

I am one of the millions of individuals with hearing loss who depend on captioning for reception of the audio portion of television programs. Among my greatest sources of frustration with captioning is the use of "ENR" for partial captioning of local news programs. If a TV station chooses to use ENR, only certain scripted portions of programs are captioned. My access to live reports, breaking news, sports, weather, and much important information content of the program is obstructed. For individuals with hearing loss, ENR is a barrier to TV information access.

The Commission has recognized the shortcomings of ENR, ruling that ENR captioning cannot be counted in fulfillment of some TV distributors' obligations to provide captioned programming.

CBS, on behalf of 12 of its corporation-owned TV stations, has requested that the Commission "clarify" the rules to permit stations that used ENR captioning during 1997 to continue using ENR. Granting the CBS request would effectively grandfather the use of ENR captioning.

In support of its request, CBS claims a scarcity of captioning resources, increased expense of real-time captioning, and "fairness" to those who "voluntarily" provided ENR captioning in 1997.

CBS fails to document the claimed scarcity of captioning resources. We acknowledge increased captioning requirements will generate more demand for captioning resources, but believe the effect will be to stimulate development of additional resources or alternate technologies to meet the demand.

As to increased expense, the Commission's rules provide procedures for relief of TV distributors who find captioning expense to be an "undue burden".

That leaves "fairness". We do not agree fairness dictates that prior use of an archaic technology justifies continuing use. We believe the Commission must consider fairness to all parties, including not only CBS but also individuals with hearing loss. People would continue to be denied access to important information if the CBS request is granted.

CONCLUSION: The Commission should reject the CBS request, reaffirming that the rules require CBS and its affiliates in the top 25 television markets, in addition to meeting all captioning benchmarks, continue to provide captioning at substantially the same level provided during the first six months of 1997, and shall NOT count programming captioned by ENR towards compliance. Problems of any affiliates who find this to be unduly burdensome should be addressed on a case-by-case basis as provided in the rules.

Respectfully submitted,

Jack O'Keeffe
3306 Cleveland Ave.
Aliquippa, PA 15001

June 1, 1999