



PUBLIC NOTICE

Federal Communications Commission
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DA 15-675
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REQUEST FOR COMMENT
PETITION FOR PARTIAL EXTENSION OF CLASS WAIVER OF COMMISSION'S RULES
FOR ACCESS TO ADVANCED COMMUNICATIONS SERVICES AND EQUIPMENT BY
PEOPLE WITH DISABILITIES

CG Docket No. 10-213

Comments Due: July 9, 2015
Reply Comments Due: July 20, 2015

In response to a petition filed by the Entertainment Software Association (ESA) in 2012, the Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (FCC or Commission) granted a waiver of the Commission's requirements for access to advanced communications services (ACS) and equipment by people with disabilities for three classes of game-related equipment.¹ This waiver expires on October 8, 2015.²

On May 22, 2015, ESA filed a petition for a partial extension of the class waiver of the Commission's ACS accessibility requirements for one class of equipment – video game software – until January 1, 2017.³ According to ESA, “video game software continues to be designed primarily for the purpose of game play, and not for providing ACS,” and therefore qualifies for a waiver from the Commission's ACS accessibility rules.⁴ ESA further claims that, while “the role of ACS as a complement to game play is no more significant today than it was in 2012,” granting this waiver extension will enable platform providers and video game publishers “to continue jointly exploring novel

¹ See *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; Consumer Electronics Association; National Cable & Telecommunications Association; Entertainment Software Association; Petitions for Class Waivers of Sections 716 and 717 of the Communications Act and Part 14 of the Commission's Rules Requiring Access to Advanced Communications Services (ACS) and Equipment by People with Disabilities*, CG Docket 10-213, Order, 27 FCC Rcd 12970 (CGB 2012) (CEA, NCTA, ESA Waiver Order). See also 47 U.S.C. § 617(h)(1); 47 C.F.R. §§ 1.3, 14.5. The three classes of equipment were: Class I – game consoles, both home and handheld, and their peripherals and integrated online networks; Class II – game distribution and online game play services that distribute game software or enable online game play across a network, regardless of the device from which it is accessed; and Class III – game software used for game play. CEA, NCTA, ESA Waiver Order, 27 FCC Rcd at 12982, ¶ 23.

² CEA, NCTA, ESA Waiver Order, 27 FCC Rcd at 12986, 12991-92, ¶¶ 33, 40.

³ Petition of the Entertainment Software Association for Partial Extension of Waiver, CG Docket No. 10-213, filed May 22, 2015 (ESA Petition) at 2. ESA is not requesting an extension of the waivers previously granted by the Bureau for the other two classes of equipment: video game consoles; and video game distribution platforms. *Id.* at 1.

⁴ ESA Petition at 11.

accessibility solutions – including solutions that will facilitate access to ACS – in video game products and services.”⁵

The Commission invites comments on the EAS Petition. Pursuant to the Commission’s rules,⁶ comments and oppositions are due within 30 days from the date of this Public Notice. Reply comments are due within 10 days after the time for filing comments and oppositions has expired.

Permit-but-Disclose. 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).⁸ 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 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).⁹ Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Filing Instructions. Pursuant to sections 1.415 and 1.419 of the Commission’s rules,¹⁰ interested parties may file comments and reply comments on or before the dates indicated on the first page of this document.

- *Electronic Filers:* Comments and reply comments may be filed by accessing the Commission’s Electronic Comment Filing System (ECFS)¹¹ at <http://fjallfoss.fcc.gov/ecfs2/>.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

⁵ *Id.* at 4.

⁶ 47 C.F.R. § 14.5(d).

⁷ 47 C.F.R. §§ 1.1200 *et seq.*

⁸ 47 C.F.R. § 1.1206(b).

⁹ 47 C.F.R. § 1.49(f).

¹⁰ 47 C.F.R. §§ 1.415, 1.419.

¹¹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

Filings can be sent by hand or messenger delivery, 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.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

Availability of Documents. Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW, CY-A257, Washington, DC 20554. These documents will also be available via ECFS.

People with Disabilities. To request materials in accessible formats (such as Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice) or 202-418-0432 (TTY). This Public Notice can also be downloaded in Word and Portable Document Format at <http://www.fcc.gov/encyclopedia/advanced-communications-services-acs>.

Additional Information. For additional information on this proceeding, please contact Rosaline Crawford, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-2075 or e-mail Rosaline.Crawford@fcc.gov; or Eliot Greenwald, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-2235 or e-mail Eliot.Greenwald@fcc.gov.

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