

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

In the Matter of)	
)	
Closed Captioning of Video Programming)	CG Docket No. 05-231
)	
Telecommunications for the Deaf and Hard of Hearing, Inc.)	
Petition for Rulemaking)	

COMMENTS OF COMCAST CORPORATION

Comcast Corporation and NBCUniversal (collectively, “Comcast”) hereby file comments in response to the Second Further Notice of Proposed Rulemaking (“Second FNPRM”) in the above-captioned proceeding.¹ The Second FNPRM invites comment on a few discrete issues related to compliance responsibility for caption quality and the provision of TV captions generally. Comcast again reiterates its support for its proposed burden-shifting model for captioning compliance responsibility, and addresses below the Second FNPRM’s related questions regarding programmer contact information and programmer certifications.

As Comcast and other parties explained in response to the Further Notice of Proposed Rulemaking (“FNPRM”) in this proceeding,² the burden-shifting proposal will provide strong incentives for programmers and video programming distributors (“VPDs”) to work cooperatively to improve caption quality and ensure prompt investigation and effective resolution of captioning issues, and ultimately deliver high-quality captions to consumers.³ As previously explained, if

¹ See *Closed Captioning of Video Programming; Telecommunications for the Deaf and Hard of Hearing, Inc., Petition for Rulemaking*, Second Further Notice of Proposed Rulemaking, FCC 14-206 (Dec. 15, 2014) (“Second FNPRM”).

² See *Closed Captioning of Video Programming; Telecommunications for the Deaf and Hard of Hearing, Inc., Petition for Rulemaking*, Report & Order, Declaratory Ruling, & Further Notice of Proposed Rulemaking, 29 FCC Rcd. 2221 (2014) (“FNPRM”).

³ See, e.g., Comments of Comcast Corp., CG Docket No. 05-231, at 2-4 (Apr. 28, 2014); Reply Comments of Comcast Corp., CG Docket No. 05-231, at 2-5 (May 27, 2014); Comments of DirecTV, LLC, CG Docket No. 05-231, at 8 (Apr. 28, 2014); Comments of Charter Commc’ns *et al.*, CG Docket No. 05-231, at 7-11 (Apr. 28, 2014);

VPDs and programmers face potential liability for non-compliance under the rules for those issues within their respective control, each party will be highly motivated to resolve caption issues for which it is responsible.⁴ And compliance responsibilities under the proposed model would be allocated based on which party in the distribution chain is *best positioned* to address the relevant captioning issue.⁵ Applied across the board to all TV captioning obligations, the burden-shifting compliance model will help eliminate any potential “liability gap” in the existing compliance regime for TV captions.⁶

The proposal also builds on the shared-responsibility models adopted for online captioning and accessible emergency information;⁷ is well grounded in the Commission’s authority under the Communications Act;⁸ and is consumer friendly, establishing an initial point of responsibility with the VPD with which the customer has a preexisting relationship.⁹ Given these benefits, and the widespread support for the burden-shifting model in the record,¹⁰ Comcast

Reply Comments of Charter Commc’ns *et al.*, CG Docket No. 05-231, at 5 (May 27, 2014); Comments of AT&T Services, Inc., CG Docket No. 05-231, at 5 (Apr. 28, 2014); Comments of ACA, CG Docket No. 05-231, at 4-6 (Apr. 28, 2014). Hereafter, parties’ comments filed in this proceeding on April 28, 2014 and reply comments filed on May 27, 2014 are referred to as “Phase One Comments” and “Phase One Reply Comments,” respectively.

⁴ See Comcast Phase One Comments at 3; Comcast Phase One Reply Comments at 2; ACA Phase One Comments at 6.

⁵ See Comcast Phase One Comments at 2-3; Comcast Phase One Reply Comments at 3-4; DirecTV Phase One Comments at 6-8; Charter *et al.* Phase One Comments at 3-5, 9; AT&T Phase One Comments at 3-5; ACA Phase One Reply Comments at 6-7.

⁶ See Comcast Phase One Comments at 5-6 (citing FNPRM ¶ 128); Comcast Phase One Reply Comments at 4; ACA Phase One Reply Comments at 16.

⁷ See, e.g., Comcast Phase One Comments at 1 n.3; DirecTV Phase One Comments at 3-5, 8; DirecTV Phase One Reply Comments at 3; Charter *et al.* Phase One Comments at 7-8, 14-16; ACA Phase One Reply Comments at 9-11.

⁸ See Comcast Phase One Comments at 1-2 n.4; DirecTV Phase One Comments at 2-5; Charter *et al.* Phase One Comments at 12-15; Charter *et al.* Phase One Reply Comments at 6.

⁹ See Comcast Phase One Comments at 2; AT&T Phase One Comments at 5-6; ACA Phase One Reply Comments at 7.

¹⁰ See, e.g., ACA Phase One Comments at 7-8; ACA Phase One Reply Comments at 6-7; AT&T Phase One Comments at 5-6; Charter *et al.* Phase One Comments at 10-12; Charter *et al.* Phase One Reply Comments at 2-8; DirecTV Phase One Comments at 6-8; *cf.* TDI *et al.* Phase One Comments at v (urging the Commission to evaluate compliance models based “on how well they incentivize high-quality captioning, aid the complaint process, and facilitate enforcement”).

again urges the Commission to adopt the proposal as soon as possible, and in all events in advance of the March 16, 2015 compliance deadline.¹¹

The Second FNPRM focuses on a few discrete implementation issues related to caption compliance. For example, it asks whether programmer contact information for the resolution of captioning complaints should be provided to the FCC via a web form for inclusion in the Commission's registry currently used for VPDs,¹² and whether the FCC should require programmers to file their certifications of compliance with the captioning rules with the Commission.¹³ As Comcast noted in its comments in response to the FNPRM, it would help facilitate the captioning complaint process if programmers – like MVPDs and broadcast stations – provided and maintained up-to-date contact information with the Commission.¹⁴ With respect to certifications of compliance from programmers, as Comcast also noted in its prior comments, if the Commission adopts the burden-shifting proposal, there no longer will be a need for VPDs to obtain and rely on such certifications.¹⁵ Because programmers would be directly responsible and liable for captioning issues within their control under the burden-shifting approach, VPDs would have no reason to rely on certifications that the programmer is meeting its TV captioning or caption quality responsibilities to demonstrate the VPD's own compliance with the rules.

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For the reasons discussed above and in response to the initial FNPRM, Comcast urges the Commission to adopt the burden-shifting proposal as soon as practicable, and in all events prior to the March 16, 2015 compliance deadline. Doing so would also obviate the need for

¹¹ See *Notice of Effective Dates of OMB-Approved Rules Pertaining to the Closed Captioning Quality Report and Order and Declaratory Ruling*, Public Notice, CG Docket No. 05-231, DA 14-1896 (Dec. 29, 2014).

¹² Second FNPRM ¶ 5.

¹³ *Id.* ¶¶ 6-7, 9.

¹⁴ See Comcast Phase One Comments at 6 n.18.

¹⁵ See *id.* at 6 n.15 (noting this would reduce paperwork burdens on both VPDs and programmers alike).

programmer certifications of compliance with captioning obligations. Moreover, Comcast supports adoption of the Commission's proposal to have programmers include contact information for captioning issues in the Commission's registry.

Respectfully submitted,

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