

FCC Releases Order Reinstating Video Description Rules

August 25, 2011 by [Brian Hurh](#)

The FCC has released its Report and Order (available [here](#)) reinstating its rules for “video description” pursuant to the Twenty-First Century Communications and Video Accessibility Act (CVAA) that was signed into law last October. The video description rules were first adopted in 2000 but later vacated by the D.C. Court of Appeals for lack of sufficient authority. The CVAA rectified this by expressly authorizing the FCC to reinstate the rules, with some modifications. (See our discussion of the CVAA [here](#).)

DWT previously discussed the FCC’s rulemaking to reinstate the video description rules back in March (available [here](#)), and will again release a detailed analysis of the reinstated rules as adopted in the Report and Order (sign up [here](#) to receive a copy of our DWT Advisory). In the meantime, here are some highlights from the Report and Order:

- **Covered entities:** Large-market broadcast affiliates of the top four national networks, and MVPDs with more than 50,000 subscribers, must provide video description.
- **Hours Requirement:** Covered broadcasters are required to provide 50 hours of video-described prime time or children’s programming, per calendar quarter. Covered MVPDs are required to provide the same number of hours on each of the five “most popular” nonbroadcast networks (this does not include two nonbroadcast networks that primarily air programming recorded less than 24 hours before it is first aired, *i.e.*, ESPN and Fox News).
- **Pass Through:** All network-affiliated broadcasters (commercial or non-commercial) and all MVPDs must pass through video description provided with programming, but only to the extent that they are technically capable of doing so and when that technical capability is not being used for another purpose related to the programming.
- **Compliance:** As required under the CVAA, the rules will be reinstated on October 8, 2011. Covered broadcast stations and MVPDs must begin full compliance on July 1, 2012.

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