

Via Electronic Filing

July 15, 2024

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: *Accessibility of User Interfaces, and Video Programming Guides and Menus –
MB Docket No. 12-108*

Dear Ms. Dortch:

Per Section 1.1206(b)(2)(iv) of the Commission’s rules, the Consumer Technology Association (CTA)¹ files this written response to the memorandum summarizing the oral *ex parte* presentation made July 11, 2024, the day the Sunshine notice was released.²

The memorandum discusses the potential to “not hold companies providing navigation devices responsible for app providers’ compliance with the new rules, but [to] require such companies to instead provide notification to app providers that they can use device-level caption settings via an API if they choose to do so.”³ The letter then encourages the Commission to “consider whether the concerns that NCTA has expressed with respect to application of the rules to pre-installed apps on navigation devices hold true for other digital device manufacturers.”⁴ Consistent with the Commission’s approach to extend the joint cable-advocates’ proposal to the whole industry in the draft Report and Order, CTA requests that any relief granted to

¹ As North America’s largest technology trade association, CTA® is the tech sector. Our members are the world’s largest innovators—from startups to global brands—helping support more than 18 million American jobs. CTA owns and produces CES®—the most powerful tech event in the world.

² 47 CFR § 1.1206(b)(2)(iv). Letter from Karen Peltz Strauss, Legal Consultant, Communication Service for the Deaf, Inc., to Marlene H. Dortch, Secretary FCC, MB Docket No. 12-108 (dated July 12, 2024) (providing notice of an *ex parte* phone call with Holly Saurer, Chief, Media Bureau); *Erratum* Letter from Karen Peltz Strauss, Legal Consultant, Communication Service for the Deaf, Inc., to Marlene H. Dortch, Secretary FCC, MB Docket No. 12-108 (dated July 12, 2024) (collectively “July 12 CSD Letter”).

³ July 12 CSD Letter at 1.

⁴ *Id.* at 2.

MVPDs with respect to pre-installed apps on navigation devices be similarly applied to manufacturers of all apparatus.⁵ It is important that consumers have a consistent experience across covered entities with respect to pre-installed apps.

With respect to previewability, CTA observes that, as written, the Draft Order does not require that all settings be presented along with the underlying programming and the preview/stock text on screen *at the same time*.⁶ As a result, CTA disagrees with the assertion that waivers or exemptions based on achievability or technical infeasibility are appropriate procedures to evaluate previewability on small screens because such procedures are best understood as flexibility vis-à-vis affirmative requirements.⁷ No commenter, including in the memorandum, has made such a request to make all settings at once a requirement. CTA observes that squeezing so much information on screen at once would likely result in settings that are no longer readily accessible.

With respect to a long-press button and comment from the public on the matter,⁸ the Draft Order recognizes that the example of a long-press button to pull up the captioning settings has been discussed in the record for several years.⁹ As a general matter, CTA observes that pushing a button, including long pressing a button, is comparable to a button, key, or icon.

Please contact the undersigned if you have any questions regarding this filing.

Respectfully submitted,

/s/ J. David Grossman

J. David Grossman
Vice President, Policy & Regulatory Affairs

/s/ Rachel Nemeth

Rachel Nemeth
Sr. Director, Regulatory Affairs

cc: David Strickland, Lauren Garry, Hannah Lepow, Adam Cassady, Sara Rahmjoo, Deena Shetler, Holly Saurer, Hillary DeNigro, Maria Mullarkey, Diana Sokolow, Bob Aldrich, Suzy Rosen Singleton

⁵ *Accessibility of User Interfaces, and Video Programming Guides and Menus*, Third Report and Order, MB Docket No. 12-108, FCC-CIRC2407-05 (rel. Jun. 27, 2024) (Draft Order).

⁶ See Draft Order ¶ 27.

⁷ July 12 CSD Letter at 3.

⁸ *Id.*

⁹ Draft Order ¶ 25.