

**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)	

REPLY COMMENTS OF COMCAST CORPORATION

Comcast Corporation and NBCUniversal (collectively, “Comcast”) hereby reply to comments submitted in response to the Second Further Notice of Proposed Rulemaking (“Second FNPRM”) in the above-captioned proceeding.¹ Comcast’s proposed burden-shifting approach for closed captioning compliance responsibility continues to have widespread support among interested parties.² Comcast again urges the Commission to adopt the proposal in advance of the effective date of the new caption quality rules and herein responds to two points raised by commenters related to the burden-shifting regime.

First, Comcast agrees with NAB that “any potential modification of the FCC’s closed captioning liability formula must ensure that liability is ultimately shifted to the proper party[.]”³ That is the precise goal of the burden-shifting proposal. The video programming distributor (“VPD”) will initially conduct a thorough investigation to determine that its equipment is not

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 Comments of Charter et al. at 2-3; Comments of DirecTV at 2-3; Comments of Verizon at 1-2; Comments of Comcast Corp. at 2 n.10 (citing to previous record support); see also Comments of Consumer Groups at 1 (tentatively supporting burden-shifting approach). Unless otherwise indicated, citations to comments refer to comments filed in the above-captioned proceeding, CG Docket No. 05-231, on or about January 20, 2015.

³ See Comments of NAB at 9 (“NAB Comments”) (arguing that captioning liability should not be a “one-way street”).

responsible for the captioning issue.⁴ Moreover, the burden-shifting approach does not envision that the investigation and resolution process will be a “one-way street.”⁵ As Comcast has previously described, the VPD would continue to work with the programmer in a collaborative process to resolve the issue.⁶ Further, as Comcast indicated in its prior comments, it is willing to support the proposal that VPDs certify to the Commission that they engaged in the necessary due diligence before shifting the burden to the programmer.⁷ Consequently, the Commission need not specify a “mechanism” to shift the burden back-and-forth between the VPD and the programmer,⁸ which could have the unintended effect of encouraging “finger-pointing” rather than prompt and collaborative resolution of complaints.

Second, Comcast disagrees with certain commenters that the “vast majority” of captioning errors and complaints result from VPD equipment issues.⁹ As Comcast and other VPDs have previously explained, such claims address complaints related to the provision of captioning, not the caption quality rules.¹⁰ The *Caption Quality Order* specifically contemplates that programmers will take the lead in ensuring that the captions included in their programs

⁴ See Comments of Comcast Corp., CG Docket No. 05-231, at 7 (Apr. 28, 2014); Reply Comments of Comcast Corp., CG Docket No. 05-231, at 7-9 (May 27, 2014) (“Comcast Phase One Reply Comments”).

⁵ See NAB Comments at 9.

⁶ See Comcast Phase One Reply Comments at 8.

⁷ See *id.* at 9.

⁸ See NAB Comments at 9.

⁹ See NAB Comments at 4. QVC also seems to imply that most captioning issues can best be resolved by the VPD. See Comments of QVC at 2-3. But as discussed above, this is not Comcast’s experience today and does not reflect the fact that the caption quality rules are not even in effect yet.

¹⁰ See Comcast Phase One Reply Comments at 5-6; Reply Comments of Charter et al., CG Docket No. 05-231, at 8-9 (May 27, 2014); Reply Comments of DirecTV, CG Docket No. 05-231, at 3-4 (May 27, 2014); Reply Comments of Verizon, CG Docket No. 05-231, at 2-4 (May 27, 2014).

comply with the new caption quality rules.¹¹ Moreover, even when focusing on complaints related to the basic captioning requirements, Comcast's experience does not support claims that VPD equipment is at fault for the vast majority of captioning issues. As noted previously in this docket, Comcast internally reviewed data from customer complaints in 2013 that required engineering follow-up and found that captioning problems were outside the control of the VPD in more than 40 percent of cases.¹² AT&T has similarly determined that approximately 50 percent of the closed captioning complaints it received involved problems that originated with the programmer.¹³

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¹¹ *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 ¶ 52 (2014).

¹² *See* Comcast Phase One Reply Comments at 5-7 & Bygrave Decl.

¹³ *See* AT&T Comments, CG Dkt. No. 05-231, at 7 (Apr. 28, 2014).

For the reasons set forth herein and in prior comments filed by Comcast in this docket, Comcast again 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 established for the new caption quality rules.

Respectfully submitted,

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