



November 14, 2019

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Notice of *Ex Parte* Communication, CG Docket No. 05-231, RM-11848

Dear Ms. Dortch:

On November 12, 2019, Joshua Pila of Meredith Corporation, Townsend Davis of ABC, Inc., Angela Ball of NBC Universal, Robert Folliard of Gray Television, Inc. and the undersigned of the National Association of Broadcasters, met with Suzy Rosen Singleton, Eliot Greenwald and Debra Patkin of the Consumer and Governmental Affairs Bureau to discuss certain issues in the above-captioned proceedings.

In addition to the discussions we describe in a companion *ex parte* letter also filed today,¹ we discussed NAB's positions regarding a pending Petition for Rulemaking that requests a proceeding toward the adoption of quantitative metrics for measuring live closed captioning quality.² We explained that the record does not provide any new arguments or evidence to justify such a rulemaking. Broadcasters strongly disputed the petitioners' claims of widespread captioning problems, noting the steady decrease in consumer complaints about captioning to both stations and the Commission since the caption quality standards were adopted in 2014.³ We explained that our broad and direct experience with programming and viewers demonstrates that the quality standards, in combination with the ENT best practices and the Commission's detailed enforcement scheme, have successfully yielded high quality closed captions. The Petition is little more than an extremely late request for reconsideration of the 2014 Caption Quality Order.

¹ Letter from Larry Walke, National Association of Broadcasters, to Marlene H. Dortch, Esq., Secretary, FCC, CG Docket No. 05-231, RM-11848 (filed Nov. 14, 2019).

² Petition for Declaratory Ruling and/or Rulemaking, Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI) *et al.*, CG Docket No. 05-231, RM-11848 (July 31, 2019) (Petition).

³ *Closed Captioning of Video Programming, TDI Petition for Rulemaking, Report and Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking*, 29 FCC Rcd 2221 at ¶¶ 26-33 (2014) (2014 Caption Quality Order).

We further noted that while the Petitioners rely on a project underway by the Captioning DRRP to develop metrics for caption quality, this project is still several years from conclusion and whether it will ultimately result in viable metrics remains uncertain. Therefore, at a minimum, the Petition is extremely premature and does not warrant a rulemaking proceeding at this time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Larry Walke".

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