
UPDATE
August 25, 2020

**FCC Reminds Video Programming Distributors of Televised Emergency
Information Accessibility Obligations**

On August 10, 2020, the FCC released a [Public Notice](#) reminding video programming distributors (“VPDs”), including MVPDs and other distributors of video programming, of their obligation to make televised emergency information accessible, as required by FCC rules, to persons who are deaf, hard of hearing, blind or visually impaired. In doing so, the FCC highlighted recent natural disasters and the COVID-19 pandemic to emphasize the importance of ensuring emergency information is accessible to individuals with disabilities.

Background. Under FCC rules, VPDs must make televised emergency information, such as critical details or information regarding current emergencies, including how to respond to the emergency, accessible. Examples of emergencies include natural disasters, severe weather watches and warnings, widespread power outages, industrial explosions, civil disruptions and school closings.

Blind or Visually Impaired Accessibility. VPDs must make all emergency information provided in the video portion of a regularly scheduled or interrupting newscast accessible to individuals who are blind or visually impaired by aurally describing the emergency information in the main audio portion of the programming. If emergency information is conveyed visually during programming other than newscasts, such as crawling or scrolling text, the VPD must also provide an aural tone and immediately thereafter convey the emergency information aurally through a secondary audio stream. The aural tone will alert customers who are blind or visually impaired to switch to the secondary audio stream to hear the information, which VPDs must convey on the secondary audio stream in full, at least twice.

In addition, MVPDs must pass through the secondary audio stream containing emergency information when it is provided on linear programming accessed on a second screen, such as smartphones, tablets and laptops, over their networks as part of their MVPD services.

Deaf or Hard of Hearing Accessibility. VPDs must make all emergency information provided in the audio portion of programming accessible using closed captioning or other methods of visual representation, including open captioning, crawls or scrolls on screen. Information provided by these means may not block or obstruct any closed captioning, and closed captioning may not block or obstruct any emergency information provided by visual means. As with VPDs’ general closed captioning obligations, emergency information must also be passed through from the original source to subscribers.

Individuals with Cognitive Disabilities. Although not required by FCC rules, the FCC encourages VPDs to make emergency information more accessible to individuals with cognitive disabilities, through practices such as providing content in plain and understandable English,

including easy-to-understand instructions for emergency responses, providing content through multiple means, and avoiding scrolling information unrelated to the emergency during the broadcast of emergency information.

If you have further questions, please contact Bruce Beard at (314) 394-1535 or bbeard@cinnamonmueller.com.

Truth-in-Billing Compliance Deadline Approaching

On [December 20, 2020](#), the new truth-in-billing provisions of the Television Viewer Protection Act of 2019 (“TVPA”) will go into effect. Under the TVPA, all MVPDs will be required to “give consumers a breakdown of all charges related to the MVPD’s video service” before entering into a contract with a consumer for service, and also provide consumers 24 hours in which to cancel such service without penalty. Moreover, MVPDs will be required to provide greater transparency in electronic bills and will be prohibited from charging for the use of equipment owned by the consumer. MVPDs should review their practices to ensure that they comply with the new requirements.

MVPD Video Obligations. The numerous duties imposed on MVPDs regarding the sale of MVPD services include:

Transparency Obligation. Before entering into a contract with a consumer, the MVPD must provide the consumer (by phone, in person, online, or by other reasonable means) with the total monthly charge for the service selected by the consumer, whether provided individually or as part of a bundle. The charge must include related administrative fees, equipment fees or other charges, and a good faith estimate of any taxes, fees, or government-imposed charges. If the service involves a promotional discount, the MVPD must also note the amount of the discount and when it will expire.

Formal Notice Obligation. Within 24 hours of entering into a contract with a consumer for a multichannel video programming service, the MVPD shall send the consumer by email, online link, or other reasonably comparable means, a copy of the information above.

Consumer Right to Cancel. A consumer shall have the right to cancel a contract without early cancellation or other disconnection fees or penalties within 24 hours of the MVPD sending the information to the consumer.

E-Billing Disclosure Requirements. If an MVPD provides a bill in electronic format, the bill must include (i) an itemized statement setting forth the amount charged for the provision of service and the amount of all related taxes, administrative fees, equipment fees, or other charges; (ii) the termination date of the contract between the MVPD and consumer; and (iii) the termination date of any applicable promotional discount.

Consumer Rights to Accurate Equipment Charges. Under the TVPA, an MVPD or provider of fixed broadband internet access service may not charge a consumer for (i) using covered equipment (such as a router) provided by the consumer, or (ii) renting, leasing, or otherwise providing covered equipment that the provider has not yet provided to the consumer or that the consumer has returned to the provider. A provider may assess charges for equipment that has been returned if the charges cover the period prior to its return.

If you have questions about the TVPA or billing in general, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

FINAL REMINDER: Copyright Forms and Fees Due by August 31, 2020

Cable operators must file with the U.S. Copyright Office their Statement of Accounts (Form SA1-2 or SA3) and pay any royalty fees due for the January 2020 – June 2020 accounting period by **August 31, 2020** (August 29th, the normal deadline, falls on a Saturday this year). The following forms apply:

- **SA1-2 Short Form.** For use by cable systems with semiannual gross receipts of less than \$527,600.
- **SA3 Long Form.** For use by cable systems with semiannual gross receipts of \$527,600 or more.

Cable operators may now electronically sign and submit their SOAs. Excel-based SA1-2E Short Form and SA3E Long Form, along with additional instructions regarding the forms, are available for download on the Copyright Office's [Section 111 webpage](#). Cable operators may choose to continue to use the paper-based forms as well.

Copyright filings must be accompanied by a filing fee in addition to the royalty payment. The filing fee is calculated based on the type of form filed:

SOA Type	Filing Fee
SA-1 (\$137,100 or less gross revenues)	\$15
SA-2 (\$137,101 – \$527,599 gross revenues)	\$20
SA-3 (\$527,600 or more gross revenues)	\$725

Operators must also remit the royalty fee and filing fee in a single electronic payment. If you have any questions about copyright forms or fees, please contact Bruce Beard at (314) 394-1535 or bbeard@cinnamonmueller.com.

FINAL REMINDER: FCC Form 477 Due September 1, 2020

The next Form 477 is due **September 1, 2020**. Telephone, broadband, and interconnected VoIP providers must report information about broadband connections and local telephone service as of June 30, 2020.

Instructions for filers can be found [here](#). Filers can also review a brief summary of the Form 477 changes made in 2014 on the FCC's [website](#). If you have any questions about Form 477, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

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