

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In the Matter of)	
Implementation of Section 304 of the)	CS Docket No. 97-80
Telecommunications Act of 1996)	
Commercial Availability of Navigation Devices)	
Compatibility Between Cable Systems and)	PP Docket No. 00-67
Consumer Electronics Equipment)	
_____)	

**COMMENTS OF
TELECOMMUNICATIONS FOR THE DEAF, INC.**

Telecommunications for the Deaf, Inc. (“TDI”), by its undersigned counsel, hereby submits its comments in the above-captioned matter. National Association for the Deaf (“NAD”) and Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”) join in and support TDI’s comments in this proceeding. TDI files these comments to emphasize that the Federal Communications Commission (“FCC” of “Commission”) should continue to require and enforce its rules and policies with respect to closed captioning display functionality in its order in implementing the “plug and play” technical standards at issue in this proceeding.

TDI is a national advocacy organization that seeks to promote equal access issues in telecommunications and media for the 28 million Americans who are deaf, hard-of-hearing, late-deafened, or deaf-blind so that they may enjoy the opportunities and benefits of the telecommunications revolution to which they are entitled.¹ TDI believes that only by ensuring

¹ TDI educates and encourages consumer involvement regarding legal rights to telecommunications accessibility; provides technical assistance and consultation to industry, associations, and individuals; encourages accessible applications of existing and emerging

equal access for all Americans will society benefit from the myriad skills and talents of persons with disabilities.

Established in 1880, NAD is the nation's oldest and largest consumer-based national advocacy organization safeguarding the civil and accessibility rights of deaf and hard of hearing individuals in the United States of America. Policy and legislative issues addressed by the NAD cover a broad range of areas, including education, employment, health care, human services, rehabilitation, telecommunications, and transportation.

DHHCAN, established in 1993, serves as the national coalition of organizations representing the interests of deaf and/or hard of hearing citizens in public policy and legislative issues relating to rights, quality of life, equal access, and self-representation. DHHCAN also provides a forum for proactive discussion on issues of importance and movement toward universal, barrier-free access with emphasis on quality, certification, and standards.

The Commission established technical standards for the display of closed captioning on digital television receivers by amending Part 15 of its Rules in the *Closed Captioning Requirements for Digital Television Order* (“CCDTV Order”) released July 31, 2000.² Closed captioning, as the CCDTV Order describes, is an assistive technology designed to provide access

telecommunications and media technologies in all sectors of the community; advises on and promotes the uniformity of standards for telecommunications technologies; works in collaboration with other disability organizations, government, industry, and academia; develops and advocates national policies that support accessibility issues; and publishes the quarterly GA-SK Newsletter and the annual *Blue Book, TDI National Directory & Resource Guide for Equal Access in Telecommunications and Media for People Who Are Deaf, Late-Deafened, Hard-of-Hearing or Deaf-Blind*.

² *Closed Captioning Requirements for Digital Television Receivers; Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility*, ET Docket No. 99-254, MM Docket No. 95-176, Report and Order, FCC 00-259, 15 FCC Rcd 16788, 16790 (2000).

to persons with hearing disabilities.³ At present, for consumers to view the closed captions transmitted via the television signal, they must use either a set-top decoder or a television receiver with integrated decoder circuitry.⁴

In this proceeding the Commission is considering a Memorandum of Understanding (“MOU”) presented to the Commission by the “major cable and consumer electronics companies,” which includes an agreement regarding regulatory, legal and technical recommendations for implementing a cable compatibility standard for an integrated, unidirectional digital cable television receiver, as well as other unidirectional digital cable products.⁵ “Plug and play” according to the NCTA/CEA Letter, is the shorthand term applied to integrated DTV products such as DTV sets with cable set-top functionality included in the set.⁶

A separate transmittal letter from the Consumer Electronics Association states that the MOU “will allow all Americans to receive high definition television over cable on a national basis without a set-top box.”⁷ Although it does not appear that the MOU explicitly addresses

³ *Id.* at ¶ 2.

⁴ *Id.*

⁵ See letter from Carl E. Vogel, President and CEO, Charter Communications, et al., to Michael K. Powell, Chairman, Federal Communications Commission (December 19, 2002) (“NCTA/CEA Letter”); *Memorandum of Understanding Among Cable MSOs and Consumer Electronics Manufacturers* (“NCTA/CEA MOU”) (signed by Charter Communications, Inc., Comcast Cable Communications, Inc., Cox Communications, Inc., Time Warner Cable, CSC Holdings, Inc., Insight Communications Company, L.P., Cable One, Inc., Advance/Newhouse Communications, Hitachi America, Ltd., JVC Americas Corp., Mitsubishi Digital Electronics America, Inc., Matsushita Electric Corp. of America (Panasonic), Philips Consumer Electronics North America, Pioneer North America, Inc., Runco International, Inc., Samsung Electronics Corporation, Sharp Electronics Corporation, Sony Electronics, Inc., Thomson, Toshiba America Consumer Electronics Corporation, Sharp Electronics Corporation, Sony Electronics, Inc., Thomson, Toshiba America Consumer Electronics, Inc., Yamaha Electronics Corporation, USA, and Zenith Electronics Corporation).

⁶ *Id.*

⁷ See Letter dated December 19, 2002 from Gary Shapiro, President and CEO, Consumer Electronic Association to the Honorable Michael Powell, Chairman, Federal Communications Commission (“CEA Letter”).

closed captioning issues, TDI, based upon information obtained in conversations between undersigned TDI counsel and FCC engineering staff, has been given the impression that any “plug and play” standards adopted in this proceeding will be subject the FCC’s existing general, legal, regulatory and technical rules and policies requiring closed captioning technology for DTV receivers and related consumer electronics equipment.

By these comments TDI respectfully requests that that the FCC specifically state, in any order addressing issues presented in the MOU, that the FCC expects and will require that any “plug and play” equipment will be in legal, regulatory and technical compliance with all existing FCC closed captioning rules and policies and sustain this compliance in future rules and policies, including, without limitation, the Television Decoder Circuitry Act of 1990 (“TDCA”) and the FCC’s rules and policies implementing the TDCA.⁸ The TDCA clearly requires that as a “new technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that closed-captioning service continues to be available to consumers.”⁹

As this Commission makes clear in the CCDTV Order, quoting the TDCA enacted by Congress, it is important that “to the fullest extent made possible by technology” persons who are deaf and hard of hearing “should have equal access to the television medium.”¹⁰ Assuring that closed captioning is available and accessible to all persons who need such technology and requiring that the latest technological innovations for closed captioning be implemented, is in the public interest. Therefore, TDI respectfully requests that the Commission explicitly state in any order issued in this proceeding, that the FCC will require all “plug and play” technology to meet

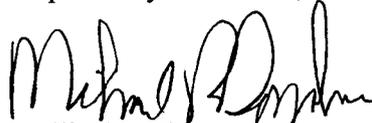
⁸ Pub. L. No. 101-431, 104 Statute 960 (1990) (codified at 47 U.S.C. §§ 303(u), 330(b)).

⁹ 47 U.S.C. § 330(b).

¹⁰ CCDTV Order at ¶ 10, citing TDCA § 2(1).

existing and future legal, regulatory and technical requirements regarding provision of closed captioning services to the public.

Respectfully submitted,



Phyllis A. Whitten

Michael P. Donahue

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

3000 K Street, N.W.

Suite 300

Washington, D.C. 20007

Telephone: (202) 424-7500

Facsimile: (202) 295-8478

COUNSEL TO TELECOMMUNICATIONS
FOR THE DEAF, INC.

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