



Putting the person before the disability

February 26, 1996

The Office of the Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RE: In the Matter of Closed Captioning and Video Description of Video Programming (FCC 95-484)

Dear Secretary:

Closed caption is a vital service to millions of Americans. Any and all forms of captioning today, closed to real-time, bring the world to otherwise isolated minds. As a person with a hearing loss myself it amazes me as to what has been "decided" I am to "hear" or not as I walk through my life. Every time I come across a public service that has captioning I feel relieved and included, otherwise I must dismiss what is being offered as one more area I am simply not to participate in. Universal access to closed-captioning and quality assurance measures in place for all media will serve to connect human beings to a world otherwise distant. The positive implications of this access is too enormous to list here. Providing video programming with captions is one more step to dissolving the limitations placed on millions of people. Quality assurance focus is a high priority to minimize garbled, delayed or incorrect information. The topic addressed is one that highly effects the consumers I serve, as well as me. Specific topics and concerns related to what people want regarding television use, captioning access options, video accessibility are best addressed by the consumers. Captioning is a doorway open to the world many have been closed off from. The need for continued focus and legislation to support continued access and quality assurance of universal captioning is a must in keeping the "doors" open for everyone.

Sincerely yours,

Veronica R. Schuurmans
Deaf/Hard of Hearing Services Coordinator

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Veronica at (608) 242-8484 ext-138
(Name) (Phone number)

Please deliver this transmission to:

OFFICE of The Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

From:

Access To Independence (Veronica Schuurmans)
1013 Mendota St.
Madison, WI 53705

Message or explanation:

RE: In the matter of Closed Captioning
+ Video Description of Video
Programming (FCC 95-484)



U.S. Department of Justice

Civil Rights Division

25-174

Office of the Assistant Attorney General

Washington, D.C. 20035

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February 29, 1996

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FEB 29 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable William F. Caton
Acting Secretary
Federal Communications Commission
1919 "M" Street, N.W.
Washington, D.C. 20554

Re: Notice of Inquiry (FCC 95-484): Closed Captioning and
Video Description of Television Programming

Dear Mr. Secretary:

I strongly endorse the Federal Communication Commission's (FCC) efforts to promote closed captioning and video description of television programming. This Notice of Inquiry is a long-awaited and critical step toward ensuring the equal treatment of individuals with disabilities.

As you know, the Americans with Disabilities Act of 1990 (ADA) is the most comprehensive civil rights legislation ever enacted to protect the rights of persons with disabilities. The ADA broadly protects the rights of individuals with disabilities in employment, State and local government programs and services, transportation systems, telecommunications, commercial facilities, and the provision of goods and services offered to the public by private businesses. But the ADA does not address the accessibility of television programming for persons with vision or hearing impairments. Millions of such Americans lack access to television, which is the primary source of entertainment and information in our society. Indeed, television is one of the principal ways in which American culture is expressed and shared. Without access to television, the promise of the ADA -- to bring individuals with disabilities into the mainstream of American life -- will never be fully realized.

Captioning is currently used in a wide range of businesses and facilities open to the public. Here in Washington, for example, the Holocaust Museum and the Imax Theater in the Air and

U.S. Department of Justice
Date: 2/29/96

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Space Museum are using innovative applications of captioning technology in order to provide access to individuals with hearing impairments. The Arena Stage uses captioning for live performances. Video description is gaining usage as well. The Arena Stage, the Kennedy Center, and Ford's Theater, to name a few locations in the nation's capital, offer video description so that individuals with vision impairments may have access to performances. Bringing these technologies into the home -- where most Americans spend much of their leisure time -- will help complete the promise of accessibility and independence. Individuals with vision or hearing impairments will be able to enjoy television alongside their families and friends, and will no longer be forced to depend upon families and friends for, at best, partial access to the programming.

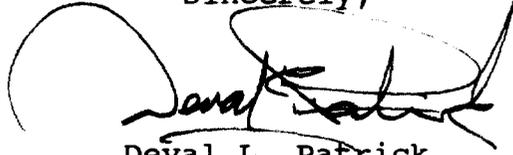
In the course of enforcing titles II and III of the ADA, the Department of Justice has gathered information regarding these technologies, their costs, and demographic and market information. (We are not including all of this data here because we are not the primary source of the information, but we would be happy to provide FCC staff with this information if you believe it would be useful to you).

One general lesson we have drawn from the first few years of enforcing the ADA is that market demand for a service cannot be determined by looking at current use patterns when the service in question is inaccessible. Instead, if I may paraphrase the words of the movie, "Field of Dreams," the better assumption is "if you build it, they will come." If the use of captioning and video description in television programming is mandated, and television becomes accessible, use of television services by persons with disabilities will expand greatly.

With respect to imposing mandatory requirements, there is obviously not an easy, "one size fits all" solution to where responsibility should be placed. To the extent that it is practicable to centralize the obligation for compliance, placing responsibility on a single entity like a producer rather than dividing it among small broadcasters is more cost effective and likely to effectuate the goal that all material be captioned. Certainly, it makes sense to require captioning of new material at the time of production. With respect to other materials, placing responsibility on both providers and producers may lead to a greater level of compliance.

My staff would be pleased to meet with FCC staff to facilitate in any way possible this historic and important bridge of access.

Sincerely,

A handwritten signature in black ink, appearing to read "Deval Patrick", with a large, sweeping flourish on the left side.

Deval L. Patrick
Assistant Attorney General
Civil Rights Division



PENNSYLVANIA SOCIETY FOR THE ADVANCEMENT OF THE DEAF, INC

95-176

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Board of Managers February 23, 1996
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The Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: The Matter of Closed Captioning
and Video Description of Video
Programming (FCC 95-484)

Dear Mr. Secretary:

On behalf of the Pennsylvania Society for the Advancement of the Deaf (PSAD), the 115 year old non-profit organization serving citizens who are deaf or hard of hearing, we commend the FCC and Congress for their support of the Telecommunication Reform Act of 1996 (FCC 95-484).

The PSAD learned, however, that the captioning provision (Section 713) allows the FCC to exempt programs or classes of programs if the captioning costs would be economically burdensome to programming provider or owner. We, the PSAD disagree with this exemption because such a provision excludes deaf persons from full access to programs. Needless to say, captioning has enriched our lives by allowing us to visually access information and it is frustrating when we are excluded from any programs that hearing persons can access.

Thank you for considering PSAD's request to provide full accessibility with all programming.

Sincerely,

Elizabeth R. Pollard

Elizabeth R. Pollard
President

cc: Board of Managers

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