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October 15, 1999

Ms. Magalie Roman Salas
Office of the Secretary, Room TW-A325
Federal Communications Commission
The Portals
445 Twelfth Street, SW
Washington, DC 20554

Dear Ms. Salas:

Enclosed please find one original and four copies of our comments in the matter of the Notice of Proposed Rulemaking regarding Closed Captioning Requirements for Digital Television Receivers, ET Docket No. 99-254. In addition, there is a computer diskette containing our comments in WordPerfect 5.1 format being sent under separate cover to Mr. Neal L. McNeil. We have also filed a copy in MS Word format using the ECFS system.

Thank you for your assistance.

Sincerely,

Jeffrey M. Hutchins
Executive Vice President, Planning & Development

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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Closed Captioning Requirements for)
Digital Television Receivers) ET Docket No. 99-254
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COMMENTS OF VITAC CORPORATION

October 15, 1999

TABLE OF CONTENTS

1. INTRODUCTION	1
2. CREDENTIALS	1
3. DISCUSSION	2
A) Adoption of Latest Revision of EIA-708	2
B) Minimum Performance Standards	3
C) Incorporation of Entire Standard	4
D) Requirement for Exclusive Use of EIA-708 Data Stream	4
E) Requirements for DTV Converters and Separate Tuners	4
4. CONCLUSION	5

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COMMENTS OF VITAC CORPORATION

1. INTRODUCTION

VITAC is pleased to respond to the FCC's Notice of Proposed Rulemaking ("the Notice") adopted on July 14, 1999.

2. CREDENTIALS

VITAC is now the largest provider of captioning services in the United States, employing over 170 full-time people, with headquarters in Pittsburgh, PA, and captioning facilities in Los Angeles, CA, Atlanta, GA, and Washington, DC. The company's sole business is the provision of captioning services. The company has been a frequent commenter to the FCC in captioning-related matters, and its comments (some under its previous trade name of CaptionAmerica) have been frequently cited in previous FCC rulemakings, notably the original rulemaking implementing the Television Decoder Circuitry Act of 1990.

VITAC is one of the original members of the Television Data Systems Subcommittee (TDSS) within the Consumer Electronics Manufacturers Association (CEMA), part of the Electronic Industries Alliance (EIA). The TDSS is the largest organized body dealing with issues related to the creation, insertion, transmission, decoding, and display of closed captioning.



Our remarks have been prepared by two people with broad experience in the matters addressed by this NPRM. First is Jeff Hutchins, Executive Vice President, Planning & Development, at VITAC. He joined this company as an owner in December, 1986. Of particular relevance to these proceedings, Mr. Hutchins is the author of most of the ANSI/EIA-608 standards document called "Recommended Practice for Line 21 Data Services." He also authored the bulk of the FCC's own rules implementing the Television Decoder Circuitry Act of 1990, i.e. FCC 91-119. These two documents clearly set the standard of what it means to provide high-quality captions in terms of the *electronics* of the service. Mr. Hutchins has also been a video captioner and directly supervised captioners since early 1973. He has come to learn through this work, and through a constant dialogue with the Deaf community, what it means to provide high-quality captions in terms of the *content* of the service.

The second contributor to these Comments is Gary Robson, Chief Technology Strategist for VITAC. Mr. Robson has been employed by VITAC since 1998, following his tenure as founder and vice president of Cheetah Systems, maker of the best-selling software tools for both live and pre-recorded captioning. He is now Chairman of the Working Group on Digital Television Closed Captioning (DTVCC) within the TDSS. This group has as its main task the preparation and implementation of EIA-708 and its revisions, those being the documents referenced in the NPRM. He is also the author of the book "Inside Captioning" (CyberDawg Publishing, Castro Valley, CA 1997). His primary expertise is in the development of captioning preparation and delivery systems.

3. DISCUSSION

A) *Adoption of Latest Revision of EIA-708*

In ¶15 of its *Notice*, the Commission "proposes to incorporate the relevant sections of EIA-708-A into the Commission's rules." Since this NPRM was written, the EIA has adopted a newer version of EIA-708-A, which is entitled EIA-708-B. The changes included correction of

some technical issues and numerous clarifications. Since it would be inappropriate for the FCC to adopt an outdated standard, we feel that EIA-708-B should be used instead of EIA-708-A.

B) Minimum Performance Standards

The *Notice*, in ¶7 and ¶8, deals with the issue of minimum performance standards for DTV caption decoders, and proposes to transcribe Section 9 of EIA-708 in its entirety to establish the regulatory minimum. Specifically in ¶8, the Commission seeks comment “on whether there are more caption features contained in EIA-708-A, in addition to those contained in Section 9, that should be required for DTV receivers.” Undoubtedly, this adoption by the FCC of the minimum required features as drafted by the EIA will initiate great response from the caption-viewing community. VITAC is well aware of the desire on the part of most viewers to enjoy the same degree of improvement in the appearance of DTV captions (over NTSC) as all viewers will enjoy in the appearance of DTV video. We have advocated for many years that the benefits of digital television should not accrue solely to the picture and sound while leaving vital captioning services rooted in the technology of the 1970's. When the TDSS began the process of debating a standard for DTV closed captioning, it set for itself the goal to “dream big.” It was always understood that, in doing so, we might invent features that went beyond the needs or desires of all consumers of captioning, and that it would not be reasonable to demand that every feature of which we could dream would be required in every TV set. Not every TV set is built with every video feature (such as PIP) or every audio feature (such as stereo), so why should each set contain every possible captioning feature? One could also ask, why not?

The question facing the FCC is where to draw the line. The TDSS negotiations led to the minimum requirements listed in EIA-708. The FCC could choose to set the bar higher, to require more features, if not every possible feature. VITAC encourages the Commission to be especially sensitive to the comments of consumer groups to this issue. While VITAC has, as a member of the TDSS, endorsed the compromises reached among the various technologists

who drafted Section 9, we do not pretend to speak for the consumer in this regard. We recognize that there are likely to be legitimate disagreements as to where the bar should be set.

C) Incorporation of Entire Standard

Also in ¶8, the Commission states, “we seek comment on whether it is necessary to incorporate into our rules by reference the entire EIA-708-A standard.” VITAC believes that the entire EIA-708-B should be incorporated by the FCC. Section 9 was not written to stand alone, and refers to other portions of the document. Incorporating the entire standard does not in any way detract from the requirements spelled out in Section 9. Not incorporating the entire standard could lead to confusion in the marketplace.

D) Requirement for Exclusive Use of EIA-708 Data Stream

VITAC agrees with the Commission’s proposal in ¶11 respecting dual-mode and digital tuners. It is important, however, to assure that DTV receivers should *always* utilize the EIA-708-B caption data stream and PSIP information, if either one is present, only using the Line 21 data stream if there is no native EIA-708-B data.

E) Requirements for DTV Converters and Separate Tuners

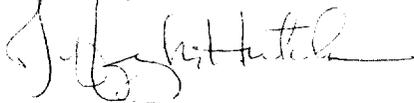
The Commission seeks comment in ¶12 on its proposal “to require that DTV converter boxes used with analog receivers either decode any analog caption information that is transmitted with the DTV signal or pass this information directly to the receiver in a form recognizable by the receiver’s built-in caption decoder. Separately sold DTV tuners will be required to have the capability to respond to digitally encoded caption information. Although these converter boxes and tuners may be marketed without display screens, we tentatively conclude that 47 U.S.C. § 330(b) provides the Commission with authority to require closed captioning capability in the devices.” VITAC strongly agrees with this proposal. If these set-top boxes are not required to extract any Line 21 data stream present in the DTV signal and place it on Line 21 of the generated NTSC video, people who cannot afford to replace their television

sets may find themselves without captioning, even if the data is present in the DTV signal. This clearly violates the intent of the TDCA and the Telecommunications Act of 1996.

4. CONCLUSION

Only through this rulemaking and its adoption of a minimum requirement for all DTV receivers to decode and display captioning will caption viewers share in the full benefits of the digital television revolution. We compliment the Commission for its actions in this matter and encourage the rapid issuance of its rules.

Respectfully submitted,



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