

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

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Closed Captioning and Video Description)
of Video Programming)
)
Implementation of Section 305 of the)
Telecommunications Act of 1996)
)
Video Programming Accessibility)

MM Docket No. 95-176

**REPLY COMMENTS OF
NATIONAL CABLE TELEVISION ASSOCIATION**

The National Cable Television Association ("NCTA"), by its attorneys, hereby submits its Reply Comments in the above-captioned proceeding.

DISCUSSION

NCTA's initial Comments demonstrated that the Commission's recent captioning mandates, coupled with its new cable EAS requirements, will ensure that increasing amounts of emergency information is accessible to the deaf and hard of hearing. Our comments also explained the difficulties presented by the NPRM's proposal to require that all emergency information be closed captioned.

Several comments filed in this proceeding confirm that the conditions that led to the FCC's earlier determination not to require real-time captioning still remain. The Commission should maintain its existing captioning rules and should not impose additional obligations on cable networks or operators with respect to the captioning of emergency information.

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First, the comments show considerable doubt as to whether there are sufficient real-time captioners throughout the United States to caption emergency information.¹ Media Captioning Services (“MCS”), for example, confirms that the current shortage of real-time captioning services can be expected to continue for some time.² And as MCS explains,

unless a captioning company is captioning a particular local station’s programming on a regular basis, it is unlikely that a captioning company would agree to provide emergency captioning on an ‘as needed’, or demand basis. Operationally, it would be imprudent for a captioning company to agree to enter into one or more, i.e., multiple emergency captioning agreements without having a core amount of business from a local station.³

In MCS’ experience, “[i]t is impossible to maintain a staff in place for some unknown event -- with no revenues to support such a staff, or to expect to have sufficient staff immediately available, and familiar with a particular locality’s terminology.”⁴

Second, the record also suggests that remote real-time captioning is not likely to be a feasible alternative for most programmers in cases of emergencies. CBS’ Comments explain that “a local station or other program provider that had not arranged for remote real time captioning services for its regularly scheduled programming would be even less able to do so in emergency situations, with competitive demand at its highest.”⁵ And MCS makes clear that there are

¹ See ABC Comments at 6.

² MCS Comments at 2.

³ MCS Comments at 3. Caption Colorado provides emergency captioning for all its “regular customers”. Caption Colorado Comments at 2. It only provides “several stations” that are not regular customers with emergency captioning services. *Id.*

⁴ *Id.* MCS suggests that the Commission should mandate real-time captioning for broadcasters and cable companies in the top 25 SMA’s. *Id.* at 4. It also proposes that federal or state funding should compensate them for their costs. *Id.* at 5.

⁵ CBS Comments at 5.

significant technical barriers to using remote captioning for emergencies: “because emergency captioning requires continuous captioning, the multiple phone connections and disconnections to a local station encoder may not always be easily coordinated, or possible.”⁶

In addition to its practical difficulties, real-time captioning requirements would impose significant new costs. Even maintaining the option to use remote real-time captioning would require costly equipment purchases in addition to the costs of hiring captioners. ABC describes that “the cost of installing the necessary equipment to access a remote service is in the range of \$10,000 per station. Stations would also bear the recurring cost of maintaining two dedicated phone lines ... as well as the per-occasion cost for the service.”⁷

Finally, several comments suggest that there may be a technological solution to this problem in the future. For example, several commenters point to the development of voice recognition technology as a potentially promising avenue for providing a verbatim textual description of the audio portion of a program.⁸ The FCC might explore at a later date whether future developments such as these might make an emergency captioning requirement more feasible. In the meantime, however, nothing has changed in the six months since the captioning requirements were adopted that would make real-time captioning more feasible or less costly.

⁶ MCS Comments at 3-4.

⁷ ABC Comments at 6.

⁸ *See, e.g.*, Comments of the California Broadcasters Association at 4; Comments of National Association of the Deaf at 6.

CONCLUSION

For all these reasons, and for the reasons stated in our initial Comments, the Commission should not adopt emergency captioning requirements.

Respectfully submitted,

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