November 14, 2014

*via electronic filing*

Marlene H. Dortch
Secretary, Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

**Re: Closed Caption Quality CG Docket No. 05-231**

Dear Ms. Dortch:

On November 12, 2014, Jill Tocschi and Darlene Parker of the National Captioning Institute, Gerald Freda of Caption Max, Adam Finkel of the National Court Reporters Association, Amy Bowlen of VITAC and I, collectively "Caption Providers," met with Karen Peltz Strauss of the Consumer and Governmental Affairs Bureau, Eliot Greenwald, Suzy Rosen Singleton, Caitlin Vogus and Greg Hlibok of the Consumer and Governmental Affairs Bureau, Disability Rights Office, Diana Sokolow of the Media Bureau and Susan Aaron of the Office of General Counsel, Administrative Law Division to discuss the suggested metric specified in the Commission's Best Practices for Real-Time Captioning Vendors in Rule 79.1(k)(2)(iv).

At issue is the suggested metric for measuring accuracy as defined in the Real-Time (Live) Captioning Vendors Best Practices, 79.1(k)(2)(iv)). Though caption providers submitted our conventional metric with suggested best practices, the Commission's final release uses a separate measure that places an undue burden on caption vendors and, more importantly, does not result in more readable, understandable, and complete captions. Further, though the FCC Best Practices suggest caption vendors "consider" using this metric, we are hearing from programmers who not only insist upon it, but demand an unattainable percentage when calculated.

We discussed the two metrics in detail. While the initial concern appeared to be *words written* vs. *words spoken*, we determined the primary difference is the way "errors" are defined. The formulas are as follows:

***FCC Formula (currently in Best Practices)***

$$\text{Accuracy Rate} = \frac{\text{Words written} - \textbf{Errors}}{\textit{Words spoken}}$$

***Conventional Formula (currently used by caption industry):***

$$\text{Accuracy Rate} = \frac{\text{Words written} - \textbf{Errors}}{\textit{Words written}}$$

The “words spoken” formula suggests that the caption file is to be compared to a verbatim transcript, with “errors” to include **all** omissions, substitutions, mis-strokes, and wrong punctuation. The creation of a verbatim transcript will more than triple the amount of time necessary to review caption files and require additional manpower at a cost that is not supported by the current captioning market.

More important, using this measure will not improve accuracy, because it is simply impossible to write verbatim captions. Amy Bowlen and Darlene Parker, with a combined 55 years in realtime captioning, spoke to this fact and explained that a realtime captioner’s goal is to produce accurate, factual and timely captions *as near as verbatim as possible*. Rather than focus on comparing captions against every word written, which would result in bumped or missed keystrokes, and more errors, captioners focus on finger control and ways to substitute and omit words while producing captions that retain the meaning of the spoken word.

In the conventional measure, some omissions are considered errors, and others are not. Captions are reviewed by experts who are trained to recognize omissions even when video is not available. Even when we review against video, a verbatim written transcript is not necessary – the reviewer simply records errors, subtracts these from the words written, and divides by words written. The resulting goal is 98.5% accuracy or higher.

The Consumer Groups expressed concern in their ex parte that shifting the calculation to the “words written” model would “attribute falsely high rates of accuracy to captions that are missing words, thereby incentivizing captioners to simply omit words to raise accuracy ratings.” This will not happen because omissions that affect meaning are **always** counted as errors.

Rather than focus on the creation of an accurate transcript and timely QC that will not improve the actual quality of captions, we prefer to focus on ensuring errors are being measured correctly. If all caption providers use the same definition for “error,” then viewers and programmers can be assured a consistent measure of caption accuracy.

For example, caption providers consider these to be errors:

- Omissions or substitutions that change the meaning of the spoken word
- Omissions or substitutions that deprive the closed captioning audience of important information
- Incorrect use of punctuation that leads to difficulty in reading the captions
- Failure to properly use programmer-provided preparation material, including lyrics and the spelling of proper names and titles.

And these omissions and substitutions are not errors:

- Omissions of repeated words or phrases, false starts or stutters, parenthetical phrases of negligible effect on the content.
- Misspellings of names not available to the captioner in advance of the program. (This is based on the premise that the audience would rather see a misspelled name than a generic “he” or “she,” and that the captioner will enter the correct spelling at the first opportunity.)

- Substitution of words not in a captioner's dictionary with synonymous words , with the captioner making an entry for the word at the first opportunity, e.g., "consigliere" becomes "adviser."
- Captioning  the dominant speaker's words when other speakers are interrupting or speaking at the same time.
- Omission of short segues during the transition into commercials or at the end of a program, e.g., "we'll be right back," or "good night."

Please see our presentation, submitted with this document, for examples and suggestions.

We concluded by asking the FCC for guidance with regard to next steps for addressing this issue, and look forward to your feedback.

Please contact me if you have any questions.

Sincerely,

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CC: Meeting Attendees