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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

MAR 16 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

92-305

In the Matter of )  
)  
Amendment of Sections 73.682 )  
and 73.699 of the Commission's )  
Rules for Enhanced Closed- )  
Captioning Service and )  
Ghost-Cancelling Signal )

MM Docket No. ~~92-305~~

To: The Commission - MAIL STOP 1170

REPLY COMMENTS OF THE NATIONAL CAPTIONING INSTITUTE, INC.

1. The National Captioning Institute, Inc. ("NCI") hereby submits these reply comments in the above-captioned proceeding, dealing with enhanced closed-captioning service on field 2 of line 21 of the television vertical blanking interval (VBI) and a ghost-cancelling signal on line 19 of the VBI. These reply comments address the need to define text and enhanced data services ("EDS") to be provided on line 21, field 2 and stress the importance of including the definitions in the Commission's Rules themselves, where they will be readily available to the public at large, rather than relegating them to private publications.

2. NCI's initial comments supported the Commission's proposal to have all of line 21, field 2 available for captions, text and EDS. NCI also supported giving captions priority but recommended that the proposed rules be clarified to ensure that such priority is meaningful in the presence of EDS and that text be given priority over EDS. Finally, NCI urged that the terms

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"captions," "text," and "extended data service" be defined in the rules and that EDS be explicitly limited to field 2 of line 21.

**The Comments Support Priority  
for Captions on Line 21, Field 2.**

3. The initial comments of other parties in this proceeding generally agree with giving captions priority over text and EDS on line 21, field 2.<sup>1/</sup> However, the comments did not adequately discuss how priority for captions will be ensured. NCI's reasons for giving priority to captions enjoyed the support, in principle, of parties like MSTV.<sup>2/</sup> Nevertheless, it is still important to spell out that priority in the rule itself, to ensure that new manufacturers and other parties entering the field in the future have adequate notice of the Commission's intent. Incorporation of the priority in the rule will help ensure achievement of the decision of Congress that captioning be accessible to all members of the public,<sup>3/</sup> a decision based on the use of law and regulation rather than market place forces, for implementation.

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<sup>1/</sup> See, e.g., Comments of the Electronics Industry Association's Consumer Electronics Group ("EIA/CEG") at p 5; comments of Maximum Service Television, Inc. ("MSTV") at p. 5.

<sup>2/</sup> AMTS comments, p. 5, par. 2.

<sup>3/</sup> Television Decoder Circuitry Act of 1990, as implemented by Section 1.5119 of the Commission's Rules.

## **Text Service: A Definitional Clarification**

4. A number of parties have privately contacted NCI regarding the definition of "text" suggested in NCI's initial comments, urging that the definition be clarified. In this regard, NCI has reviewed the discussion in the June 26, 1992, draft EIA-608 document referred to in the comments of the WGBH Educational Foundation ("WGBH"). The problem with that definition is that it is based on how a text display is activated rather than the nature of the service. It is possible, however, to combine the EIA-608 concept with a more general definition. NCI suggests the following:

"Text" consists of information to be displayed on the television screen using the character format and set table specified in Section 15.119 (g) of the Commission's Rules.

### **Definitions Should Be Placed in the Commission's Rules.**

5. The initial comments suggest that interested parties have no objection to having definitions of "captions," "text," and "extended data service"; but they do not agree as to where they should appear. For example, WGBH stated that the Commission's proposed rules were "abundantly clear," but only "when supplemented by EIA/CEG's 42-page draft technical document EIA-608 (emphasis added)."<sup>4/</sup> Thomson Consumer Electronics Group ("Thomson") stated that the "industry" has a "clear understanding

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<sup>4/</sup> WGBH comments at p. 2.

of these terms" (emphasis added).<sup>5/</sup> Mitsubishi indicated that placement in the rules would be "detrimental," but it did not elaborate.<sup>6/</sup>

6. It may be that those who currently play an active role in manufacturing or providing captioning services and have participated in the process of implementing the Television Decoder Circuitry Act of 1990 will understand the distinction among the various line 21 services; but the advent of universal receiver decoding capability should be expected to draw many parties into the field, including many new providers of captioning services and EDS. These new parties, as well as deaf and hard-of-hearing members of the public, must have a ready and immediately available public source of information about their obligations for guidance in implementing their services and resolving priority problems, without having to go to a second reference for clarification. ~~Placing definitions in the rules themselves will allow all affected entities and persons to define their services and resolve any disagreements, using a reference source that has the force and effect of law.~~

7. In contrast, leaving the definitions outside of the rules and relegating them to private industry documents would make them less readily available and would leave the characterization, identification, and resolution of priority

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<sup>5/</sup> Thomson comments at p. 2; see also EIA/CEG's comments at p. 6.

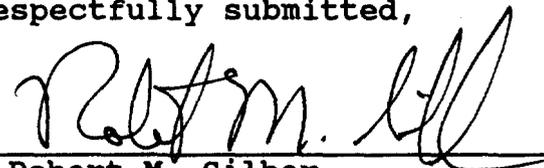
<sup>6/</sup> Mitsubishi comments at p. 2.

problems in the hands of private, industry-controlled entities. These entities will be advancing their own interests, which may not always be the same as those of the deaf and hard-of-hearing people who are the intended beneficiaries of the Congressional determination to require captioning decoding capability in television receivers. Putting definitions in the rules will ensure that implementation will be entrusted to a publicly accountable entity, as the Commission is.

#### Conclusion

8. NCI urges the Commission to make the definition suggested in these reply comments an integral part of its rules, so that the expanded availability of captioning and the introduction of new services on line 21, field 2, can, and will, coexist for everyone's intended benefit.

Respectfully submitted,



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March 16, 1993

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**CERTIFICATE OF SERVICE**

I, Robert M. Silber, do hereby certify that I have, this 16th day of March, 1993, caused to be sent by first class United States mail, postage prepaid, copies of the foregoing "Reply Comments of the National Captioning Institute, Inc." to the following:

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