
UPDATE January 22, 2018

FCC Reminds MVPDs of Increased Video Description Requirements

New Rules Requiring More Hours of Video Description Begin July 1, 2018

On January 12, 2018, the FCC's Media Bureau released a [Public Notice](#) reminding multichannel video programming distributors ("MVPDs") that, beginning **July 1, 2018**, MVPD systems serving 50,000 or more subscribers must provide **87.5 hours** of video description per calendar quarter on channels carrying each of the top five national nonbroadcast networks. The nonbroadcast networks currently subject to the video description requirements are USA, TNT, TBS, History and the Disney Channel.

Background. Since July 1, 2012, all MVPDs have been required, **regardless of size, to "pass through" video description** provided on both broadcast and non-broadcast programming. This requirement only applies if the MVPD has the "technical capability" to pass through the video description and that technical capacity is not being used for another purpose. Once an MVPD airs a program with video description, it generally must include the video description on all subsequent airings.

In addition, MVPD systems with 50,000 or more subscribers have been required to offer 50 hours of video description, per calendar quarter, for each of the top five non-broadcast channels (as noted above, USA, TNT, TBS, Disney Channel, and History). Broadcast affiliates of the top four national networks (ABC, CBS, Fox and NBC) located in the top 60 markets have also been required to provide 50 hours per calendar quarter of programming with video description.

Increased Requirements. Beginning July 1, 2018, the amount of video described programming on top-rated broadcast and non-broadcast networks that must be carried will increase from 50 hours per calendar quarter to 87.5 hours per quarter. Fifty hours per quarter must be provided during prime time or children's programming, while the additional 37.5 hours can be provided at any time of day between 6 a.m. and midnight. Although the networks and channels currently covered by the rules are ABC, CBS, Fox, NBC, Disney Channel, History, TBS, TNT and USA, program networks may petition the FCC for an exemption. The FCC will then update the list of top five non-broadcast networks, if necessary.

If you have further questions about video description or accessibility rules in general, please contact Scott Friedman at sfriedman@cinnamonmueller.com or (312) 580-8557.

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