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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Amendment of Section 15.119 ) RM - \_\_\_\_\_  
of the Commission's Rules )  
Relating to Closed Captioning )  
Decoders )

PETITION FOR RULEMAKING

The Consumer Electronics Group of the Electronic Industries Association ("EIA/CEG") hereby petitions the Commission to commence a rulemaking proceeding to amend Section 15.119 of the Commission's rules.<sup>1</sup> More specifically, EIA/CEG requests that Section 15.119(l) be amended so as to eliminate the requirement that the closed captioning decoders of television receivers be compatible with a technology that has never been, is not now, and is never likely to be in commercial use in a cable system. As set forth more fully below, EIA/CEG's proposed change in the Commission's rules would relieve manufacturers and purchasers of television receivers of the expense and regulatory burden of a standard that is no longer necessary. The Commission should therefore promptly initiate the requested rulemaking and eliminate this requirement from its rules.

<sup>1</sup> 47 C.F.R. § 15.119 (1993).

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## I. INTRODUCTION

EIA/CEG is the principal trade association of the consumer electronics industry. EIA/CEG's members provide the American public with televisions, videocassette recorders, video cameras, compact disc players, and a wide variety of other electronic products. EIA/CEG's member companies include most of the major U.S. consumer electronics manufacturers, as well as many smaller companies that design, produce, distribute, sell, import and service electronic products. Many of EIA/CEG's members produce television receivers that are subject to the Commission's rules regarding closed captioning decoders.

Section 15.119(l) of the Commission's rules was originally adopted to permit the use of closed captioning in conjunction with certain cable television signal encryption and copy protection techniques. Because of this rule, manufacturers of television receivers are required to include additional features in their closed captioning decoder circuitry to permit compatibility with cable television encryption. More specifically, this section requires the decoders in television receivers to be compatible with the copy protection techniques of Eidak Corporation. Because Eidak's copy protection technology is substantially different from signal scrambling security systems, television receivers must include specific additional capability in order for their closed captioning decoders to be compatible with Eidak's technology. It was in recognition of this fact that the Commission delayed the implementation of Section 15.119(l) as it applies to Eidak's copy protection system until January 1, 1995.<sup>2</sup>

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<sup>2</sup> *Amendment of Part 15 of the Commission's Rules to Implement the Provisions of the Television Decoder Circuitry Act of 1990*, 7 FCC Rcd 2279, 2281 (1992).

Eidak's technology, however, has never been used by any cable system and, given Eidak's poor business prospects, it is unlikely to be used in the future. EIA/CEG therefore requests that the Commission institute a rulemaking proceeding to eliminate the requirement that television receivers be compatible with Eidak's copy protection technology. Section 15.119(l), as it applies to Eidak's copy protection technique, currently serves no purpose other than to impose needless costs upon the manufacturers and purchasers of television receivers. Neither manufacturers nor consumers should be burdened with the expense of complying with such a rule.

**II. THE REQUIREMENT OF SECTION 15.119(l) THAT TELEVISION RECEIVERS BE COMPATIBLE WITH EIDAK'S COPY PROTECTION TECHNIQUE IS UNNECESSARY, BURDENS MANUFACTURERS AND CONSUMERS, AND SHOULD THEREFORE BE ELIMINATED.**

Section 15.119(l) of the Commission's rules in pertinent part provides that:

Certain cable television security techniques, such as signal encryption and copy protection, can alter the television signal so that some methods of finding line 21 [the closed captioning line] will not work. In particular, counting of lines or timing from the start of the vertical blanking interval may cause problems. Caption decoding circuitry must function properly when receiving signals from cable security systems that were designed and marketed prior to April 5, 1991.<sup>3</sup>

This provision was adopted to ensure that television receivers would be able to receive closed captioning signals, even when they are received from a cable system that utilizes signal encryption or copy protection techniques. Because the proprietary copy protection system of Eidak was designed and marketed before the rule's cut-off date, all television receivers marketed

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<sup>3</sup> 47 C.F.R. § 15.119(l) (1993).

in the United States after January 1, 1995 must include the ability to decode closed captioning signals that are encrypted using Eidak's copy protection technique.

To the best of EIA/CEG's knowledge, Eidak's copy protection technology is not currently being used by any cable system in the United States. Eidak itself does not contest this fact.<sup>4</sup> Indeed, the only apparent commercial use of Eidak's proprietary system is in a satellite network that distributes programming to cable system operators.<sup>5</sup> Significantly, Eidak's technology is not used by the cable systems that receive programming from this satellite network. Nor does it appear that Eidak's technology will soon be embraced by the cable industry. Eidak Corporation is no longer an active business entity. Under these circumstances, it would be commercially unrealistic to expect cable system operators to adopt a copy protection technique which they have assiduously avoided in the past. In short, Eidak's copy protection technology -- which is not now in use -- is not going to be used in the future.

Because Eidak's copy protection technology is not a viable marketplace option, no beneficial purpose is served by requiring television receivers to include closed captioning decoders that are capable of supporting that technology. No harm has come to consumers from the delay in implementing compatibility with Eidak's technology and none will come in the future. In today's environment, such a requirement would impose needless burdens and costs on consumers and the consumer electronics industry without any corresponding benefit.

The consumer electronics industry would be burdened by being required to design closed captioning decoders that support an unused technology. Moreover, the inclusion of such

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<sup>4</sup> Letter from Richard S. Leghorn to Richard B. Engelman (June 29, 1994).

<sup>5</sup> *Id.*

a capability in television receivers would increase the costs of manufacturing. As with all increased production costs, the cost of including this unnecessary requirement will be borne by consumers who purchase television receivers. Further, by needlessly increasing the number of functions that must be included in television receivers, this requirement limits the ability of manufacturers -- which face enormous price and cost competition -- to include other features that are more useful and attractive to consumers.

The Commission's rules should not produce such results. Regulatory requirements that are both costly and unnecessary do not further the public interest. Rather, as the Administration has recognized, and as Chairman Hundt has acknowledged, the public interest is served by eliminating unnecessary, costly, and burdensome regulation. The rule change proposed by EIA/CEG provides the Commission with an opportunity to "re-invent government," and eliminate an unnecessary rule that aids no one and that places a significant burden on consumers and the manufacturers of television receivers.

EIA/CEG therefore asks the Commission to institute a rulemaking proceeding as promptly as possible to eliminate the requirement that television receivers include closed captioning decoders that are capable of operating with cable signals that use Eidak copy protection technology. This goal can be achieved by indicating in Section 15.119(l) or elsewhere that Eidak's technology need not be supported by the closed captioning decoders of television receivers. EIA/CEG requests no other changes in the Commission's closed captioning rules, which EIA/CEG and its member companies strongly support. As the Commission is well aware, the consumer electronics industry has made great strides in making its products as useful and attractive as possible to hearing-impaired customers. Indeed, the capabilities of the television

receivers that are now in the marketplace exceed the requirements of the Commission's rules. EIA/CEG's sole purpose in filing this petition is to have the Commission eliminate an unnecessary and burdensome requirement that does nothing to enhance the availability of closed captioning services and only serves to increase the cost of television receivers to all consumers. Given the January 1, 1995 deadline by which television receivers must support Eidak's technology, EIA/CEG urges the Commission to promptly amend its rules.<sup>6</sup>

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<sup>6</sup> In the event that the Commission is not able to amend its rules before the end of the year, EIA/CEG is, concurrent with the filing of this petition, requesting a waiver of the requirement that the closed captioning decoder of television receivers support Eidak's technology by January 1, 1995.

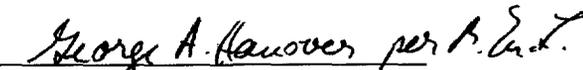
**III. CONCLUSION**

For all of the reasons set forth above, EIA/CEG urges the Commission to initiate a rulemaking proceeding as promptly as possible to amend Section 15.119(l) of its rules.

Respectfully submitted,

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