



February 19, 2016

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Communication, CG Docket No. 05-231

Dear Ms. Dortch:

This filing will update the Commission on the ongoing efforts between the National Association of Broadcasters (NAB) and deaf and hard of hearing Consumer Groups to improve users' experience with captions created using the Electronic Newsroom Technique (ENT). On February 5, 2015, NAB hosted a discussion with 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"), as well as and Christian Vogler of the Technology Access Program (TAP) at Gallaudet University and Blake Reid, counsel for TDI. Attending on behalf of NAB were Rick Kaplan and Larry Walke, along with NAB's outside counsel, Kathleen Kirby of Wiley Rein.

Broadcasters share with the Commission and other stakeholders the goal of improving access to news services for all Americans, including those with disabilities. To meet that aim, broadcasters must continue to be permitted to utilize ENT, which allows them to continue to provide robust local news services to the public and ensure access for viewers who are deaf and hard of hearing. ENT is particularly critical in medium and small markets, because of the significant cost of providing real time captioning and the dearth of quality captioners.

Despite the current need for the ability to employ ENT, NAB made clear in our February 5 meeting that the broadcast industry is not seeking indefinite ENT use. Near term, however, as the marketplace moves toward a solution capable of generating captions in real time based on the actual audio of programming, NAB believes that ENT is the best solution for maximizing accessibility while ensuring that television stations in small and medium markets are able to serve their communities with live local news and public affairs programming. NAB underscored that, because of the inherent problems that remain with the quality of live captioning, phase-in of live captioning in more markets over the short term will not result in tangible captioning user benefits, but will serve only to force stations to discontinue local news offerings given high costs and the limited pool of qualified real time captioners.

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NAB and the Consumer Groups agreed that their continued discussions should (1) focus on continued improvements to ENT over the short term; and (2) reflect the longer term goal of better equating the viewing experience of captioning users with those able to hear the audio in programming.

NAB pledged to work with the Consumer Groups to craft expeditiously a set of best practices designed to further enhance ENT and based on concrete input received during this meeting and the parties' review of ENT captioning clips in October 2015. NAB and the Consumer Groups have jointly identified (1) more accurate scripting of weather interstitials; (2) modifications to caption formatting to maximize readability; (3) education concerning the existing rule governing the accessibility of emergency information; and (4) consistent training and accountability at the station level as areas where improvements can be made quickly. The Consumer Groups emphasized that these best practices should incorporate the Commission's quality standards of accuracy, synchronicity, completeness, and placement as they apply to live programming. NAB noted that it views the best practices as a living document that will be revised periodically as the parties identify other improvements that can and should be made, and committed to further member education. Further, NAB suggested that the parties work collaboratively on means to measure progress once these additional best practices have been implemented.

NAB reiterated that certain of the complaints reflected in the Consumer Group survey submitted to the Commission last fall were targeted toward entertainment programming and the quality of real time captioning, and did not necessarily reflect ongoing problems with ENT captioning. NAB observed, for example, that one complaint about ENT that arose in a meeting with Commission staff about the quality of local news captioning on a Baltimore station, was in fact the result of live captioning. The challenges faced by that station and others highlight that real time captioning is not a panacea.

NAB explained that certain broadcasters, including large station groups with significant bargaining power, had attempted to implement real time captioning in markets where ENT is permissible, but they have not been able to procure qualified captioners. Moreover, NAB members have voiced concerns about the quality of live captioning, even from reputable captioning providers, particularly as compared to the quality of ENT captioning, which is more accurate and synchronous. NAB and the Consumer Groups agreed that it might be beneficial to include representatives from the captioning industry in future discussions to assess supply, demand, and quality. NAB further explained that while currently the best available option, ENT is not necessarily broadcasters' preferred captioning choice given the constraints scripting imposes on live shots and the overall flow of local news programming. Therefore, broadcasters are incited to identify and facilitate better long term technological solutions.

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We look forward to continuing to work with the Commission and the Consumer Groups on this issue.

Please direct any questions to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal flourish extending to the right.

Rick Kaplan
General Counsel and Executive Vice President
Legal and Regulatory Affairs

cc: Karen Peltz Strauss
Eliot Greenwald
Blake Reid
Kathleen Kirby