

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

In the Matter of)
)
Closed Captioning of Video Programming) CG Docket No. 05-231
)
Telecommunications for the Deaf, Inc.)
Petition for Rulemaking)

REPLY COMMENTS

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Dated: December 16, 2005

SUMMARY

TDI (also known as Telecommunications for the Deaf and Hard of Hearing, Inc.), National Association of the Deaf, Hearing Loss Association of America (formerly known as Self Help for Hard of Hearing People, Inc.), the Association for Late Deafened Adults, and the Deaf and Hard of Hearing Consumer Advocacy Network are not persuaded that the Commission's rules governing closed captioning provide the captioning quality that is necessary to meet Congress' goal that "all Americans ultimately have access to video services and programs." While captioning has improved since Section 713 of the Communications Act of 1934 was enacted, deaf and hard of hearing individuals who rely on closed captioning continue to experience numerous problems. Indeed, the hundreds of individual Commenters in this proceeding successfully contradict the assertions by those in, or representing, the Video Industry that high quality captioning is consistently being provided. Thus, in order to move beyond the status quo and ensure that the mandate of Section 713 is being met, the Commission must impose additional requirements on video programming distributors ("Distributors") and video programming providers ("Providers") (Distributors and Providers, together, the "Video Industry").

Specifically, the Commission should establish non-technical standards that focus on understandability to improve the quality of captioning. To determine whether captioning is understandable, the following elements must be considered: completeness, accuracy and timeliness. Petitioners support using established guidelines and standards as a starting point for determining whether the three elements of understandability have been fulfilled. Petitioners advocate that captioning for pre-recorded programming should be virtually error-free (a maximum error rate of 0.5% to 0.1% or functional equivalency rate of between 99.5% to 99.9%), while captioning for live programming may have a slightly higher incidences of errors (a maximum error rate of at most 3% or functional equivalency rate of at least 97%).

The Commission should also establish technical standards to ensure proper transmission and reception of closed captioning. The technical standards should require that (1) captioning be properly encoded pursuant to industry standards, (2) captioning be passed through, and (3) captioning be transmitted to the consumer using the standard industry techniques and practices so that consumers receive all captioning intact. The result should be that a consumer with a properly functioning decoder is able to receive all captioning for the entire video program. In order to ensure that the technical standards are being met, the Commission should require Distributors to monitor the transmission of captioning.

Petitioners also support a revised complaint process that would (1) provide appropriate complaint contact information so that consumers will know how to lodge their complaints with Distributors or the Commission, (2) provide methods appropriate for all persons to file a complaint, (3) require certain standard information to be provided in a complaint, and (4) reduce the timeframe for responses to complaints to a maximum of 30 days. The focus of these proposed procedures is the timely identification and resolution of technical and non-technical problems with captioning.

A quarterly reporting requirement will assist the Commission in determining whether Distributors are meeting their closed captioning obligations. Except for the existing ineffective complaint process, the Commission has no way of knowing whether the captioning requirements

are being met. Quarterly reports would simply require the filing of certain information that the Distributors should already be compiling and, therefore, not be overly burdensome on Distributors. Petitioners also suggest that Distributors file, with the quarterly report, any certifications that they rely on from Providers and a complaint log. Finally, Petitioners recommend that Distributors file outage reports within three hours of a complete loss of captioning.

In response to Commenters who oppose the elimination of the electronic newsroom technique (“ENT”) for MSAs above the top 25, Petitioners counter that ENT omits significant portions of newscasts and, therefore, should be eliminated or at a minimum, phased out of all MSAs. While eliminating ENT may initially strain the supply of stenocaptioners, there is reason to believe that the capacity to create real-time captioning will increase to meet the demands. In addition, there may be technical solutions available.

Finally, Petitioners continue to believe that specific fines and/or penalties are necessary to deter non-compliance with the closed captioning rules, particularly failing to meet the benchmarks. The base forfeitures, when combined with the reporting requirements, will motivate Distributors to ensure that high quality captioning is transmitted to consumers. Petitioners note that the Commission should retain the flexibility in its forfeiture guidelines determining the actual amount of the forfeiture for violations of the benchmarks.

TABLE OF CONTENTS

I.	Non-Technical and Technical Standards Must Be Adopted to Ensure That Comprehensible Captioning is Provided.....	3
A.	The Marketplace Does Not Generate High-Quality Captioning In Many Instances	3
B.	Non-Technical Standards Can Be Crafted to Allow for Flexibility in Closed Captioning Depending on the Program Format.....	5
1.	Non-Technical Standards Should Focus on Understandability As Measured by Completeness, Accuracy and Timeliness.	6
2.	Pre-Recorded Programming Should Have the Highest Standard of Captioning and be Virtually Error-Free	7
3.	Edited and Compressed Programs Should be Properly Reformatted to Include Original Captions.	8
4.	Real-Time Captioning May Allow for the Human Factor But Must Maintain High Quality	9
5.	Rapid-Fire News Programming May Require Special Considerations	11
C.	Technical Standards Should be Established to Ensure Proper Transmission and Reception of Closed Captioning.....	11
II.	Monitoring is Necessary to Ensure Proper Transmission of Captioning.....	12
III.	Revised Complaint Procedures Will Help Identify and Resolve Technical and Non-Technical Problems in a More Timely Manner.....	13
A.	Revised Complaint Procedures will Facilitate the Ability and Willingness of Consumers To Bring Captioning Problems to the Attention of the Commission and the Video Industry	14
B.	A Standard Complaint Form Will Benefit All Parties.....	15
C.	Prompt Attention and Response Will Benefit All Parties.....	16
IV.	Quarterly Reporting Will Assist the Commission In Determining Whether Closed Captioning Requirements are Being Met	17
A.	Quarterly Reports Would Primarily Include Information That Video Programming Distributors Already Should Be Keeping To Evaluate Whether They are Complying With the Benchmarks.....	17
B.	The Quarterly Reporting Requirements for Video Programming Distributors Should Reflect Their Captioning Responsibilities.....	18
1.	Suggested Quarterly Reporting Requirements for Video Program Distributor.....	18
2.	Requirements for Quarterly Certifications by Video Programming Providers	19
C.	The Commission Should Also Consider Requiring Outage Reports.....	19
V.	ENT Should Not Count As Qualifying Captioned Programming or At a Minimum ENT Should Be Phased Out of All MSAs	20
VI.	Specific Fines And/Or Penalties Are Necessary to Deter Non-Compliance	22

VII. Other Issues Raised by Commenters	23
A. Requests for Waiver of Closed Captioning Rules Should be Filed Electronically.....	23
B. Closed Captioning Requirements for Emergency Situations Already Exist and Any New Standards Should Not Override Those Existing Requirements.....	23
VIII. Conclusion	25

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As numerous comments have shown, the Commission’s current rules governing closed captioning do not, and will not in the future, provide the captioning quality that is necessary to meet Congress’ goal that “all Americans ultimately have access to video services and programs.”² The Comments made by individuals in the proceeding unequivocally support Petitioners’ positions, as do Comments from consumer groups advocating on behalf of deaf and

¹ These Reply Comments are also supported by Communications Services for the Deaf (CSD), Dr. Benjamin J. Soukup Jr., Chief Executive Officer and American Association of People with Disabilities, Andrew J. Imparato, President & Chief Executive Officer.

² H.R. Report 104-458 104th Cong., 2nd Sess. at 183-84 (*Conference Report*) (Aug. 22, 1996).

hard of hearing persons. In addition, the captioning industry and organizations support many of Petitioners' suggested changes to the existing rules. As expected, video programming distributors ("Distributors")³ and video programming providers ("Providers")⁴ (Distributors and Providers, collectively, the "Video Industry") generally oppose changes to the existing rules. There are, however, some notable exceptions, including support by the National Association of Broadcasters for a reduced timeframe for responses to complaints.

Petitioners continue to believe that (1) non-technical and technical quality standards must be adopted for closed captioning; (2) monitoring must be required to ensure that captions are passed through and that technical problems are promptly resolved; (3) reporting is necessary for the Commission to evaluate compliance with the existing and any future rules; (4) new complaint procedures must be established to (a) facilitate the ability of consumers to bring captioning problems to the attention of video programming distributors and the Commission in a format that is meaningful to all parties and (b) require more prompt attention and response to complaints by the responsible parties; (5) the use of Electronic Newsroom Technique should not qualify as captioned programming in order to meet the captioning threshold requirements, or at a minimum, should be phased out of all MSAs; and (6) the Commission should impose fines/penalties for non-compliance with the captioning rules. In addition to addressing Comments filed on each of these subjects, these Reply Comments will also address other issues including the availability of captioners and reformatting of closed captions.

³ As defined in 47 C.F.R. § 79.1(a)(2).

⁴ As defined in 47 C.F.R. § 79.1(a)(3).

I. Non-Technical and Technical Standards Must Be Adopted to Ensure That Comprehensible Captioning is Provided.

Based on the hundreds of Comments submitted in this proceeding, the public overwhelmingly supports the adoption of non-technical and technical standards for closed captioning. The captioning industry also supports certain non-technical and technical standards. The Video Industry, however, generally opposes any standards for closed captioning because it asserts that “the market” will correct problems with closed captioning. By refusing to acknowledge problems and by failing to provide consistently high-quality captioning, the Video Industry, in essence, advocates a status quo. As the Comments demonstrate, however, the market has failed to bring ubiquitous high-quality captioning. From the perspective of the deaf and hard of hearing communities, the status quo is unacceptable.

A. The Marketplace Does Not Generate High-Quality Captioning In Many Instances

Contrary to the assertions from members of the Video Industry,⁵ the marketplace has not guaranteed high-quality captioning.⁶ The Petition for Rulemaking provided a number of examples of recurring problems with captioning.⁷ The Video Industry disputes the existence of such problems, offering as “evidence” the low volume of errors and complaints. This focus is misplaced for two reasons. First, the volume of errors should not be the primary focus, but rather a component of the primary focus: understandability of the program, which is discussed in more

⁵ See e.g., Comments of United State Telecom Association at 5 (*USTA*); Comments of The Motion Picture Association of America, Inc. at 3 (*MPAA*).

⁶ One Commenter described the marketplace for closed captioning services as “dysfunctional, predatory, and non-competitive in its normal course of operation” in part because (1) some video programmers, broadcast and cable are reluctant to pay for closed captioning services and some captioning companies improperly use federal funds to subsidize predatory bidding. Comments of Media Captioning Services at 3-5 (*MCS*).

⁷ Petitioner at 26-27, 37, Exhibit B.

detail with regard to non-technical standards below. Second, the volume of complaints is not an accurate indicator of the quality of captioning because consumers do not have an easy mechanism to voice their complaints.

The Video Industry cannot claim that the volume of captioning errors is low⁸ because, to date, no quantitative evaluation of captioning errors has even been undertaken. Petitioners, who are all non-profit organizations, do not have the resources to conduct such a study. Further, since much of the Video Industry does not monitor video programs for non-technical or technical issues with captioning⁹ and the Video Industry is not easily accessible for consumer complaints, the Video Industry does not have accurate information regarding such problems. The Commission must rely, to a certain extent, on the Comments of those Commenters such as Global Translation, Inc. d/b/a TranslateTV (“TranslateTV”), which translates English captioning into Spanish, and the hundreds of individual Commenters who have described real problems they experience with captioning.¹⁰ In its Comments, TranslateTV indicates that, while it finds that pre-recorded captioning is accurate, its “logs of local station’s newscasts indicate that between 25% and 60% of all captioning sentences contain errors that substantially impede

⁸ See Comments of AZN Television *et al.* at 16 (*AZN*), Comments of Home Box Office, Inc. at 8 (*HBO*); Comments of The National Assoc. of Broadcasters at 11 (*NAB*).

⁹ Petitioners commend the effects of Distributors who have established quality control mechanisms. See Comments of *HBO* at 5 (“*HBO* follows specific practices to ensure that the closed captioning on each program is of the highest quality. Closed captioning is managed and monitored closely by *HBO*’s Network Quality Control department to ensure that *HBO* meets or exceeds the Commission’s requirements for captioned programming each quarter. This department tracks: (i) categorization and captioning amounts; (ii) quality control; and (iii) program monitoring.”); Comments of at 17-18 (*AZN*). Unfortunately, Petitioners believe *HBO*’s practice is the rare exception in the Video Industry.

¹⁰ Petitioners have provided, as Exhibit A, a summary of a small sample of the hundreds of Comments from individuals.

understandability.”¹¹ Further, reliance on market forces to provide high-quality captioning assumes that the affected consumers, in this case deaf and hard of hearing people, can sufficiently exert pressure on the market. Unfortunately, for the reasons described by WGBH National Center for Accessible Media (“WGBH”), these consumers cannot.¹² Since the marketplace has failed to consistently provide high-quality captioning, the Commission must establish minimum standards to ensure high-quality captioning.

B. Non-Technical Standards Can Be Crafted to Allow for Flexibility in Closed Captioning Depending on the Program Format

A number of Commenters argued that if non-technical standards are implemented, the standards must differentiate between pre-recorded programming and real-time captioning.¹³ Petitioners acknowledge the differences and agree with that assessment. Petitioners, however, disagree with those Commenters that argue that non-technical standards are unworkable and arbitrary.¹⁴ The Commission has provided workable standards for more complex issues than this

¹¹ Comments of Global Translations Inc. d/b/a TranslateTV at 3 (*TranslateTV*).

¹² The Commission’s prior assumptions regarding the power of the market for closed captioning have proved to be faulty: (1) consumers can not demonstrate their satisfaction or lack of satisfaction with what is shown through their purchase of advertised products because the number and diversity of advertisers on a TV program would require an intense and national coordination to have any effort to have any effect and (2) consumers do not exert pressure on program providers by canceling their subscriptions to program services because caption consumers do not have market strength and would have to punish themselves. Comments of WGBH National Center for Accessible Media at 4-5 (*WGBH*).

¹³ See Comments of *WGBH* at 8 (“There can be some variation in accuracy rates for live vs. offline, or pre-recorded, captioning.”); Comments of National Captioning Institute at 3 (*NCI*); Comments of Accessible Media Industry Coalition at 2 (*AMIC*); Comments of *MCS* at 9-10.

¹⁴ Comments of *Cosmos* at 9 (“Determining what constitutes an ‘error’ for Commission enforcement of viewer complaints would prove difficult, if not impossible.”) (*Cosmos*); Comments of *AZN* at 21; Comments of *MPAA* at 7; Comments of NBC Telemundo License Co. at 16 (*NBC*).

and there is no reason to think that appropriate non-technical standards cannot be developed for closed captioning.

1. Non-Technical Standards Should Focus on Understandability As Measured by Completeness, Accuracy and Timeliness.

Although different non-technical standards may be adopted for pre-recorded and real-time captioning, the underlying criteria should remain the same. As suggested by a number of Commenters, Petitioners support a non-technical standard that focuses on whether the captioning is as “understandable to the non-hearing person as it is to the person who is able to hear the audio that accompanies it.”¹⁵ In order to determine whether captioning is understandable, the following elements must be considered: completeness, accuracy and timeliness.¹⁶

Petitioners support using an established guideline such as AMIC’s “16-CARAT Approach to Caption Quality”¹⁷ or the standards developed by the U.S. Department of Education’s Captioned Media Program¹⁸ as a starting point for determining whether the three elements of understandability have been fulfilled. Such standards have been developed through careful consideration of the elements described above and are already familiar to the captioning industry. While captioners should have flexibility in determining the placement of captioning, the Commission should require that captions be placed in a way that does not interfere with other visual aids on the screen.

¹⁵ Comments of *AMIC* at 5.

¹⁶ See Comments of *WGBH* at 8-11; Comments of *AMIC* at 6; Comments of American society for Deaf Children at 1 (*ASDC*)

¹⁷ See Comments of *AMIC* at 2 & Appendix B.

¹⁸ See Comments of Caption Perfect at 1 (citing the “2005 Captioning Key”).

2. Pre-Recorded Programming¹⁹ Should Have the Highest Standard of Captioning and be Virtually Error-Free

Most of the Comments filed in opposition to non-technical standards focused on problems associated with real-time captioning rather than problems associated with captioning of pre-recorded programming. Petitioners see no reason why pre-recorded programming should not be virtually error-free. Presumably, pre-recorded programming can be reviewed and edited prior to distribution to correct any mistakes that may have been made during the captioning process. All pre-recorded programming should be captioned offline rather than real-time. Some companies have apparently instituted quality control programs that screen pre-recorded programs for captioning quality provided by the video program producer.²⁰ Unfortunately, such processes do not appear universal within the industry and, therefore, captioning of pre-recorded programming is not always of high quality. Non-technical standards are necessary to ensure high quality captioning for all video programming.

Petitioners agree with those Commenters who argue that because captioning of pre-recorded programming can be done in advance the standard should reflect the ability to review and edit the video program prior to distribution and, therefore, the error rate should be virtually nil.²¹ In fact, a number of captioning providers advocate a maximum error rate of 0.5% to 0.1%

¹⁹ Petitioners understand that some pre-recorded video programs are aired on the same day that they are produced, sometimes within a few hours. Such programs may include late-night comedy programs such as “The Late Show with David Letterman” and “The Tonight Show with Jay Leno.” The Commission may consider excluding these types of programs from the definition of pre-recorded programming and allow for real-time captioning as if they were live programs, provided that the Commission require editing of the captioning to the maximum extent possible prior to airing.

²⁰ See Comments of *HBO* at 4-6; Comments of *AZN* at 17-18.

²¹ See Comments of National Captioning Institute at 4 (*NCI*); Comments of Alexander Graham Bell Assoc. for the Deaf and Hard of Hearing at 4 (*AG Bell*).

or functional equivalency rate of between 99.5% to 99.9%.²² Assuming that an error rate incorporates the three criteria described in the discussion of general standards above, Petitioners support such a rate. If a program meets the error rate then it should be presumed understandable; conversely, if it does not meet the error rate then it should be presumed that it is not understandable. These presumptions can be overcome by clear and convincing evidence of the actual understandability of the program. The Commission would make the final determination of the understandability of the video program.

3. Edited and Compressed Programs Should be Properly Reformatted to Include Original Captions.

Few Commenters considered the captioning problems associated with edited and compressed programs. Those that did explained why problems exist²³ and supported an explicit requirement that such programs be properly reformatted so that such programs would include the original captioning.²⁴ Petitioners agree that the reformatting requirement should be explicit so that video program distributors do not deliver programs whose captions do not follow the program content due to editing or compression.

²² See Comments of MCS at 9 (stating “The accuracy guidelines necessary to achieve functional equivalency should be . . . 99.5% [verbatim accuracy] for pre-produced captioned programming”); Comments of Caption Colorado, Inc. at 21 (*Caption Colorado*) (recommending “an overall Total Quality Rating Standard for Offline Captioning (as determined in accordance with [its] formula . . .) of 99.5%”); Comments of Caption Perfect, Inc. at 2 (*Caption Perfect*) (stating “that a maximum error rate of 1 out of every 1,000 words (or .1%) is easy to achieve for most captioning companies”); Comments of AMIC at 12 (supporting average error rate of 0.2% for pre-recorded programming).

²³ Comments of National Court Reporters Association at 7 (quoting the website of the National Captioning Institute) (*NCRA*).

²⁴ See e.g. Comments of WGBH at 17.

4. Real-Time Captioning May Allow for the Human Factor But Must Maintain High Quality

Petitioners recognize that real-time captioning is created in a manner that does not allow for prior review and corrections and that real-time captioning therefore may never achieve the same level of quality as captioning for pre-recorded programming. In part, this is because of the human factor involved with real-time captioning. Petitioners agree that, while the standards for real-time captioning should apply the same general criteria as pre-recorded programming, the minimum error rate should not be as high. Petitioners submit that the maximum error rate should be no more than 3% (at least 97% functional equivalency), with an ultimate goal of a 0% error rate (100% functional equivalency).²⁵ Petitioners concur with Caption Perfect that if the Commission adopts a lower standard advocated in some comments,²⁶ the Commission should require phased improvements in quality over one to two years.²⁷ Petitioners stress that real-time captioning should not be permitted for pre-recorded programming as a way to avoid the more stringent non-technical standards that may be associated with offline captioning of pre-recorded programming.

Petitioners also believe that certain standard practices can improve the quality of stenocaptioning. For instance, stenocaptioners should be provided summaries or “scripts” of the anticipated subjects of the live program prior to the actual program whenever possible. These summaries would include key terminology and spellings for names and places. Providing a

²⁵ Petitioners note that Caption Perfect indicated that a 3% error rate for real-time captioning is 6 times Caption Perfect’s minimum standard. *Caption Perfect* at 3.

²⁶ Comments of *MCS* at 9; Comments of *AMIC* at 12.

²⁷ Comments of *Caption Perfect* at 3.

stenocaptioner prior knowledge of the subject of the program will assist them in providing understandable captioning.

In addition, the Commission should encourage the development of technologies that provide the same function as a stenocaptioner, such as voice recognition technologies. While it is debatable whether such technologies have advanced enough to meet the 3% error rate for real-time captioning discussed above,²⁸ the Commission could consider, on a case-by-case basis, granting limited waivers of the non-technical standards as applied to such technology (to a 5% error rate, for example) – possibly (1) in situations where there otherwise would be no captioning (such as when a program otherwise qualifies for an exemption), (2) as part of a transition from ENT to live captioning, or (3) for real-time captioning of emergencies, where it may be difficult to obtain stenocaptioning services. Petitioners emphasize that the error rate must remain low in order for the programming to be understandable and, therefore, Commission should not grant limited waivers for technological solutions that do not produce understandable captions. In addition, any waiver of the standards should be reduced over time to encourage improvements in the technology.

A number of local broadcasting companies expressed concern over the cost of real-time captioning of their newscasts and breaking news.²⁹ Petitioners discuss this issue in more detail below with regard to eliminating the use of ENT, but feel that it is also appropriate to mention it in the context of standards. Imposing standards on real-time captioning should not increase the cost of real-time captioning significantly. In cases where real-time captioning is already being used for local programming, the only significant change in cost is if a local broadcaster uses an

²⁸ See Comments of Hubbard Broadcasting, Inc. at 7 (*Hubbard*); compare Comments of NBC at 2; Comments of ENCO Systems, Inc. at 1.

²⁹ See e.g. NBC at 12-13; *Cosmos* at 11.

inexperienced stenocaptioner who does not produce captioning to the standards set by the Commission, thereby, exposing the local broadcaster to potential fines. Petitioners believe, however, that experienced stenocaptioners should be able to consistently meet the standards as proposed and, therefore, the potential additional costs due to fines should be minimal.

5. Rapid-Fire News Programming³⁰ May Require Special Considerations

Petitioners recognize that certain types of live shows are particularly problematic for real-time captioning. For instance, rapid-fire news programming may move too quickly or have multiple persons speaking at the same time. The Commission may consider relaxed standards for such programs, provided that these standards work to improve the availability and understandability of such programs as much as possible. Petitioners, however, submit that instead of relaxing standards, the Commission (and the Video Industry) should explore creative methods to solve issues with captioning these types of programs, such as using of multiple stenocaptioners for these programs.

C. Technical Standards Should be Established to Ensure Proper Transmission and Reception of Closed Captioning

Technical problems with captioning continue to be a frustrating problem for deaf and hard of hearing persons. More frustrating is that such problems are often easily preventable.³¹ The Commission, therefore, must adopt technical standards (1) that captioning be properly encoded pursuant to industry standards, (2) that captioning be passed through (see also the discussion above regarding reformatted programs), and (3) that captioning be transmitted to the consumer using the standard industry techniques and practices so that consumers receive all

³⁰ Captioning for emergency situations was also discussed by Commenters and is addressed in Section VII(B), below.

³¹ See e.g., Comments of *WGBH* at 14.

captioning intact. Each of these standards are met, if at the time of transmission (i.e., the moment the program leaves the last distribution facility before being received by the consumer), a consumer with a properly functioning captioning decoder is able to receive all captioning for the entire video program. Captioning that starts or stops part way through a program is simply unacceptable, particularly since it is usually the result of human error.

Petitioners understand that there may be occasional unavoidable breakdowns of equipment resulting in the degradation of captioning. Such occurrences should not count against a Distributor assuming that (1) the breakdown is not part of a pattern of breakdowns, (2) the Distributor has properly maintained such equipment, and (3) the Distributor files an outage report with the Commission as described in more detail below. Should a Distributor have a pattern of equipment breakdowns (or frequently claim that technical problems are caused by equipment breakdowns), however, the Commission should investigate these instances and determine whether the technical standards are in fact being violated.

II. Monitoring is Necessary to Ensure Proper Transmission of Captioning

While Petitioners would prefer Distributors to monitor for compliance with non-technical standards for captioning, Petitioners only requested that the Commission require the monitoring of the transmission of captioning. The current feedback system is woefully inadequate because technical problems with captioning can go undetected until a viewer observes a problem and complains,³² assuming the consumer can even determine the proper party to complain to. By the time a complaint is lodged it is almost always too late to correct the problem. A requirement for proactive monitoring for technical problems should be implemented so that such problems are immediately recognized by the Distributor and corrected as quickly as possible.

³² Comments of *TranslateTV* at 3, 5.

The video program distributors that complained that monitoring the quality of captioning would be too burdensome and expensive,³³ have misunderstood Petitioners' request.³⁴ Since Distributors presumably monitor the transmission of the audio and video components of a program, additional monitoring to ensure the captioning is being provided is not overly burdensome. In addition, various Commenters have indicated that monitoring for technical problems can be automated.³⁵ Clearly, automated monitoring would not be too burdensome.

III. Revised Complaint Procedures Will Help Identify and Resolve Technical and Non-Technical Problems in a More Timely Manner

Petitioners continue to assert that existing complaint procedures should be revised to (1) provide appropriate complaint contact information so that consumers will know how to lodge their complaints with Distributors or the Commission, (2) provide methods appropriate for all persons, including deaf and hard of hearing persons, to file a complaint; (3) require certain standard information to be provided in a complaint, while allowing flexibility for a Distributor to expand upon that information to suit their needs; and (4) reduce the timeframe for responses to complaints. The focus of these proposed procedures is the timely identification and resolution of technical and non-technical problems. The current procedures do not encourage or result in the timely correction of captioning problems. The current procedures fail in part because those who would complain often do not know who to complain to or have no means to communicate with the

³³ Comments of *NAB* at 14; Comments of *USTA* at 10.

³⁴ Petitioners expect that Distributors will confirm, either through certifications from the Providers or otherwise, that the non-technical standards are met prior to running a program and, therefore, the focus of monitoring should be for technical issues. To the extent possible, Petitioners encourage Distributors to monitor for quality.

³⁵ Comments of *WGBH* at 18; Comments of *TranslateTV* at 5 (“Because closed captions can be monitored using software, the cost of monitoring is inexpensive.”).

appropriate contact person.³⁶ As a result, it is not surprising that complaints rarely reach a video program distributor.³⁷

A. Revised Complaint Procedures will Facilitate the Ability and Willingness of Consumers To Bring Captioning Problems to the Attention of the Commission and the Video Industry

In order to bring a complaint, a consumer needs to (1) know to whom a complaint should be directed, and (2) have the means of transmitting the complaint to that person. At a minimum, consumers should be able to direct a complaint either to the Commission and/or to the Distributor. The methods by which complaints can be made should include all of the following, with the expectation that such complaints are investigated upon receipt: email, fax, TTY, mail, phone, and, preferably, a website designed to process such complaints. Consumers often have difficulty determining where they need to file their complaints. Because of the complexities of television programming distribution, the average consumer often does not know who is responsible for compliance with the captioning obligations – most consumers are at a loss as to whether a complaint needs to go to the local station, a national network provider, a cable network or the local cable franchise. While it may be advantageous for consumers who are savvy enough to know how to bring their complaints to the appropriate entity in the Video Industry to do so before going to the FCC, all consumers should have the option of bringing their complaints to the FCC, wherein the complaint can be re-directed to the appropriate Distributor for response.

³⁶ See e.g. Comments of *Dana Mulvany* at 3 (stating that “Many consumers have attempted to complain to their provider but have not been able to navigate the voice menu system because of their hearing loss, and have thought they could not file a complaint with the FCC due to not having a written complaint to their provider.”).

³⁷ Comments of *WGBH* at 6.

Distributors, therefore, should provide appropriate contact information for each of these methods on their invoices (if any) and on their websites, as well as providing this information to the Commission for inclusion on the Commission's website.³⁸ In addition, the Commission should have an online complaint form that, when completed by the consumer, automatically transmits the information to the appropriate persons at the Commission and at the Distributor. The Commission also should require the Distributor to file with the Commission a log of complaints each quarter.

Petitioners agree with other Commenters that the Distributor is best equipped to evaluate and respond to a complaint.³⁹ Because many technical problems can be remedied shortly after a Distributor is notified of the problem, the Petitioners respectfully request that the Commission make it mandatory for Distributors to make their personnel available at all times (24/7) to receive and address/correct these problems. If the problem lies beyond the Distributor, then the Distributor can contact the responsible entity, whether it is the Provider or the captioning company, and bring that entity into the complaint process.

B. A Standard Complaint Form Will Benefit All Parties

A number of Commenters agree with Petitioners' suggestion for a standard complaint form.⁴⁰ A standard complaint form will ensure that all critical information is collected so that the captioning problem can be quickly identified and resolved. This will reduce the frustration of all parties. The Distributor will have the necessary information to identify the source of the problem, thereby reducing the resources necessary to investigate a complaint with insufficient

³⁸ Comments of *MCS* at 11.

³⁹ Comments of *AMIC* at 4.

⁴⁰ See e.g. Comments of *WGBH* at 20.

information. Presumably, if a Distributor is able to identify the source of the problem more quickly, it will be able to correct that problem more efficiently and respond to the consumer in a satisfactory manner.

In its Comments, *AMIC* has indicated that the critical information requested by a complaint form should include the “exact time and date of the problem, the program involved, the source of the signal received by the consumer, data about the consumer’s equipment, and, of course, as detailed as possible a description of how the problem manifested itself.”⁴¹ The sample complaint form provided in the Petition includes all of this information except for information about the consumer’s equipment. Nevertheless, Petitioners submit that the sample complaint form includes all the information necessary for a Distributor to begin its investigation of a complaint.

C. Prompt Attention and Response Will Benefit All Parties

Commenters in both the Video Industry and general public agree that the timeframe for a response to a complaint can be reduced. While Petitioners would hope that the responsible party would respond as quickly as possible, Petitioners generally agree with Commenters, such as the National Association of Broadcasters, that have proposed giving a Distributor a maximum of 30 days to respond, which period could be shortened or lengthened by Commission staff in a particular case.⁴² This new complaint timeframe would correspond with the timeframe already in place for complaints alleging a violation of the rule governing the accessibility of programming providing emergency information.⁴³ Moreover, a timeframe that is shorter than the

⁴¹ See Comments of *AMIC* at 13.

⁴² Comments of National Association of Broadcasters at 5 (*NAB*); see also Comments of *AG Bell* at 6; Comments of *Dana Mulvany* at 3; Comments of *ASDC* at 1.

⁴³ 47 C.F.R. § 79.2 (“The Commission will notify the video programming distributor of the

current timeframe is reasonable for the Distributor and will reduce the considerable frustration experienced by previous complainant. While Petitioners support a 30 day timeframe for responses to complaints, Petitioners suggest that the Commission consider a 14 day timeframe some time in the future.

IV. Quarterly Reporting Will Assist the Commission In Determining Whether Closed Captioning Requirements are Being Met

In the Petition, Petitioners expressed concern that the Commission and the public currently have no method for determining whether video programming distributors are meeting the required benchmarks for closed captioning. Even as the deadline for 100% captioning of new non-exempt English-language programming approaches, this concern remains. Not only will quarterly reporting assist the Commission in determining whether Distributors are complying with the non-exempt, English-language programming benchmark, but it will help to confirm compliance with the benchmarks for pre-rule non-exempt and Spanish-language programming.

A. Quarterly Reports Would Primarily Include Information That Video Programming Distributors Already Should Be Keeping To Evaluate Whether They are Complying With the Benchmarks

The primary argument of Commenters opposed to benchmark reporting requirements is that it would be overly burdensome.⁴⁴ Petitioners, however, contend that Distributors must already collect data in order to determine whether they are complying with the benchmarks. Surely, inserting such data that a Distributor already collects into a standard report would not be overly burdensome. If a Distributor does not collect and maintain any data to determine its

complaint, and the distributor will reply to the complaint within 30 days.”).

⁴⁴ Comments of *USTA* at 10; Comments of National Cable & Telecommunications Assoc. at 12-13 (*NCTA*); Comments of *HBO* at 10; Comments of *Hubbard* at 12-13; Comments of *KJLA, LLC* at 4 (*KJLA*).

compliance with the benchmarks, then Petitioners question how the distributor can argue that it “self-polices” its compliance with the benchmark. In such a case, it is even more imperative that the Commission require reporting.

B. The Quarterly Reporting Requirements for Video Programming Distributors Should Reflect Their Captioning Responsibilities

Distributors are required to caption certain programs. In many cases, Distributors rely on certifications from the Provider to confirm that captioning was provided on a particular video program for purposes of meeting the benchmarks. While Petitioners agree with those Commenters that argue that certifications should continue to be accepted,⁴⁵ Petitioners believe that certain information should be included in such certifications in order for Distributors to rely on them. Further, these certifications should be attached to the quarterly reports filed by Distributors.

1. Suggested Quarterly Reporting Requirements for Video Program Distributor

The quarterly report filed by the Distributor should be organized by channel and then by program. For each video program the following should be provided: (1) channel; (2) name of program; (3) list of episodes; (4) name of video program provider; (5) program format (i.e., live or pre-recorded); (6) whether program is captioned – if not captioned, explain why; (7) whether relying on certification of captioning by video program provider – if relying on a certification, the certification should be attached; if not relying on a certification, the following information should be provided (a) whether the program is exempt from captioning, including type of exemption and date exemption granted if based on undue burden; (b) the captioning format (i.e., real-time captioning, pop-up, roll-up, ENT, or other); and (c) the name of the captioning

⁴⁵ See Comments of *AZN* at 34-35; Comments of *DIRECTV* at 3-4; Comments of *EchoStar Satellite, LLC* at 10.

company. Distributors should also be required to attach a log of complaints received, which would include, among other information, both the description of the complaint and its resolution.

2. Requirements for Quarterly Certifications by Video Programming Providers

Any quarterly certification provided by a Provider to a Distributor should include certain information. Each Provider should include the following information for each video program:

(1) name of the program; (2) list of episodes; (3) program format (i.e., live or pre-recorded); (4) whether the program is exempt from captioning, including type of exemption and date exemption granted if based on undue burden; (5) the captioning format (i.e., real-time captioning, pop-up, roll-up, ENT, or other); and (6) the name of the captioning company.

C. The Commission Should Also Consider Requiring Outage Reports

The Commission should require Distributors to also provide an “outage report” to the Commission when the Distributor has an unexpected equipment failure that results in the complete loss of captioning. (The Petitioners are willing to meet with the Commission and Video Industry representatives to discuss the definition of “complete loss of captioning” and what would constitute an outage.) An outage report would assist the Commission and the Distributor in resolving complaints related to the outage, as well as help to identify Distributors that may not be meeting the technical standards. Captioning outages should be communicated to viewers in real-time, for example, through the Distributor’s website and/or a crawl during the outage, so that consumers can understand the reason for a lack of captions in a particular instance. Similar to messages provided when there are technical difficulties related to audio or video problems, one possible crawl regarding captioning could read: “Please stand by. We are experiencing technical difficulties with our closed captioning.”

The outage report would be similar to the reports required for telecommunications carriers in that it would consist of an initial report and a final report. The initial outage report should be filed within three (3) hours of discovery of the outage and should contain the following information: (1) name of the Distributor; (2) name of video program(s) affected; (3) geographic location of the outage; (4) date and start time of the outage; and (5) description of the outage. The final report, which can be substituted for the initial report in the case of an outage that lasts less than three (3) hours, should include: (1) name of Distributor; (2) name of video program(s) affected; (3) geographic location of the outage; (4) date and start time of outage; (5) date and end time of the outage; (6) description of the outage; (7) explanation of the cause of the outage. While the Petitioners believe that all outages should be reported, the Commission may consider establishing a minimum threshold outage period that would require reporting.

V. ENT Should Not Count As Qualifying Captioned Programming or At a Minimum ENT Should Be Phased Out of All MSAs

Petitioners are not persuaded by the gloom and doom scenarios presented by Commenters representing broadcasters and the cable industry who argue that eliminating the use of ENT in favor of real-time captioning of news programs is too costly to support and would therefore result in reduction of local programming.⁴⁶ For instance, one Commenter argues that real-time captioning would add only a marginal amount of closed captioning at a disproportionate cost.⁴⁷ The issues belie the problem that ENT does not provide captioning for much of the live news, weather, and sports segments in newscasts.⁴⁸ Clearly, all persons should have the same access to

⁴⁶ See e.g., Comments of *Cosmos* at 5-6; Comments of Block Communications, Inc. at 1; Comment of the Radio-Television News Directors Assoc. at 5, 7 (*RTNDA*).

⁴⁷ Comments of *Cosmos* at 7.

⁴⁸ Comments of *MCS* at 12.

this important information. Further, captioning companies paint a different picture of costs, as they have shown that market rates for real-time captioning have decreased.⁴⁹

The Commenters that oppose eliminating ENT also argue that the supply of stenocaptioners is insufficient to meet the current needs of stations and would be even more strained if the use of ENT was eliminated.⁵⁰ Comments from the captioning industry, however, challenge this assessment. For instance, one non-profit captioning company indicated that “there has not been a widespread shortage of individuals to create captions” and “that the capacity to create real-time captioning by the industry has risen to match the increase in the captioning mandate levels.”⁵¹ Other captioning organizations also believe that there should not be any widespread shortage of qualified stenocaptioners to meet the additional demand.⁵² As a number of Commenters acknowledged, the use of real-time captions for pre-recorded shows could strain the availability of stenocaptioners.⁵³ In addition, given adequate governmental funding and salaries for stenocaptioners, Commenters from the captioning industry expect the number of graduates qualified for stenocaptioning to grow over time, thus reducing any strain on supplies.⁵⁴

Petitioners, however, recognize the concerns of the Commenters opposed to the elimination of ENT. Petitioners, therefore, suggest that at a minimum the use of ENT be phased

⁴⁹ Comments of *MCS* at 13.

⁵⁰ Comments of *NAB* at 9; Comments of *Cosmos* at 4-5.

⁵¹ Comments of *NCI* at 5.

⁵² Comments of *AMIC* at 11.

⁵³ Comments of *NCI* at 5; Comments *AMIC* at 11; Comments of *MCS* at 15; Comments of *AG Bell* at 6.

⁵⁴ Comments of *NCI* at 5; *see* Comments of *NCRA* at 10.

out over a period of at most two years.⁵⁵ A broadcaster or local cable network could be eligible for a waiver or extension of time, but only if able to prove that meeting this deadline would create an undue burden. All such requests should be made at least 30 days prior to deadline to allow enough time for the Commission to consider why the applicant cannot meet the deadline and to provide the public with an opportunity to comment in response to the request.

VI. Specific Fines And/Or Penalties Are Necessary to Deter Non-Compliance

Similar to many Commenters' misunderstanding of Petitioners' intentions for reporting, a number of Commenters misunderstand Petitioners' intentions with respect to base forfeiture amounts. Petitioners had proposed "that the Commission establish a base forfeiture amount for violations of the captioning benchmark requirements,"⁵⁶ as set forth in 47 C.F.R. § 79.1(b). Petitioners continue to believe that base forfeitures are the best method, particularly when combined with the reporting requirements, to ensure compliance with the benchmarks. Although some Commenters have raised concerns that the Commission will lose its flexibility in assessing fines if a base forfeiture is established,⁵⁷ the Commission's Forfeiture Guidelines allow for the Commission to adjust forfeitures based on individual circumstances.⁵⁸ Base forfeitures for failure to meet the captioning benchmarks can become subject to those guidelines and may be adjusted as needed, depending on the circumstances of each case.

While Petitioners have not proposed base forfeitures for failure to meet the proposed non-technical standards, Petitioners believe that the Commission's general power to impose penalties

⁵⁵ Comments of *WGBH* at 24.

⁵⁶ Petition at 23.

⁵⁷ See Comments of *AZN* at 30; see also Comment of Florida Association of Broadcasters at 7 (*FAB*).

⁵⁸ 47 C.F.R. § 1.80.

is sufficient. Nevertheless, the case may arise where violation of non-technical standards could result in the failure to meet the benchmark requirements. In that case, it may result in a base forfeiture against the Distributor. Again, the Commission has some discretion as to the amount of forfeiture.

VII. Other Issues Raised by Commenters

A. Requests for Waiver of Closed Captioning Rules Should be Filed Electronically

Petitioners generally agree with *NAB* that requests for waivers of closed captioning rules should be filed electronically.⁵⁹ Petitioners are typically the only party commenting in such petitions. Since the Public Notices of such petitions do not also include the actual petition or details about the petition, the Petitioners (and any other interested party) must obtain the petition from the Commission's Reference Information Center. Until recently, the petitions for waiver were not readily available on the Commission's website. If the petitions are consistently made available on the Commission's website concurrently with the public notice of the petition, Petitioners feel that it may not be necessary (though it will still be desirable) to require electronic filing. If, however, the Commission is unable to consistently make the petitions available on its website concurrent with the public notice, then electronic filing should be mandated. In such cases, electronic filing will make it less cumbersome for interested parties to obtain a copy of the petition.

B. Closed Captioning Requirements for Emergency Situations Already Exist and Any New Standards Should Not Override Those Existing Requirements

Some Commenters note that the adoption of stricter non-technical rules for emergency situations could expose them to liability in emergency situations and possibly cause them to not

⁵⁹ See Comments of *NAB* at 6 ("Exceptions based on undue burden should be filed electronically.").

provide coverage of emergency situations at all.⁶⁰ Petitioners believe that these concerns are overblown and this type of threat should not be tolerated by the Commission. Moreover, Section 79.2 of the Commission's Rules⁶¹ already covers visual access to emergency programming in a manner that will provide viewers with comprehensive information that is comparable to emergency information provided over audio feeds. Providers that are transmitting anything less than this are violating existing Commission rules. Petitioners do not believe that this rule should to be amended at this time.

⁶⁰ Comments of *FAB* at 4; Comments of *RTNDA* at 10-11.

⁶¹ 47 C.F.R. § 79.2.

VIII. Conclusion

In summary, Petitioners agree with those Commenters that advocate non-technical and technical standards, monitoring and reporting requirements, revise complaint procedures, elimination of ENT, and the establishment of base forfeiture amounts for violations of captioning benchmarks. Petitioners are cognizant that the changes will require some additional expenditures related to captioning. But these measures are necessary to ensure that “all Americans ultimately have access to video services and programs,” which is not currently the case.

Respectfully submitted,



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Dated: December 16, 2005

EXHIBIT A

Comment Summary for FCC NPRM on Expanding Closed Captioning Requirements		
Name	Date Filed	Comment Summary
Mitchel Buergel	12/02/05	Captions stop and start in the midst of TV shows, causing many of the words to go missing from the captions.
Jennifer Oleson	11/23/05	Garbled closed captioning occurs during most news and television programs.
Elizabeth Shuey-Morgan	11/23/05	Commenter asks the FCC to adopt standards for the quality of closed captioning service. Commenter uses captioning in her home every day, and is often disappointed by garbled and/or out-of-sync captions. Commenter has called the television stations to let them know there is a problem, but they are either disinterested or do not know to whom commenter should be referred. There needs to be a standard way to alert them of problems and a required response.
Dr. Jana Lollis	11/23/05	Hard of hearing individuals cannot hear most television programs, and thus do not watch anything not captioned. Commenter therefore supports the FCC's decision to develop standards for the accuracy of captioning.
Joseph Innes	11/23/05	Commenter owns a digital HD television set (which cost over \$3,000.00 dollars) and is a subscriber to cable television that provides digital HD signals at an extra cost per month. All too often the captions on this television are of poor quality, suddenly start and stop, disappear during programming, or don't appear at all in HD format. The cable company will not respond to commenters concerns.
Marty Fahncke	11/23/05	Commenter's child who is learning to read is upset by poor quality of captioning, which is only 60% accurate. Need improved standards.
Matthew Gwynn	11/23/05	Captioning made a big difference in his life. Prior to captioning, he always had to rely on siblings to interpret television shows. For example, he was on a plane on September 11 th and could not understand what had happened to the twin towers for an hour or so due to lack of captioning. Someone had to explain it to him. Captioning is a very valuable tool to provide him with

EXHIBIT A

Comment Summary for FCC NPRM on Expanding Closed Captioning Requirements		
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		access to information.
Sharaine J. Rawlinson Roberts	11/23/05	Deaf citizen requests stricter regulations regarding accuracy of captioning. Frustrated when watching Wheel of Fortune and has to guess at garbled words.
Ronald C. Burdett	11/23/05	Resident of St. George, Utah was put in danger because of lack of closed captioning. Flood hit his town last year (Jan. 8), and the water became unsafe to drink. However, his local stations KTVX (ABC) Channel 4 and KCSG (PAX) Channel 6 were not captioned with emergency information, and he had to find out about the water from friends.
Harmon P. Menkis	11/23/05	“CNN apparently ceased captioning their news after 9 or 10 pm. I live in Marion, Il. Also our local Channel 3 TV station omits a lot of captioning on local news and local weather news ... overall quality of captions suck did a fine job with the recent storm we had for hearing, but for us deafies, we were out of s**t luck I am angry enough to not mind my language here”
Barbara Boelter	11/23/05	Parent of 15 year-old deaf daughter is upset by having to explain to her daughter ridiculous, erroneous captioning that is often garbled or completely wrong. Also, fears for her daughter because of the lack of emergency captioning in the event of a disaster.
Farley Warshaw	11/22/05	Parent angered by the misspellings that are common to television captioning. On a children’s program, “six” was misspelled as “sex” and the parent had to explain the definition of “sex” to his eleven year old son.
Nathaniel Winegar	11/22/05	Man writing on behalf of her sister - who became deaf later in life – wants the FCC to ensure that all closed captioning is accurate. His sister is in law school, and relies heavily on closed captioning to keep abreast of breaking news, which is essential to her success.
Theresa Morello	11/22/05	Mother of two deaf children finds the captioning on Nickelodeon to be of very poor quality, often containing misspellings or mangled dialogue.

EXHIBIT A

Comment Summary for FCC NPRM on Expanding Closed Captioning Requirements		
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Jackie Williams	11/22/05	Complains of garbled captioning, misspelled captioning, and a complete lack of captioning. She is especially concerned about lack of captioning during emergencies.
Delores Gonzales	11/22/05	Complains of lack of captioning on news programs. For example, there was once a tornado watch in her area, but no captioning on the news program from which she could glean information.
Charla Dowds	11/22/05	A mother of a deaf adult asks that the FCC impose standards that ensures the accuracy of closed captions. She often sees mistakes in captions that are so bad a non-hearing person could not understand what is being said.
Wesley Johnson	11/22/05	Commenter's brother is deaf and many times when they watch TV. the captioning is not clear, slow, and doesn't cover all the material. This problem is comparable to a hearing person not understanding or listening to certain words in a sentence or watching a old kung-fu movie where their lips don't match the words.
Janice Cobb	11/22/05	Any time the program or news was not captioned, they take away her right to be fully educated or informed at that time. The impact of loss from non-captioned program or news caused undue burden on deaf persons. To consider that a person be well-informed consumer, all programs and news must be captioned at all times.
Meryl Troop	11/22/05	Commenter is a sign language interpreter who supports FCC efforts to increase the accuracy of closed captioning. For deaf professionals who are responsible for educating our deaf children and caring for deaf adults with mental illness or mental retardation, it is essential that accurate, timely information be available, indeed it can save lives.
Carrie Morgan	11/14/05	Improvements should be made so that no parts of broadcasts are scrambled and ENTIRE programs are made accessible to everyone in this country. Deaf and Hard of Hearing citizens in this country should have a convenient way to make complaints about captioning of

EXHIBIT A

Comment Summary for FCC NPRM on Expanding Closed Captioning Requirements		
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		poor quality which either provides mis-information, garbles words/phrases, or omits messages completely.
Tracy Gallipo	11/10/05	During the recent natural disasters in our country commenter noticed something disturbing. While key important people were presenting information to the public there was a sign language interpreter in the lower right hand part of the television screen. The lower right hand corner is where television stations show a station logo at almost all times but commercials. The interpreter was completely blocked by the logo in most cases. As a high school guidance counselor who has worked with deaf families, commenter realizes how important that interpreter can be. Please alert TV stations, cable and local, to this problem. It does not afford the deaf community equal access to crisis information if the interpreter is blocked out of the picture.
Dana Mulvany	11/10/05	We need nationwide standards to enforce the quality of closed captioning. Captioning is often garbled, or of low quality, and there is often no way to get a hold of the station to report problems.
Janice Hughes	11/10/05	Someone should be responsible for the technical problems associated with captioning. Captioning is often of poor quality. Deaf individuals should have a means to report problems, and there should be repercussions such as fines if such problems are not remedied within 30 days.
Phillip Moos	11/10/05	Captioning must have quality. It must meet for completeness, accuracy, readability, synchronicity with the audio in full. There should also be a way to report problems, and fines for poor quality.
Mitche Louise Bove	11/10/05	Commenter enjoys watching many shows on television as long as she has access to closed captioning. Commenter likes to be able to keep up with the plot or to get the joke. Without closed captioning, commenter is unable to enjoy television.

EXHIBIT A

Comment Summary for FCC NPRM on Expanding Closed Captioning Requirements		
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Gary Bootay	11/09/05	Last night while watching prime time TV commenter was angered that the closed captions dropped off the screen every time the general election voting results appeared on the top 1/3 of the screen. All TV stations MUST learn NOT to ever drop closed captions. They could follow CNN's news scrolling on the bottom of the screen which does not affect the captions. Please do something.
David G. Myers	10/24/05	Commenter is upset that most captioning occurs in the top 1/3 of the screen, where the captions interfere with the faces of the actors. This makes captions annoying to those who are not hard of hearing.
Marsha Taylor	10/24/05	Commenter strongly urges stricter enforcement of captioning rules, especially in important areas such as news broadcasts, breaking news/alerts, etc. commenter is the last to know when a breaking story or important information is given because such are not captioned.
John Anderson	10/17/05	Very little of the local news is captioned, and none of the local weather is captioned. Neither are the local PBS broadcasts.
Libby Marks	10/12/05	Commenter is an elderly retiree who complains that the captions on the TV Guide Channel completely obscure the programming, which is on the bottom 1/3 of the screen. Commenter has requested that TV Guide place the caption on the top 2/3's where the advertising is, but TV guide refused.
Trudy Zahn	10/11/05	Commenter is a hard of hearing person who can't have equal access to important information, social influences, current events, and many other facets of American society without television captioning. The quality, consistency, and availability of the captioning is of the utmost importance in determining her ability to use it. Commenter wants the FCC establish standards that television captioning must meet so that the quality of the captioning doesn't prevent her access to television programming.

EXHIBIT A

Comment Summary for FCC NPRM on Expanding Closed Captioning Requirements		
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Hermine Willey	10/11/05	Captioning on the TV is important to people who are deaf and hard of hearing. Commenter needs this service for all programs and especially when news is presented at a moment's noticed. News reporters on the street where the action is occurring are not captioned.
Larry Sivertson	10/11/05	Commenter is hard of hearing and relies on captioning to supplement his hearing. Complains that delays between what is spoken and what is captioned can be unacceptably long, portions of the spoken message are sometimes completely dropped, and the words that show up in the captioning sometimes bear no discernable relationship to the spoken words. In these cases the provided captioning clearly does not meet the Commission mandate that "that captions must provide information substantially equivalent to that of the audio portion of a video program in order to be useful and ensure accessibility to individuals with hearing disabilities."
Lawrence J. Brick	10/05/05	Commenter is upset when a section of a TV program ends and the ads begin because the captions stop and are not complete. This happens all the time and it's very frustrating for Commenter.
Peggy Hlibok	10/04/05	Commenter complains that the Oprah Program # 24133 or 97076 airing an interview with Chris Kennedy was not closed captioned on September 26 and 27. Commenter tried to call ABC, but could not communicate with someone at the ABC office. The New York Times Television Guide stated that these programs would be shown with closed captioning.
Ted A. Czanderna	09/20/05	Commenter would like the FCC to update the closed captioning regulations to encompass composite video and S-video receiver signals for satellite or cable boxes. Companies such as Dish Network only have captioning available through 75 ohm coaxial cable, and thus deaf viewers with sophisticated equipment cannot have captioning unless they use poorer quality coaxial cable.
Joan Haber	08/29/05	Commenter feels quality of captioning on many TV programs is very poor. Sometimes it cannot be read at

EXHIBIT A

Comment Summary for FCC NPRM on Expanding Closed Captioning Requirements		
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		all, or the captioning drops off the screen as the program goes to commercial, so the last few sentences are missed altogether. The TV station in her community does not provide captioning of emergency weather alerts, nor are it's regular weather reports captioned.
Wayne Scott	8/03/05	Commenter complains about the captioning on the TV Guide Channel. TV Guide has advertisements on the top 2/3's of its screen, and program listings on the bottom 1/3. The close captions for the advertisements cover up the actual program listings, and caller must turn off captions to see them. TV Guide has not responded to his complaints.
Form Comments		
Betty Bartlett	11/23/05	No standards exist to regulate closed caption requirements. There should be a standard complaint form for consumers to use for complaints about poor quality captions or lack of captions. The FCC should establish compliance reporting requirements and minimum standards for a program to be considered "captioned." Please support the original petition filed by: NAD, TDI, SHHH, DHHCAN, and ALDA.
Erin Moran	11/23/05	
NaVee Lange	11/23/05	
Kelly Junc	11/23/05	
Adrian Kantor	11/23/05	
Katherine Firkins	11/22/05	
Norma B. Garcia	11/22/05	
Brenda Mitchiner	11/22/05	
Nina Treiman	11/22/05	
Stevie Gash	11/17/05	
Ernest C. Northup	11/17/05	
Mike Lee Fissette	11/14/05	