

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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

**REPLY COMMENTS OF THE PUBLIC BROADCASTING SERVICE**

The Public Broadcasting Service (“PBS”) is committed to ensuring that all Americans, including those who are deaf or hard of hearing, have full access to high-quality broadcast television programming. The public television system has been a pioneer in the field of closed captioning for decades and continues working to lead the television industry in the development and implementation of closed captioning technology. Built on the principle of universal service, PBS shares the Commission’s objectives of continuously improving the viewing experience for deaf and hard of hearing viewers and promoting the efficient resolution of viewer complaints. PBS submits these reply comments in response to the Commission’s Second Further Notice of Proposed Rulemaking (“Second FNPRM”) to encourage the Commission to ensure that its rules continue to effectively achieve these goals.<sup>1</sup>

The record in this proceeding clearly demonstrates that the proposed modifications to the closed captioning certification procedures and requirements for video programmers to file contact information with the Commission would have “no corresponding benefit to consumers or

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<sup>1</sup> *In the Matter of Closed Captioning of Video Programming, Telecommunications for the Deaf and Hard of Hearing, Inc. Petition for Rulemaking, Second Further Notice of Proposed Rulemaking, CG Docket No. 05-231 (rel. Dec. 15, 2014).*

the Commission.”<sup>2</sup> For example, QVC describes how “[a] system in which consumers would contact video programmers directly regarding closed captioning issues would likely cause additional and potentially unresolvable issues for consumers.”<sup>3</sup> Because video programmers do not “have access to most of the troubleshooting information” needed to address closed captioning issues (e.g., set top box, DVR, receiver, and other consumer equipment), complaint resolution with video programmers would be a frustrating, time-consuming, and ultimately unproductive experience for the viewer.<sup>4</sup> As the National Association of Broadcasters explains, because programmers “generally do not distribute programs to consumers,” they “are not in a position to readily identify potential captioning issues through the distribution chain.”<sup>5</sup>

Some of the cable and satellite carriers that filed comments go beyond the scope of the proposals raised in the Second FNPRM and repeat a prior request that the Commission adopt a burden-shifting approach for complaint resolution.<sup>6</sup> Other commenters, however—including Telecommunications for the Deaf and Hard of Hearing, the National Association of the Deaf, and several other consumer groups—“remain concerned about the Commission’s efforts in this proceeding to shift from its traditional video programming distributor (“VPD”)-centric responsibility model to one that apportions responsibility for the provision, delivery, rendering,

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<sup>2</sup> Comments of the National Cable & Telecommunications Association, CG Docket No. 05-231, at 2 (filed Jan. 20, 2015); *see also* Comments of the National Association of Broadcasters, CG Docket No. 05-231, at 3 (filed Jan. 20, 2015) (explaining why such a requirement “offers little or no value to consumers or the FCC”).

<sup>3</sup> Comments of QVC, Inc., CG Docket No. 05-231, at 1 (filed Jan. 20, 2015).

<sup>4</sup> *Id.* at 2.

<sup>5</sup> Comments of the National Association of Broadcasters, CG Docket No. 05-231, at 3–5, 7–9 (filed Jan. 20, 2015).

<sup>6</sup> *See, e.g.*, Comments of Comcast Corp., CG Docket No. 05-231 (filed Jan. 20, 2015); Comments of DIRECTV, LLC, CG Docket No. 05-231 (filed Jan. 20, 2015).

and quality of captions between VPDs and other entities in the video programming ecosystem.”<sup>7</sup> For example, a number of commenters described why video programmers are not in the best position to address and resolve closed captioning complaints and how adoption of a burden-shifting approach for complaint resolution could have the unintended effect of “discourag[ing] efficiency and collaboration among entities involved in providing closed captioning.”<sup>8</sup>

Because the record demonstrates that the proposed modifications to the closed captioning certification procedures and requirements for video programmers to file contact information with the Commission—as well as the burden-shifting approach requested by some cable and satellite carriers—would not be effective in improving the viewing experience for deaf and hard of hearing viewers or promoting the efficient resolution of consumer complaints, PBS asks that the Commission not adopt these proposals.

Respectfully submitted,

/s/

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<sup>7</sup> Comments of Telecommunications for the Deaf and Hard of Hearing, Inc., National Association of the Deaf, *et al.*, CG Docket No. 05-231, at 1 (filed Jan. 20, 2015).

<sup>8</sup> *See* Comments of CBS Corporation, 21st Century Fox, Inc., Time Warner Inc., Viacom Inc., The Walt Disney Company, and Scripps Networks Interactive, Inc., CG Docket No. 05-231, at 2–5, 10 (filed Apr. 28, 2014).