

February 16, 2016

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 • PRM11CG

Dear Ms. Dortch,

This filing is intended to update the Commission on the ongoing efforts between the deaf and hard of hearing Consumer Groups and the National Association of Broadcasters (NAB) to collaborate and provide the Commission with guidance on updating its policies for local news captioning, including the use of the Electronic Newsroom Technique (ENT), in the above-referenced proceeding. On February 5, Claude Stout of Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), Zainab Alkebsi of the National Association of the Deaf (NAD), and Lise Hamlin of the Hearing Loss Association of America (HLAA) (“Consumer Groups”) and Christian Vogler of the Technology Access Program (TAP) at Gallaudet University met with Rick Kaplan and Larry Walke of NAB and Kathleen Kirby of Wiley Rein, Counsel to NAB.

During the meeting, Consumer Groups and NAB agreed that NAB should continue its work to craft a set of short-term ENT best practices to be adopted by the Commission and used in an educational campaign by NAB to ensure that broadcasters who currently rely on ENT provide viewers who are deaf or hard of hearing the best possible viewing experience. These practices are currently under development, but are likely to include improved scripting for weather programming, modifications to caption formatting to maximize readability, spot checks of ENT quality by station personnel, and efforts to improve handling of consumer complaints. Most importantly, the best practices are likely to include a set of metrics for ENT quality that are tied to the Commission’s quality standards of accuracy, synchronicity, completeness, and placement.¹

Consumer Groups and NAB also agreed that ENT is not an ideal long-term solution for the captioning of local news programming. Consumer Groups believe that notwithstanding improvements to the quality of ENT caption, the inability to capture unscripted banter, breaking news, and other departures from the scripts used from ENT will ultimately necessitate a solution capable of generating captions in real-time based on the actual audio of news programming. Conversely, NAB expressed its concern that ENT is not ideal

¹ See 47 C.F.R. § 79.1(j)(2).

because it requires programmers to make burdensome changes to how they structure their news programming.

Consumer Groups and NAB do not have consensus on the best long-term path forward. NAB noted that many stations who sought to change from ENT to real-time captioning faced a lack of availability of qualified captioners, and expressed concern that codifying a real-time captioning requirement could preclude the development of speech-to-text technology that could automate the creation of captions at a higher level than is currently provided by real-time captioners.

Consumer Groups, however, are concerned that a technological solution is not on the horizon in the near-term, and that the quality of ENT programming is simply not sufficient to afford a long-term solution. Accordingly, the Consumer Groups reiterate our recommendation that the Commission implement a transition schedule to phase out ENT and migrate to real-time captioning for stations outside the top 25 markets, including more aggressive schedules for stations in the top 60 markets and members of large station groups.

However, Consumer Groups are mindful of the concerns raised by NAB regarding captioner availability and technological progress concerns. To address those concerns, the Consumer Groups offer two additional recommendations:

1. As part of a future item addressing ENT issues, the Commission should address the structure of the captioning industry and take steps to ensure the robust availability of high-quality real-time captioners. The Consumer Groups continue to believe that the mere requirement of live captioning will sufficiently bolster the market for high-quality real-time captioning. However, we would support additional initiatives and inquiries that the Commission might undertake on that score, including working with National Court Reporters Association (NCRA) to survey the caption provider market, identifying current resources for captioning services, and assessing captioner readiness for expanded demand from the local broadcast stations to caption news programming.
2. As part of any mandate for real-time captioning, we would support an exception allowing the usage of new technology for live news captioning in place of real-time captioning so long as it functionally meets or exceeds the quality of high-quality real-time captioning. To ensure this functional equivalence, the Commission should develop and adopt objective metrics for caption quality, tied to its standards for accuracy, synchronicity, completeness, and placement, that facilitate objective comparisons between real-time captioning and any new technology. The Commission should also request periodic reports from broadcasters regarding the state of the art for speech-to-text technology.

We look forward to continuing to work with the Commission and NAB on this issue. Please don't hesitate to contact me if you have any questions regarding this filing.

Respectfully submitted,

/s/

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