in the aural representation of emergency information on the secondary audio stream; and a temporary

waiver of the requirement that broadcasters aurally convey school closing information on the secondary audio stream for a sufficient period of time until alternatives can be considered.

Respectfully submitted,

**THE SOCIETY OF BROADCAST ENGINEERS,
INCORPORATED**

Joseph Snelson

Joseph Snelson, CPBE, 8-VSB
SBE President

Ched Keiler

Charles (Ched) Keiler, CPBE, CBNE, 8-VSB,
CBNT
Chairman, SBE Government Relations Committee

Christopher D. Imlay

Christopher D. Imlay, CBT
General Counsel

Booth, Freret & Imlay, LLC
14356 Cape May Road
Silver Spring, Maryland 20904-6011
(301) 384-5525 telephone
(301) 384 6384 facsimile
cimlay@sbe.org

April 9, 2015