**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of: Authorizing Permissive Use of the “NextGeneration” Broadcast Television Standard | ))) MB Docket No. 16-142)) |

**REPLY COMMENTS OF THE**

**ACCESSIBILITY ORGANIZATIONS**

American Foundation for the Blind, American Council of the Blind, Communication Service for the Deaf, Deaf Equality, Hearing Loss Association of America, National Association of the Deaf, Perkins School for the Blind, and TDIforAccess, Inc. (collectively, the “Accessibility Organizations”) submit these reply comments on the Petition for Rulemaking filed by the National Association of Broadcasters (“NAB”).[[1]](#footnote-1) The NAB Petition proposes rule changes to speed the transition of over-the-air television service from the current ATSC 1.0 broadcast standard to the new ATSC 3.0 or “NextGen TV” broadcast standard.[[2]](#footnote-2)

The Accessibility Organizations are excited about the accessibility-related enhancements NextGen TV will be able to provide. As the Future of Television Initiative (“FOTVI”) Report discusses, NextGen TV should deliver more captioning options for consumers in addition to the options consumers have today, such as abbreviated captions and multi-language captions, as well as enhanced access to American Sign Language (“ASL”).[[3]](#footnote-3) Moreover, as the NAB Petition explains, NextGen TV will also offer dialog enhancement and audio description services.[[4]](#footnote-4) The Accessibility Organizations are concerned, however, that the inclusive opportunities that will be possible with NextGen TV are receiving insufficient focus. The Accessibility Organizations therefore urge the Commission, and the broadcast industry, to keep accessibility issues top of mind as the NextGen TV transition continues to unfold.

1. **Current Accessibility Requirements Establish the Baseline and Must Be Maintained.**

The Accessibility Organizations agree with the Public Knowledge Comments that “[v]iewers with disabilities must have the same rights to accessible content and interfaces in the new broadcast system as they do in the current one.”[[5]](#footnote-5) While NextGen TV is expected to provide options for expanded disability access, the current baseline requirements must be maintained. The Commission must not, therefore, just assume that current accessibility rules “need not be modified” in the transition to NextGen TV.[[6]](#footnote-6) Simply assuming that existing ATSC 1.0 rules will carry over without issue ignores the real-world challenges faced by consumers who rely on closed captioning and other access features. The ATSC 3.0 standard offers advanced technical capabilities which must be reflected in the Commission’s rules.

Rather than assume existing rules are sufficient, the Commission must proactively update and clarify accessibility requirements to reflect the actual architecture and use cases of ATSC 3.0. This includes ensuring that:

* + - all captioning and audio description services are preserved and carried through new interfaces,
		- visual and nonvisual access to emergency alerts is provided,
		- new interactive features and apps include equivalent accessibility, and
		- manufacturers of ATSC 3.0 devices are held to clear accessibility standards from the outset.

Without explicit and enforceable updates to Commission rules as needed, the promise of “equal or better” access in ATSC 3.0 will remain theoretical and millions of viewers who rely on captioning and other accessibility services may find themselves excluded from full participation in public life. The Accessibility Organizations therefore agree with Public Knowledge that “the Commission should update its enforcement regime under the Twenty-First Century Communications and Video Accessibility Act (CVAA)to reflect ATSC 3.0’s technical environment.”[[7]](#footnote-7) While the Accessibility Organizations assume NAB and the television broadcast industry are moving forward in good faith in terms of accessibility requirements, there is no reason for the Commission not to confirm their good faith intentions by ensuring current accessibility rules and requirements are fully enforceable under ATSC 3.0.

1. **Accessibility Standards Must Be Built into New NextGen TV Offerings.**

**Future accessibility standards** should be proactively integrated into NextGen TV offerings with meaningful input from the disability community, ensuring that the lived experiences of those directly impacted shape the evolution of these services. For example, while the Accessibility Organizations are intrigued by, and support, the concept of abbreviated captions, abbreviated captions should be optional, not replacements for the full captions we have today.[[8]](#footnote-8) Abbreviated caption formats may benefit children or emerging English users, but they must never replace the full, verbatim captioning required under current Commission rules. Expanding consumer choice by providing new options, while preserving existing options, must be the way forward. The Commission must not allow ATSC 3.0 to be misused by allowing broadcasters or programmers to default to reduced caption formats to cut costs or speed delivery.

Similarly, the Accessibility Organizations strongly support the incorporation of ASL sign language as an accessibility option. Integration of ASL interpretation or overlays in programming—especially for public-facing content like news, emergency information, and educational material—would significantly enhance access for native ASL users. We recommend that the Commission explicitly adopt what is now proposed in the *Communications, Video and Technology Accessibility Act* – to require that all video programming published or exhibited on television, or made available via Internet protocol or any successor protocol, that includes the provision of sign language ensure that the sign language presentation is visible on the viewer’s screen throughout the programming pursuant to standards established by the Commission. This approach is more practical than a general requirement for ASL interpretation of all programming.

Moreover, disability access features should be standardized and scalable – broad implementation using scalable technologies (e.g., picture-in-picture or app-based overlays) will make it easier for broadcasters, programmers, and the disability community to get full functionality from the new features. The Accessibility Organizations therefore agree with the Joint Commenters that “accessibility standards—such as audio description pass-through, universal design, and menu navigation parity—[must be embedded] directly into the core of NextGen TV rollouts.”[[9]](#footnote-9) Finally, many ATSC 3.0 features are dynamic and interactive (e.g., hyperlocal apps, restart live programs). Any new dynamic, interactive features that are audio-based must be made accessible to people who are Deaf, hard of hearing, or have other disabilities – for example by including high-quality, real-time captioning. sign language integration, or other necessary accessibility features where possible to ensure equal access.

1. **Accessibility Cannot Be an After Thought as NextGen TV Moves Forward.**

The NAB Petition and the Future of Television Report make only minimal references to accessibility, perhaps because the disability access community was underrepresented in the working groups that produced the Report.[[10]](#footnote-10) As a result, the Accessibility Organizations have seen no substantive plan for ensuring full accessibility for deaf, hard of hearing, DeafBlind, or other disabled viewers, nor have they seen concrete commitments regarding accessibility across the new services that will become available with the transition to ATSC 3.0. For example, while the Future of Television Report touts the capacity of ATSC 3.0 to offer Advanced Emergency Information, there is no clear plan for ensuring alerts are delivered in visual formats in the new architecture.[[11]](#footnote-11) As another example, the working groups focused on educating consumers about content benefits, such as 4K video, but overlooked education on accessibility features.[[12]](#footnote-12)

The Accessibility Organizations agree with the Joint Commenters that “ATSC 3.0 offers enormous promise – not just in technical terms, but in its potential to deliver equity in access to information.”[[13]](#footnote-13) Moreover, as the Joint Commenters point out, the new standard offers an opportunity to embed accessibility standards such as audio description pass-through, universal design, and menu navigation parity, directly into the core of NextGen TV rollouts.[[14]](#footnote-14) Indeed, with an aging population and a renewed interest in captions by consumers of all ages, integrating accessibility solutions into NextGen TV offerings and features is not just good policy, it is also good business.[[15]](#footnote-15)

1. **Disability Communities Must Be Supported in Any Transition.**

The shift to ATSC 3.0 requires new equipment for over-the-air reception – either a new television set or some sort of converter equipment. While prices for ATSC 3.0-compatible equipment are falling and availability is rising, new equipment may not be affordable for many low-income disabled households at any price. The Accessibility Organizations therefore urge the Commission, and the broadcast industry, to develop some sort of funding for low-income disabled users so they are not left behind after any hard-date transition. Fully accessible equipment that is compatible with the NextGen TV standard will be needed by those who rely on over-the-air television broadcasts, including older adults and those with sensory disabilities.[[16]](#footnote-16) Any hard-date transition must ensure that the country’s most vulnerable populations are not left behind.

The Accessibility Organizations appreciate the opportunity to contribute to the discussion of how NextGen TV can provide new benefits to all Americans, including those with disabilities. As the transition moves forward, the Commission must proactively update and clarify accessibility requirements to ensure that NextGen TV provides broader and better access to television programming and advanced emergency alerts to all Americans, including those in the disability community.

Respectfully submitted,

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1. The Accessibility Organizations represent individuals who are deaf, blind, DeafBlind, hard-of-hearing, low vision, or who have a speech disability or an auditory processing disorder. [↑](#footnote-ref-1)
2. *See* Petition for Rulemaking of the National Association of Broadcasters, GN Docket No. 16-142 (filed Feb. 26, 2025) (“NAB Petition”); *Media Bureau Seeks Comment on Petition for Rulemaking and Future of Television Initiative Report Filed by The National Association of Broadcasters to Facilitate Broadcasters’ Transition to Nextgen TV*, MB Docket No. 16-142, Public Notice, DA 25-314 (rel. Apr. 7, 2025). [↑](#footnote-ref-2)
3. *The Future of Television Initiative Report*, National Association of Broadcasters, at 31-32, (Jan. 17, 2025), <https://www.blog.nab.org/wp-content/uploads/2025/01/01.17.2025-%E2%80%93-Future-of-Television-Initiative-Report.pdf> (“FOTVI Report”). [↑](#footnote-ref-3)
4. NAB Petition at 5, 24. [↑](#footnote-ref-4)
5. Comments of Public Knowledge, MB Docket No. 16-142, at 11 (filed May 7, 2025) (“Public Knowledge Comments”). [↑](#footnote-ref-5)
6. NAB Petition at 24. [↑](#footnote-ref-6)
7. Public Knowledge Comments at 11. [↑](#footnote-ref-7)
8. *See, e.g.,* FOTVI Report at 31-32 (discussing captioning options such as abbreviated captions). [↑](#footnote-ref-8)
9. Comments of Bridge Multimedia Corporation, American Council of the Blind, and American Foundation for the Blind, MB Docket No. 16-142, at 1 (filed May 7, 2025) (“Joint Commenters”). [↑](#footnote-ref-9)
10. *See* FOTVI Report at 1 (listing the participants of the three working groups). [↑](#footnote-ref-10)
11. *Id.* at 28-30. [↑](#footnote-ref-11)
12. *See id.* at 1 (describing the following working groups: (1) Backwards Compatibility, Tuner Availability and Consumer Issues; (2) Completing the Transition; and (3) Post-Transition Regulation). [↑](#footnote-ref-12)
13. Joint Commenters at 1. [↑](#footnote-ref-13)
14. *Id*. [↑](#footnote-ref-14)
15. *See, e.g.,* April Rubin, *Why young people can’t get enough of subtitles,* Axios (Aug. 20, 2023), <https://www.axios.com/2023/08/20/gen-z-millennials-tv-movies-subtitles>. [↑](#footnote-ref-15)
16. *See, e.g.,* Joint Commenters at 1. [↑](#footnote-ref-16)