



PUBLIC NOTICE

Federal Communications Commission
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Notice of Effective Date of *Second Accessible User Interfaces Order*; Announcement of Comment and Reply Comment Deadlines for Accompanying *Second Further Notice of Proposed Rulemaking*

MB Docket No. 12-108

Comment Deadline: February 24, 2016
Reply Comment Deadline: March 7, 2016

On November 20, 2015, the Commission released the *Second Accessible User Interfaces Order*, which adopted additional rules under the authority of Sections 204 and 205 of the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”) to make user interfaces and video programming guides and menus accessible on devices used to view video programming.¹ Specifically, the *Second Accessible User Interfaces Order* implements Section 204’s requirement that both the “appropriate built-in apparatus functions” and the “on-screen text menus or other visual indicators built in to the digital apparatus” to access such functions be “usable by individuals who are blind or visually impaired” by adopting a definition of “usable” consistent with Section 6.3(l) of the Commission’s rules.² In addition, the *Second Accessible User Interfaces Order* adopts information, documentation, and training requirements comparable to those in Section 6.11 of the Commission’s rules for entities covered by both Section 204 and Section 205 of the CVAA.³ The *Second Accessible User Interfaces Order* also adopts consumer notification requirements for manufacturers of digital apparatus and navigation devices that will require manufacturers to publicize the availability of accessible devices on their websites,⁴ and it requires multichannel video programming distributors (“MVPDs”), as well as manufacturers, to ensure that the contact office or person listed on their website is able to answer both general and specific questions about the availability of accessible equipment.⁵ Those rules become effective 30 days after publication of the order in the Federal Register, except for the rules that require approval by the Office of Management and

¹ *Accessibility of User Interfaces, and Video Programming Guides and Menus*, MB Docket No. 12-108, Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, FCC 15-156 (rel. Nov. 20, 2015) (“*Second Accessible User Interfaces Order*”).

² The definition of “usable” requires that “individuals with disabilities have access to information and documentation on the full functionalities of digital apparatus, including instructions, product information (including accessible feature information), documentation, bills, and technical support which are provided to individuals without disabilities.” 47 C.F.R. § 79.107(a)(5).

³ *Id.* §§ 79.107(d), 79.108(f).

⁴ *Id.* §§ 79.107(e), 79.108(d)(2).

⁵ *Id.* §§ 79.107(e), 79.108(d)(1)(ii), 79.108(d)(2).

Budget (“OMB”).⁶ The Federal Register published a summary of the final rules adopted in the *Second Accessible User Interfaces Order* on February 4, 2016.⁷

Accordingly, the rules adopted in the *Second Accessible User Interfaces Order* will take effect on March 7, 2016, except for the rules that require OMB approval. The information collection requirements contained in the rules that require OMB approval are subject to the Paperwork Reduction Act of 1995 (PRA), Public Law No. 104-13. The information collection will be submitted to OMB for review under 47 U.S.C. § 3507(d), and will not take effect until it is approved by OMB.

In the *Second Further Notice of Proposed Rulemaking* (“*Second Further Notice*”) adopted with the *Second Accessible User Interfaces Order*, the Commission seeks comment on a proposal to adopt rules that would require manufacturers and MVPDs to ensure that consumers are able to readily access user display settings for closed captioning and on the Commission’s authority to adopt such rules under the Television Decoder Circuitry Act of 1990 (“TDCA”). The Commission set deadlines for filing comments and reply comments at 20 and 30 days, respectively, after publication of the *Second Further Notice* in the Federal Register.⁸ The summary of the *Second Further Notice* was published in the Federal Register on February 4, 2016.⁹ Thus, comments must be submitted no later than February 24, 2016. Reply Comments must be submitted no later than March 7, 2016. Commenters should follow the filing instructions provided in paragraph 47 of the *Second Further Notice*.¹⁰ The *Second Further Notice* is also available on the Commission’s website.¹¹

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 Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information regarding this proceeding, contact Maria Mullarkey, of the Media Bureau, Policy Division, at Maria.Mullarkey@fcc.gov or 202-418-2120.

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⁶ See *Second Accessible User Interfaces Order*, ¶ 51. The rules that require OMB approval are Sections 79.107(a)(5), 79.107(d), 79.107(e), 79.108(d)(2), and 79.108(f), which will become effective upon announcement in the Federal Register of OMB approval. We will issue a subsequent public notice announcing the effective date of those rules.

⁷ Federal Communications Commission, 47 CFR Part 79, Accessibility of User Interfaces, and Video Programming Guides and Menus, Final Rule, 81 FR 5921 (Feb. 4, 2016).

⁸ See *Second Accessible User Interfaces Order* at 1.

⁹ Federal Communications Commission, 47 CFR Part 79, Accessibility of User Interfaces, and Video Programming Guides and Menus, Proposed Rule, 81 FR 5971 (Feb. 4, 2016).

¹⁰ See *Second Accessible User Interfaces Order*, ¶ 47.

¹¹ See https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-156A1.docx (Word), https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-156A1.pdf (Acrobat).