

**BEFORE THE**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**WASHINGTON, D.C. 20554**

In the Matter of )  
 )  
Implementation of ) MM Docket No. 99-339  
Video Description of )  
Video Programming )

**REPLY COMMENTS OF QVC, INC.**

QVC, Inc. ("QVC"), by its attorneys, hereby files its reply comments on the Notice of Proposed Rulemaking ("Notice") in the above-captioned proceeding.<sup>1</sup>

QVC reiterates its request that the Commission exempt the QVC programming service individually, or home shopping services generally, from any video description requirements that may be adopted in this rulemaking proceeding.<sup>2</sup> QVC identified in its initial comments a number of compelling reasons (briefly summarized herein) why the Commission should take such an approach.<sup>3</sup> As shown below, the statements of numerous commenters in this proceeding,

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<sup>1</sup> In the Matter of Implementation of Video Description of Video Programming, NPRM, MM Docket No. 99-339, FCC 99-353 (rel. Nov. 18, 1999) ("Notice").

<sup>2</sup> See QVC Comments at 9-12 (proposing narrow definition of "home shopping services" that would qualify for exemption).

<sup>3</sup> See id. at 4-8.

including those strongly in support of the proposed rules, underscore the reasonableness of QVC's exemption request.

First, as QVC previously noted, its home shopping service is already fully accessible to persons with visual disabilities because all essential product information is conveyed orally -- and continuously -- during all QVC shows by on-air hosts and guests.<sup>4</sup> A video description requirement is, therefore, unnecessary.<sup>5</sup>

Second, QVC is not the type of programming service Congress or the Commission intended to cover with a video description requirement.<sup>6</sup> As several commenters in this proceeding noted, certain categories of programming -- particularly live and primarily aural programming -- are unsuited for video description.<sup>7</sup> The QVC service is both live (24 hours a day, 7 days a week) and primarily aural in nature.<sup>8</sup> There are virtually no natural pauses in the program audio into which video description might be inserted without overlapping or obscuring

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<sup>4</sup> See QVC Comments at 4-5.

<sup>5</sup> See also Comments of the Game Show Network ("Game Show") at 7 (noting that "with some types of programming, the provision of video description may be unnecessary and redundant").

<sup>6</sup> See QVC Comments at 5-9.

<sup>7</sup> See, e.g., Comments of the National Television Video Access Coalition ("Coalition") at 4 (reiterating Coalition's recommendation that live news and sports programming be exempted from the proposed rules); Comments of National Association of Broadcasters ("NAB") at 26 (favoring exemption for news, sports, and other live programming); Comments of National Cable Television Association ("NCTA") at 18 (supporting exemption for live or tape-delayed live programming); Comments of C-Span and C-Span 2 ("C-Span") at 2-4 ("primarily aural" programming which is already essentially self-described should be fully exempt from video description requirements); Game Show Comments at 7-8 (same).

<sup>8</sup> See QVC Comments at 6.

the original audio.<sup>9</sup> As the National Television Video Access Coalition noted in this regard, "TV programs which are essentially all talk (leaving little or no room for added descriptions) will probably never be described."<sup>10</sup> Moreover, even if there were natural pauses in the QVC service so that the insertion of video description could be feasible, video description would not add value to the QVC service for persons with visual disabilities.<sup>11</sup>

Finally, the surveys referenced in the Notice indicate that there is little interest among persons with visual disabilities in requiring video description for home shopping services. Rather, these surveys demonstrate a strong preference in the visually disabled community for describing

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<sup>9</sup> See id.

<sup>10</sup> See Coalition Comments at 11. See also Comments of Motion Picture Association of America ("MPAA") at 28 (supporting exemption for programming, such as home shopping programming, that contains "fast-paced dialogue that prohibits video description for lack of time between the lines").

<sup>11</sup> See QVC Comments at 6-7 (noting that describing the actions and gestures of a QVC host or guest would not "enhance[] understanding and enjoyment of [the] video program by providing verbal descriptions of essential visual elements ....") (citing Report of National Coalition of Blind and Visually Impaired Persons for Increased Video Access, filed in MM Docket No. 95-176, WT Docket No. 96-198, at 5 (Feb. 7, 1997)). See also Game Show Comments at 7-8 (noting that "participant's body movements or appearance are not significant to the [game show] program" and that video description would therefore provide "no real added benefit to the visually impaired"); NCTA Comments at 18 ("For other live [i.e., non-sports] programming, the dialogue often includes a full description of essential information about, for example, news, weather, or products"); Comments of National Federation of the Blind ("Federation") at 4 (noting that it is not satisfactory for the Commission to say that people with visual disabilities are free to turn off the SAP channel if they find a described program annoying when the Commission has forced programmers to incur the significant costs for its production). In fact, the Federation, which is the country's largest organization of the blind, strongly opposes the proposed rules in their entirety. See Federation Comments at 1-4.

dramas, mysteries, comedies, and science-related programming.<sup>12</sup> This conclusion was strongly confirmed by the comments<sup>13</sup> and should guide the Commission's decisionmaking on this issue.<sup>14</sup>

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<sup>12</sup> See QVC Comments at 8.

<sup>13</sup> See Comments of WGBH National Center for Accessible Media ("NCAM") at 14 ("People who are blind or visually impaired have also noted that home shopping channels are lower priorities for video description") (emphasis added); Comments of Narrative Television Network at 3 (noting that news, sports, and talk format programming are "not the type of programming that generally need to be narrated for the visually impaired, and would not be considered priorities as more programming is made accessible"); Comments of the American Foundation for the Blind at 6-7 (recommending that networks and studios focus on describing "proven" products, such as popular dramas, comedies, and children's program series); NCAM Comments at 17 ("[W]hile live description of news or sports programs could be less expensive to produce, blind and visually impaired people have clearly stated that this type of programming is of far less interest or utility to them than dramas, comedies, movies and narrative documentaries").

<sup>14</sup> See NCAM Comments at 14 (noting that consumer choice and opinions should be heeded by the Commission when determining application of the proposed rules).

## CONCLUSION

Based on the foregoing and QVC's initial comments, and assuming arguendo that Congress intended for the Commission to impose video description requirements on video programmers,<sup>15</sup> QVC respectfully requests that the Commission make clear in the order adopted in this proceeding that any video description requirements that may be adopted will not apply to the QVC service or, in the alternative, to the category of home shopping services as defined in QVC's initial comments.

Respectfully submitted,

**QVC, INC.**

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<sup>15</sup> QVC notes that several commenters presented substantial analyses that seriously call into question the Commission's authority to impose video description requirements in the first place. See, e.g., Comments of A&E at 5-14; C-Span Comments at 5-9; Comments of DirecTV at 4; Comments of Grupo Televisa, S.A. at 2; MPAA Comments at 3-14; NAB Comments at 2-13; NCTA Comments at 4-7.