

February 12, 2016

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Closed Captioning of Video Programming, CG Docket Number 05-231*

Dear Ms. Dortch:

Jordan Goldstein of Comcast Corporation and Margaret Tobey of NBCUniversal met with Holly Saurer of Commissioner Clyburn's office on February 10, 2016 to discuss the above-captioned proceeding.

We discussed the allocation of responsibility for compliance with the Commission's rules for closed captioning of video programming, and we reiterated our support for a burden-shifting approach to captioning liability.¹ We explained that the burden-shifting proposal will provide strong incentives for programmers and distributors 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.

We also discussed procedures for an MVPD's investigation of equipment in response to a customer complaint. As we noted in the record, Comcast can in most cases diagnose equipment issues remotely by testing the relevant set-top box model and by using Comcast's network probe technology, thereby obviating the need for manual checks of equipment.² In this regard, we underscored the effectiveness of Comcast's probe technology in identifying and resolving captioning issues often *before* customers raise a concern. Since the caption quality rules went into effect in March 2015, the substantial majority of the overall captioning-related customer complaints received that required engineering support involved issues upstream from Comcast. This is not to suggest that there are noncompliance issues on programmers' part, but rather

¹ See Comments of Comcast Corp., MB Dkt. No. 05-231, at 2-8 (Apr. 28, 2014) ("Comcast Phase I Comments"); Reply Comments of Comcast Corp., MB Dkt. No. 05-231, at 1-8 (May 27, 2014); Comments of Comcast Corp., MB Dkt. No. 05-231, at 1-3 (Jan. 20, 2015) ("Comcast Phase II Comments"); Reply Comments of Comcast Corp., MB Dkt. No. 05-231, at 1-3 (Jan. 30, 2015).

² See Comcast Phase I Comments at 7; Reply Comments of Comcast Corp., MB Dkt. No. 05-231, at 3-5 (Aug. 8, 2014).

demonstrates that the probe technology enables rapid detection and resolution of captioning issues within Comcast's control.

We further noted, consistent with Comcast's prior comments, that if the Commission adopts the burden-shifting proposal, there should no longer be a need for VPDs to obtain certifications of compliance from programmers. Because programmers would be directly responsible and liable for captioning issues within their control under the burden-shifting approach, a VPD would not need to rely on certifications that the programmer is meeting its TV captioning responsibilities to demonstrate the VPD's own compliance with the rules.³

Finally, as noted in our comments, when a consumer files a complaint with the Commission, the Commission should continue to forward the complaint to both the VPO and VPD.⁴ We discussed the current practices when a complaint is filed directly with the VPD, and explained that Comcast is able to resolve those complaints without relaying any personally identifiable information to the programmer in question.⁵

Please direct any questions regarding this matter to the undersigned.

Respectfully Submitted,

/s/ Jordan Goldstein

Jordan Goldstein

Vice President, Regulatory Affairs

Comcast Corporation

cc: Holly Saurer

³ See Comcast Phase I Comments at 6 n.15; Comcast Phase II Comments at 3; *see also* Joint Ex Parte Letter from William M. Wiltshire, Counsel for DIRECTV, to Marlene H. Dortch, Secretary, FCC, MB Dkt. No. 05-231, at 2 (Aug. 11, 2014) ("8/11/14 Joint Ex Parte").

⁴ See Comcast Phase I Comments at 6; *see also* 8/11/14 Joint Ex Parte at 1.

⁵ See Joint Ex Parte Letter from Michael Nilsson, Counsel to DIRECTV, to Marlene H. Dortch, Secretary, FCC, MB Dkt. No. 05-231 (Aug. 26, 2014).