

August 30, 2011

President Michael R. Peevey
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Subject: Accessibility of PEG Channels through AT&T U-Verse

Dear President Peevey,

The purpose of this letter is to call your attention to an issue relating to cable television subscribers who are blind or visually-impaired and the operation of Public-Educational-Government (PEG) access channels on the AT&T U-Verse network. SCAN understands that AT&T's method of PEG channel distribution via U-Verse makes the PEG channels inaccessible to persons who are unable to view and interact with multiple on-screen menus.

As a matter of background, SCAN represents over 350 members of cities and counties throughout California and Nevada. We are a non-profit professional organization serving local governments and regional authorities in the development, regulation, and administration of cable television and telecommunications facilities and services.

SCAN believes that AT&T is unfairly denying blind and visually-impaired access to the important and unique information provided by our members' locally-produced PEG channels. On the other hand, commercial channels (i.e., broadcast networks and cable networks) are delivered to subscribers differently on U-Verse. And these channels can be accessed by blind and visually-impaired individuals using traditional methods and technologies. Therefore, it appears that AT&T has made a conscious decision to treat PEG channels in an inferior and discriminatory manner, as compared with the commercial channels.

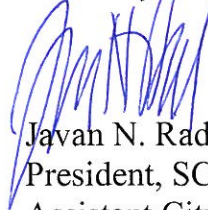
SCAN encourages your office to review whether AT&T's treatment of Channel 99 satisfies both the letter and the spirit of the Americans with Disabilities Act and the more recent 21st Century Communications and Video Accessibility Act. To clarify this issue, SCAN provides the following information:

- The AT&T U-Verse system places all PEG channels in a particular geographic region on “Channel 99.” AT&T’s Channel 99 is demonstrated by a video published by the California Public Utilities Commission’s Division of Ratepayer Advocates (the “DRA”) which can be found at <http://www.youtube.com/watch?v=SNEsmutJGls>
- The PEG channels can only be accessed by selecting Channel 99, and then interacting with several on-screen menus to choose a specific PEG channel, such as the channel serving a subscriber’s community.
- Blind and visually-impaired persons cannot view the on-screen menus and buttons – and therefore cannot interact with the requisite on-screen menus and make desired choices, such as choosing or changing a PEG channel.
- Additionally, an AT&T subscriber who wishes to go to other cable or network channels must use the on-screen menu again to back out of Channel 99, as demonstrated by DRA’s video. Blind and visually-impaired persons cannot do this by themselves.

No other cable company offers PEG channels in this manner. All other cable companies deliver PEG channels to subscribers the same way they deliver commercial channels – as independent channels that can be accessed by pressing the buttons on a remote control. Furthermore, all cable subscribers – including those who are blind or visually-impaired – pay for locally-produced PEG channels through franchise fees and/or PEG support fees. These fees are embedded in subscribers’ monthly cable bills. Thus, blind and visually-impaired persons are effectively paying for a service they cannot receive.

SCAN hopes that your office will review the accessibility issues with AT&T’s Channel 99, and we offer our assistance. Thank you, in advance, for your consideration of this issue.

Sincerely,



Javan N. Rad
President, SCAN, Inc.
Assistant City Attorney, City of Pasadena

Cc: John M. Leutza, Director, Communications Division, CPUC
Joe Como, Acting Director, Division of Ratepayer Advocates, CPUC