



**THE COUNCIL OF ORGANIZATIONAL REPRESENTATIVES**  
ON NATIONAL ISSUES CONCERNING PEOPLE WHO ARE DEAF OR HARD OF HEARING

---

RECEIVED

NOV 27 1998

FCC MAIL November 24, 1998

Ms. Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Re: In the Matter of Carriage of the Transmissions of  
Digital Television Broadcast Stations, Amendments to Part  
76 of the Commission's Rules, CS Dkt. No. 98-120

Dear Ms. Salas:

Enclosed please find one original and four copies of Reply Comments of the Council of Organizational Representatives on National Issues Concerning People who are Deaf or Hard of Hearing in the above captioned docket.

Sincerely,

Keith Muller  
League for the Hard of Hearing  
71 W. 23<sup>rd</sup> Street, 18<sup>th</sup> Fl.  
New York, NY 10010-4162  
(212) 741-7650 (V)  
(212) 741-1932(TTY)

Co-Chairs, COR

Enclosures

Evelyn Cherow  
American Speech-Language-Hearing Association  
10801 Rockville Pike  
Rockville, MD 20852  
301 897-5700 (V/TTY)

---

**KEITH D. MULLER, CO-CHAIR**  
LHH  
71 WEST 23RD STREET, 18TH FL.  
NEW YORK, NY 10010-4162  
(212) 741-3140 (V/TTY)  
(212) 255-4413 (FAX)  
E-MAIL: KMULLER@LHH.ORG

No. of Copies rec'd 044  
List ABCDE

**EVELYN CHEROW, CO-CHAIR**  
ASHA  
10801 ROCKVILLE PIKE  
ROCKVILLE, MD 20852  
(301) 897-5700 EXT. 135 (V/TTY)  
(301) 897-7354 (FAX)  
E-MAIL: ECHEROW@ASHA.ORG

**ORIGINAL**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

REC-111  
NOV 27 1998

In the Matter of	)	
	)	
Carriage of the Transmissions	)	
of Digital Television Broadcast Stations	)	CS Docket No. 98-120
	)	
Amendments to Part 76	)	
of the Commission's Rules	)	

**REPLY COMMENTS OF  
THE COUNCIL OF ORGANIZATIONAL REPRESENTATIVES  
ON NATIONAL ISSUES CONCERNING  
PEOPLE WHO ARE DEAF OR HARD OF HEARING**

I. Introduction

The Council of Organizational Representatives on National Issues Concerning People who are Deaf or Hard of Hearing (COR)<sup>1</sup> submits these comments in response to the Federal Communications Commission's (FCC or Commission) Notice of Proposed Rulemaking (NPRM) on the carriage of the transmissions of digital television broadcast stations. COR is a coalition of national organizations that are committed to improving the lives of individuals who

---

<sup>1</sup> The following members of COR support these comments: Alexander Graham Bell Association, American Academy of Audiology, American Academy of Otolaryngology-Head and Neck Surgery, American Society for Deaf Children, American Speech-Language-Hearing Association, Auditory-Verbal International, Inc., The Caption Center, Conference of American Instructors for the Deaf, League for the Hard of Hearing, National Association of the Deaf, Registry of Interpreters for the Deaf, Self Help for Hard of Hearing People, Inc., and Telecommunications for the Deaf, Inc.

are deaf or hard of hearing. Constituencies of COR organizations provide a variety of services, including technological and telecommunications services, educational programs, support groups and self-help programs, medical, audiological, and speech-language pathology assessment and rehabilitation services, information on assistive devices and technology, and general information on other services for deaf and hard of hearing consumers. Among other things, COR serves as a bridge among interested organizations, the general public, and the community of people with disabilities on matters concerning deaf and hard of hearing individuals. COR has consistently advocated for captioning access to televised video programming in the FCC's closed captioning proceedings.

On October 2, 1998, the Commission released an Order on Reconsideration in its docket on the closed captioning of video programs.<sup>2</sup> In that Order, the FCC explained that its captioning requirements would be somewhat lessened for programming digitally prepared for display on digital television receivers *prior to the date on which the standards relating to the display of such programming on digital receivers are complete.*<sup>3</sup>

More specifically, the FCC's captioning rules fall into two categories: (1) new, non-exempt programming, 100% of which must be captioned over a period of eight years, and (2) pre-rule programming, 75% of which must be captioned over a period of ten years.<sup>4</sup> Although the October 2<sup>nd</sup> Order explained that programming digitally distributed but displayed on analog receivers would still be considered "new" programming, subject to the tighter captioning

---

<sup>2</sup> *In the Matter of Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility*, MM Dkt. No. 95-176, Order on Reconsideration (1998).

<sup>3</sup> 47 C.F.R. § 79.1(a)(6)

schedule, the Commission explained that digital programming prepared for digital receivers would be subject to the longer schedule until standards for the receipt of such captions on digital receivers were complete.

It has been brought to our attention that the FCC intends to initiate a rulemaking proceeding for the development of the above standards for digital receivers. We urge the Commission to conduct this proceeding expeditiously. Both Congress and the FCC have recognized the importance of facilitating the transition to digital programming for consumers. For example, in the instant NPRM, the FCC asks whether it should take action to encourage the production of cable-ready receivers specifically because there is an interest in facilitating the introduction of digital broadcast television. NPRM ¶31.

It is critical that deaf and hard of hearing viewers be included in the population of individuals who can enjoy and utilize digital television programming during the initial stages of its distribution.<sup>5</sup> At least two pieces of federal legislation have mandated the continuation of closed captioning services as our nation moves into a digital environment. First, the Television Decoder Circuitry Act of 1990 directed the Commission to ensure the continuation of closed captioning services as new video technology is developed.<sup>6</sup> Second, as noted by America's Public Television Stations (APTS) in its comments to this proceeding, the 1992 Cable Act requires carriage "in its entirety" of line 21 closed caption transmissions,<sup>7</sup> and where technically feasible, carriage of materials on subcarriers that are necessary for the receipt of programming by individuals with

---

<sup>4</sup> *Implementation of Section 305 of the Telecommunications Act of 1996 - Video Programming Accessibility*, MM Dkt. No. 95-176, Report and Order, 13 FCC Rcd 3272 (1997).

<sup>5</sup> See also Comments of National Association of the Deaf at 3.

<sup>6</sup> 47 U.S.C. §330(b).

<sup>7</sup> 47 U.S.C. § 535(g)(1).

disabilities.<sup>8</sup> APTS notes that although closed captioning will no longer be carried on line 21 of the vertical blanking interval in the digital age, cable carriage of these transmissions will be technically feasible as part of the digital bitstream. We strongly agree with APTS' conclusion that "[t]he requirement of cable carriage for digital signals plainly extends to all services that are necessary for receipt and understanding of programming by people with disabilities. Indeed it is essential that these 'lifeline' services be carried intact and that their transmission be monitored and delivered in a form readily displayable according to industry standards." Id.

The Commission seeks comment on the need for a mandate for set top boxes to process all types of digital broadcast television formats. NPRM ¶29. Put simply, it is critical that set top boxes used to pass through digital broadcast transmissions be required to pass through closed captions intact. All receivers or set top boxes used to receive digital transmissions must have the capability of receiving and displaying closed captioned digital transmissions to fulfill Congress's intent to provide access to closed captioning services.

Finally, the Commission notes in the NPRM that the cable industry and cable equipment manufacturers have raised concerns about carrying both analog and digital television broadcast stations during the transition period from analog to digital television. NPRM ¶40. It is the position of COR, however, that unless a cable operator's must carry obligations extend to both signals during this period, there will be a gap in the access to closed captioned television programming available to deaf and hard of hearing viewers. Having this gap during this interim period would be inconsistent with the intent of Congress to ensure the continued availability of free broadcast television service, local origination programming, and noncommercial, educational

---

<sup>8</sup> Comments of America's Public Television Stations, et. al. at 37, n.66.

programming services,<sup>9</sup> as well as the FCC's own mandate for video programming distributors to pass through captions intact.<sup>10</sup> Without standards in place for the display of closed captions on digital receivers, access could be lost, especially if cable operators omit certain analog programming during this transition period. The very possibility of this occurring underscores the need for swift Commission action that will ensure the display of closed captioned digital television transmissions by digital television receivers.

COR appreciates the opportunity to submit these comments, and urges the Commission to take whatever action is necessary to ensure the continued receipt of closed captions as our nation moves to digital television programming.

Respectfully submitted



Keith Muller  
League for the Hard of Hearing  
71 W. 23<sup>rd</sup> Street, 18<sup>th</sup> Fl.  
New York, NY 10010-4162  
(212) 741-7650 (V)  
(212) 741-1932(TTY)



Evelyn Cherow  
American Speech-Language-Hearing Association  
10801 Rockville Pike  
Rockville, MD 20852  
301 897-5700 (V/TTY)

Co-Chairs, COR

November 24, 1998

---

<sup>9</sup> NPRM §5, citing 1992 Cable Act, § 2(a).

<sup>10</sup> 47 C.F.R. § 79.1(c).