

JOHN S. THOMSON
147 ROYAL OAK DRIVE
WHITE OAK BORO NJ
MCKEESPORT, PA 15110

83

* Please read to look all these pages, O.K. Thanks, 5:15 P.M.

① TO: FEDERAL COMMUNICATIONS COMMISSION
FAX: (866)-418-0232
ATTN: FCC CHAIRMAN - KEVIN J. MARTIN ONLY (NOT OTHER PERSON)
FROM: JOHN S. THOMSON - (DEAF) FILED/ACCEPTED
FAX: (412)-751-8538
NO. OF PAGES: (23)

MAR 27 2007

Federal Communications Commission
Office of the Secretary

COMMENTS: (about the closed captioning on TV with the channels), etc.

Fcc chairman Kevin Martin:

Let you know that I wrote the notes and sent them to you - (FCC) by FAX on Wednesday February 21-07 and Friday, February 23-07 and copied my notes, etc. to PA, cable networks - (PCN-48), Buck Dopp - CNN - "Headline News" - channel - 33 - (Comcast - "newsmakers" - Tonia Carus and sent them to you - (FCC) by FAX on Wednesday, February 21-07, Friday, February 23-07 and Saturday, February 24-07, too. I typed the message and sent it to you - (FCC) by E-mail on my computer on Friday, February 23-07, but I did not hear anything from you about that.

I ask you. I wonder, did you - (FCC) receive my notes, my E-mail, Buck Dopp's E-mail and the notes by FAX, etc.? Did you - (FCC) read to look all them? Let me know. O.K. Thank you.

I think maybe you - (FCC) ignored and not respond me about my notes, my E-mail PCN-48's notes and E-mail, Buck Dopp's notes and E-mail, other notes, etc. That is not right

No. of Copies rec'd 0
List ABCDE

②

Let you know that I am not happy and frustrated with you - (FCC), but not have much the closed captioning on TV with the channels, etc. I enough angry with you - (FCC) about that.

Let you know that I am interesting to watch about PA. House, Senate, Viewer Comm Line, Sports - (Basketball, Wrestling, Swimming etc.), PA. Farm Show, Tours, other programs etc. on TV with the channel - PA. Cable Netw (PCN channel - 48, and about the Comcast - "News Tonia Caruso on TV with channel 33, and other channels, etc., too, but no closed captioning there! I was disappointed about that. I enough angry with PCN - 48, Comcast - "newsmakers" - Tonia Caruso channel - 33 and you - (FCC), too but no closed captioning there! - (NOT FAIR TO DEAF AND HARD OF HEARING!).

Let you know that I am interesting to watch about the media ownership Federal Communication Commission, etc. at Whitcomb Center in Harrisburg, PA. on Friday, February 23-07, etc., but no closed captioning there I was disappointed about that.

Let you know that I am not happy and frustrated with PCN - 48 and you - (FCC), too but no closed captioning on TV with the channel 48 there! I enough angry with PCN - 48 and you - (FCC), too about that. I saw you - (FCC) on TV there, but no closed captioning there! you - (FCC) chairman Kevin Martin know better and must have the closed captioning on TV with the channel - 48. - That is important for me and Deaf and Hard of Hearing!

③

Let you know that you - (FCC) said - must Full 100% the closed captioning on TV with the channels, etc. in January 2006, but not some channels not have the closed captioning there!

Let you know that I checked to look all the channels and noted about between 50/60 and 70% the closed captioning on TV, but not 100%!

I think I know that you - (FCC) Kevin Martin was failed and still broke the rule and the laws about that - (the closed captioning on TV with the channels, etc.!!)

I think I know that you - (FCC - Kevin Martin) hand off and not want to discuss or be involve with the closed captioning on TV with the channels, etc. That means you - (FCC) - Kevin not support for Deaf and Hard of Hearing about that, that is true!

I ask you Questions? What is for the Comcast - (TV cable, etc.?) I paid for it. - \$55.1 per month, but not have much the closed captioning on TV with the channels, etc. It is not right! - (NOT FAIR TO DEAF AND HARD OF HEARING!) - - - Let you know that the Comcast - (TV cable / Tech. told me that the Comcast - (TV cable / Tech. can't control through the channels, etc. from the Television Station Broadcasting Co. That is not right! - (NOT FAIR TO DEAF AND HARD OF HEARING!)

④

Please, Please - need - (must have the closed captioning on TV with the channel - PCN-48, CNN-1, headline news-33 - (Comcast- "newsmakers", other channels, etc., too! - all the times! - 7 days - 24 HRS, - not limit time, soon, (ASAP), I want to know about that, O.K. Thank you.

I think I know that you - (the FCC) always postponed to delay the time and waste time and wait too long for 17 years. (from 1990 to now - 2007! That is not right)

I say - sorry and "no excuse" to the FCC about that, - (NOT FAIR TO DEAF AND HARD OF HEARING!),

I want to give you - (FCC) that please check to investigate and have to look all channels, etc, on TV from the Television Stations / Broadcasting Co. in PA, - (mc/cespo white oak / Pittsburgh / else, Please you - (FCC) must tell all Television Stations / Broadcasting Co. that need - (must have full closed captioning on TV with the channels, all the times - 7 days - 24 HRS, - not limit time soon, (ASAP), I want to know about that, O.K. Thank you, - (NOT FAIR TO DEAF AND HARD OF HEARING!)

Let you know that I am not happy and frustrated with the Comcast - (TV cable, because TV cable, etc, increased from \$45.99 - (2004) to \$48.58 - (2005) to \$52.45 - (2006) to \$55.10 now (2007) per month, but not have much the closed captioning on TV with the channels, etc

⑤

Let you know that I know that about 79.1 (Exemptions from closed captioning rule - the two exceptions that apply to PCN-48 are again Part 11 and Part 12 and Part 79 - closed captioning of Video programming - (current throu February 18th 2004, etc.

I say - sorry and "no excuse" to PCN-4 about that! - out of order!, but that was old date - 2/14/2004!!

I want to give you - (FCC) that please must have to call - Comcast - (TV cable/Tech. (Valerie Weil or Kerri) at Phone: (412)-771-8188 ext. 5374 - 1-800-266-2278 - FAX: (412)-875-1132 or call PA cable netw (PCN channel -48 - (Brian Lockman - President and chief Executive officer - 401 Fallowfield Road, Camp Hill, PA, 17011 - Phone: (717)-730-6000 - FAX: (717)-730-6005 / (717)-730-6009 or Douglas C. Sicchitano - Bureau chief - PA cable network - Post- Gazette Buid 34 Boulevard of the allies - Pittsburgh, PA, 152: Phone: (412)-263-1300 - FAX: (412)-263-1: and CNN - Headline News - (Comcast - "newsmak channel 33 - Buck Dopp - Vice President - (Comcast - "newsmakers" - Phone: (215)-952-490 FAX: (215)-468-7920 / (215)-468-7924 and other channels, etc. for me soon. (ASAP). I want to know about that, O.K. thank you.

I want to give you - (FCC) that I try to offer the FCC to make new-law makers about the closed captioning on TV with the channels, etc. from the Television Stations / Broadcasting Co. in 2007! soon. (ASAP), I wa to know about that, O.K. thank you.

⑥ Federal Government must pay for the closed captioning on TV with the channels, etc, from our taxes, etc, and other peoples, too! (NOT FAIR TO DEAF AND HARD OF HEARING!).

If - PA, cable networks - (PCN-48 - CNN-7) headline news channel - 33 - (Comcast - "newsmakers" and other channels, etc, not have the closed captioning on TV with the channels, etc, there.

(Please you - (FCC) can give that PCN-48 CNN-7 headline news channel - 33 - (Comcast - "newsmakers" and other channels, etc, suppose, to charge the penalty fine, etc, about that!

Please, please - you - (FCC) Kevin must have to write a short letter / note and send it to me by FAX: (412) - 751-8538 or mail soon, (ASAP). I want to know about that, O.K. Thank you.

If - I not hear anything from you about my notes, etc, O.K. - I will plan to call you - (FCC - Kevin Martin by Video Phone soon / later, O.K. Thank you.

Phone: (412)-751-8638-(TTY)

FAX: (412)-751-8538

E-mail

address: jst1477@comcast.net.

Sincerely,

John S. Thomson

(Deaf)

147 Royal Oaks Drive
 Jmc / Corps, PA. 15131-21

Send E-mail to FCC Chairman Kevin J. Martin



FCC Home | Search | Updates | E-Filing | Initiatives | For Consumers | Find People

Chairman Kevin J. Martin

FCC > Commissioners > Martin > E-mail

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Use the input boxes below to send Chairman Martin a message.

Biography

Staff

Speeches

Statements

Articles

E-Mail

Full Name:

John S. Thomson

E-mail Address:

jst1477@comcast.net

Comments:

Feb. 23-07- (Fri.)

*

Comments: about the closed captioning on tv with the channels, Etc..

*

Send

Reset

last reviewed/updated on 3/18/05

FCC Home | Search | Updates | E-Filing | Initiatives | For Consumers | Find People

Chairman Martin's Contact Information
Room: 8-B201 • Phone: 202.418.1000 • E-mail

Federal Communications Commission
445 12th Street SW
Washington, DC 20554
[More FCC Contact Information...](#)

Phone: 1-888-CALL-FCC (1-888-225-5322)
TTY: 1-888-TELL-FCC (1-888-835-5322)
Fax: 1-866-418-0232
E-mail: fccinfo@fcc.gov

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Comments to FCC Chairman Martin

Thank you for sending your comments. We will review your comments as soon as possible.

Return to the previous page. * ? when ??

I not hear anything from you about that.

O.K. Thank you.

Sincerely,
John S. Thomson

10:32 A.M.

2154687924

① Rec'd - 2/27/07 - (TUES) from Buck Dopp - Comcast "Newsmakers"
CN8 - My my FAX machine about 10:35 AM.

**Comcast
Newsmakers**

412-751-8!

Date: 2/27/2007

To: JOHN S. THOMSON

From: Buck Dopp - Fax: 215-468-7920

Tel.: 215-952-4903

Subject: CLOSED CAPTIONING

JOHN -

YES, I DID GET ALL YOUR
FAXES. THANK YOU FOR SENDING
THEM. NEWSMAKERS DOES NOT
HAVE CLOSED CAPTIONING AVAILABLE
I'M SORRY FOR THE INCONVENIENCE
THIS IS CAUSING YOU.



"Bringing you the news and information you need from the people making a difference, we are Comcast Newsmakers!"

Comcast Webmail - Email Message

③ Rec'd - 2/27/07 - (TUES) from Buck Dopp - Comcast - "newsmakers"
CN8
By E-mail on my computer.

From: "Newsmakers, CN8" <CN8_Newsmakers@cable.comcast.com>
To: <jst1477@comcast.net>, "Newsmakers, CN8" <CN8_Newsmakers@cable.comcast.com>
CC: "TV, CN8" <CN8_TV@cable.comcast.com>, "Dopp, Buck" <Buck_Dopp@cable.comcast.com>
Subject: RE: Comcast Newsmakers:
Date: Tuesday, February 27, 2007 11:50:52 AM

John,

I have responded to your faxes and emails in the past. I regret that Comcast Newsmakers does not have closed captioning capabilities. As a news show, we are exempt from the federal requirement. Thanks for your interest in Newsmakers.

Buck

—Original Message—

From: jst1477@comcast.net [mailto:jst1477@comcast.net]
Sent: Saturday, February 24, 2007 5:34 PM
To: Newsmakers, CN8
Cc: TV, CN8
Subject: Comcast Newsmakers:

Email Address: jst1477@comcast.net

First Name: John

Feedback Requested About:

Comments:

Feb.24-07-(Sat.)

CNN-Headlines Line-(Comcast-"Newsmakers"- Tonia Caruso:

Let you know that I am interesting to watch about the programming, etc.
on

tv with the channel- CNN-Headline News- (Comcast-"Newsmaker", but no
closed captioning there! I was disappointed about that.

let you know that i am not happy and frustrated with Buck Dopp and
you-(Comcast-"Newsmakers", but no closed captioning there! I enough
angry
with Buck and you, too! about that.

PLEASE, PLEASE need (must have the closed captioning on tv with the
channel- CNN-Headline News-(Comcast-"Newsmakers" NOW, NOW soon. (ASAP).
I
want to know about that . o.K. Thank you.

Federal Government must pay for the closed captioning on tv with the
channels, etc.from our taxes,etc. and other peoples, too! - (NOT FAIR TO

DEAF AND HARD OF HEARING!)

Let you know that I wrote the notes, etc. and sent them to Buck Dopp by
FAX many times, but i did not hear anything from Buck about my notes,
etc. - I think maybe Buck -Comcast-"Newsmakers" ignore and not respond
me
about my notes, etc. That is not right!

If- I not hear anything from you and Buck about my e-mail and my notes
by
FAX. O.K. I will plan to write the letters and will send them to FCC
Chairman Kevin J. Martin by FAX or mail soon, but not know yet. When?? I

will plan to call Kevin by Video Phone soon/later. O.K.

Comcast Webmail - Email Message

PLEASE write a short a note and send it to me by FAX:-(412)-751-8538 soon.-(ASAP). I want to know about that. O.K. Thank you.

**Sincerely,
DEAF
147 Royal Oak Drive
Mckeesport,PA 15131-2005**

**Phone:-(412)-751-8638-(TTY)
FAX:-(412)-751-8538**

FAXED

BUCK DOPP - COMCAST - "NEWSMAKERS" CN 8

about 2:19 - 2:21 AM

about 2 min. 30 sec? March 02, 2007 - (FRI).

③ papers

①

TO: COMCAST - "NEWSMAKERS" - CN-8

FAX: (215) - 468 - 7920 / (215) - 468 - 7924

ATTN: BUCK DOPP, VICE PRESIDENT - "news makers"

FROM: JOHN S. THOMSON - (DEAF)

FAX: (412) - 751 - 8538

2:19 A.M.

NO. OF PAGE: (3)

BUCK DOPP, VICE PRESIDENT - "news makers" :

Thank you, I received a message from you by my FAX machine and received (3) - E-mail messages from you on my computer on Tuesday, February 27-07.

Thank you for information about that - (you said - news makers do not have closed captioning available, I'm - (you) sorry for the inconvenience this is causing you - (me), etc. O.K. fine.

Let you know that I copied your messages by my FAX machine and E-mail on my computer and wrote my notes to you and FCC, too and sent them to FCC chairman - Kevin J. Martin by FAX now today - (FRI, Mar. 02-07.

Let you know that I am interesting to watch about the programming, etc. on TV with the channel - CNN - 4 headline news - Comcast - "news makers" Tonia Caruso, but no closed captioning there! I was disappointed about that.

Let you know that I am not happy and frustrated with you - (Comcast - "news makers" - Tonia Caruso and FCC, too! I enough angry with you - (Comcast - "news makers" and FCC, too!

Let you know that FCC said - must have full 100% the closed captioning on TV with the channels in January 2006, but not some

② channels not have the closed captioning there!

Let you know that I checked to look all the channels and noted about between 50/60% and 70% the closed captioning on TV, but not 100%!

I think I know that FCC - Kevin Martin we failed and still broke the rules and the laws about the closed captioning on TV with the chan

I ask you questions? What is for the Comco (TV cable, etc.)? I paid for it - (\$55.10 per month) but not have much the closed captioning on TV with the channels, etc. That is not right! - (NOT FAIR TO DEAF AND HARD OF HEARING!), - - Let you know that the Comcast - (TV cable/Tech. told me that - (Comcast - (TV cable/Tech. can't control through the channels, etc. from the Television, Stations/Broadcasting Co. That is not right! - (NOT FAIR TO DEAF AND HARD OF HEARING!)).

Please, Please, need - (must have the closed captioning on TV with the channel - (CNN - Headline News - (Comcast - "newsmakers" - Tonia Caruso soon (ASAP). I want to know about that. OK. Thank you

Federal Government must pay for the closed captioning on TV with the channels, etc. from our taxes, etc. and other peoples, too! - (all the times - 7 days - 24 HRS - NOT LIMIT TIME! soon (ASAP) - (NOT FAIR TO DEAF AND HARD OF HEARING!)

Please write a short note and send it to me by FAX: (412) - 751-8538 soon - (ASAP). I want to know about that. OK. Thank you.

③ If I not hear anything from you you -
 (comcast - "newsmakers" about my notes - - - - -
 (if - CCN - "headline news - (comcast - "newsmakers"
 not have the closed captioning there. O.K.

I will plan to call FCC chairman Kevin
 Martin by Video Phone soon / later about that.
 O.K. Thank you.

Phone: (412)-751-8638 - (TTY)

FAX: (412)-751-8538

Sincerely,
 John S. Thomson
 (Deaf)
 147 Royal oak Drive
 McKeesport, PA-15131

Comcast Webmail - Email Message

① Rec'd - 3/01/07 - (THURS.) from DOUGLAS SICCHITANO (PCN-48)
by E-mail on my computer.

From: "Pittsburgh" <pittsburgh@pcntv.com>
To: "John Thomson" <jst1477@comcast.net>
Subject: Closed Captioning
Date: Thursday, March 01, 2007 3:49:24 PM

Dear Mr. Thomson,

I am sorry to hear you are not happy with PCN or our response to your complaints about our closed captioning. Yes the page I referred to you was dated, but if you follow the following link you will see an update page and that the rules still apply. http://www.fcc.gov/cgb/dro/exemptions_from_cc_rules.html. The two exception that apply to PCN are again Part 11 and part 12.

(11) Captioning expense in excess of 2% of gross revenues. No video programming provider shall be required to expend any money to caption any video programming if such expenditure would exceed 2% of the gross revenues received from that channel during the previous calendar year.

(12) Channels producing revenues of under \$3,000,000. No video programming provider shall be required to expend any money to caption any channel of video programming producing annual gross revenues of less than \$3,000,000 during the previous calendar year other than the obligation to pass through video programming already captioned when received pursuant to paragraph (c) of this section.

You also seem to think that PCN is funded by your Federal or State tax dollars. We do and have not ever received any kind of funding from the State or the Federal government. Your tax dollars do not pay for PCN. PCN is funded by the cable companies as a public service to you.

I know in your case that the lack of closed captioning is a burden for you, but there is nothing we can do at this time. We do are best with the limited resources and budget that we have to work with. We are not a big cable network and we do not have the operating income to fund closed captioning full time on our network. With that said we will continue to research and work to achieve as much closed captioning as we can. We are sorry for not being able to provide full time closed captioning, but we are doing the best we can. It is your right and you can file a complaint with the FCC, but we are with in FCC guidelines and following the rules and exception as laid out by the FCC.

Douglas C Sicchitano
Bureau Chief
PCN (Pennsylvania Cable Network)
Post-Gazette Building
34 Boulevard of the Allies
Pittsburgh, PA 15222

Phone: 412-263-1300
Fax: 412-263-1318
www.pcntv.com

03/02/07

17:22

JOHN S THOMSON

FAXED

DOUGLAS SICCHITANO - (PCN-48)
about 4:30 - 4:34 AM
about 4 min. 60 sec?

March 02-2007 - (Fri)

COPY

③ + 4 = ⑦
papers

① TO: PA, Cable Network - (PCN-48)
FAX: (412) - 263 - 1318 / (717) - 730 - 6009 / (717) - 730 - 6005
ATTN: DOUGLAS C. SICCHITANO, BUREAU CHIEF ← 4:10 AM + 4:30 AM
AND
ATTN: PCN-48 - (SUPPORT TECH. / PCN ② 4:40 AM - 4:45 AM
FROM: JOHN S. THOMSON - (DEAF) ③ 4:49 AM - 4:53 AM
FAX: (412) - 751 - 8538
NO. OF PAGES: (7)

DOUGLAS SICCHITANO, Bureau chief:
and
PCN-48 - (Support Tech. / PCN):

Thank you. I received (2) messages from you
by E-mail on my computer yesterday (Thursday)
March 01-07.
Thank you for information about that. - (you
said - (2) - (you) am sorry to hear you (2) are (am)
not happy with PCN or our (your) response to your
(my) complaints about our (your) closed captioning, et
o.k.

Let you know that I know that about 79.1 -
(Exemptions From closed captioning Rules - The
Two exception that apply to PCN are again Part
11 and Part 12 and Part 79 - closed captioning of
Video programming - (current through February
18-2004, etc.

I say - sorry and "no excuse" to PCN-48
about that! - out of order! but that was old
date!

Let you know that I copied your messages
by E-mail on my computer and wrote my not
to you and FCC, too and sent them to FCC
Chairman Kevin J. Martin by FAX now
today - (Fri.) Mar. 02-07.

②

Let you know that I am interesting to watch about PA, House, Senate, Viewer Comment Line, Sports - (Basketball - Wrestling - Swimming) etc., PA Farm Show, Tours, other programming, media ownership Federal Communications Commission etc. at Whitaker Center in Harrisburg, PA, on Fri., Feb. 23-07, etc. on TV, with the channel - (PCN-channel 48), but no closed captioning there! I was disappointed about that.

Let you know that I am not happy and frustrated with PCN-48 and FCC, too! but no closed captioning on TV with the channel - (48) there. I enough angry with PCN-48 and FCC, too about that. -- (FCC Chairman Kevin Martin know better and must have the closed captioning on TV with the channel-48. -- that is important for me and Deaf and Hard of Hearing!

Let you know that FCC said - must have full 100% the closed captioning on TV with the channels, etc. in January 2006, but not some channels not have the closed captioning there!

Let you know that I checked to look all the channels and noted about between 50/60% and 70% the closed captioning on TV; but not 100%!

I think I know that FCC - Kevin Martin was failed and still broke the rules and the laws about that the closed captioning on TV with the channels, etc.!!

I ask you Questions? What is for the Comcast - (TV Cable, etc.?) I paid for it - \$55.10 per month, but not have much the closed captioning on TV with the channels, etc. That

③ is not right! - (NOT FAIR TO DEAF AND HARD OF HEARING!). -- Let you know that the Comcast - (TV cable / Tech. told me that - Comcast - (TV cable / Tech. can't control through the channels, etc. from the Television Stations / Broadcasting Co. that is not right! - (NOT FAIR TO DEAF AND HARD OF HEARING!).

Please, Please - need - (must have the closed captioning on TV with the channel - (PCN Channel 48 there soon - (ASAP). -- Please tell PA House and Senate that must have the closed captioning on TV with the channel - 48 there for me soon - (ASAP). I want to know about that. O.K. Thank you.

Federal Government must pay for the closed captioning on TV with the channels, etc. from our taxes, etc. and other peoples, too! - (all the times! - 7 days - 24 HRS. - NOT LIMIT! soon (ASAP) - (NOT FAIR TO DEAF AND HARD OF HEARING).

Please write a short note and send it to my FAX: (412)-751-8538 soon - (ASAP). I want to know about that. O.K. Thank you.

If - I not hear anything from you (PCN-48 about my notes. -- If - PCN-48 not have the closed captioning there. O.K.

I will plan to call FCC chairman / Kevin Martin by Video P hone soon / later about that. O.K. Thank you.

Phone: (412)-751-8638 - (TTY)

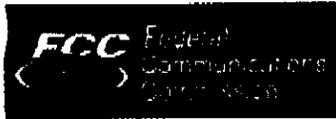
FAX: (412)-751-8538

Sincerely,
John S. Thomson (Des)
147 Royal Oak Drive
McEwensport, PA. 15131-20

FCC

PCN-48 - DOUG:

I know that about 79.1
I say - Sorry & "NO excuse" to PCN-48
FCC Home | Search | Updates | E-Filing | Initiatives | For Consumers |
about that! out of ordered!, but
that was old date! - (Part 79 - closed
captioning of video programming)



Consumer & Governmental Affairs Bureau

FCC > CGB > DRO > Closed Captioning > Exemptions from Closed Captioning Rules

FCC site map

* Please read to look about 11&12
next pages - (2&3) -

Search:

Help - Advanced

EXEMPTIONS FROM CLOSED CAPTIONING RULES

About CGB

Organizational Chart

Disability Rights Office

Inquiries and Complaints

Consumer Education and Policy

Consumer Affairs & Outreach

Intergovernmental Affairs

Reference Information Center

En Español

Tribal

Consumer Advisory Committee (CAC)

Intergovernmental Advisory Committee

FCC Consumer Information Registry

How To Contact Us
Consumer Center

On-line Complaint Forms

How To Make A Comment (ECFS)

Section 79.1(d) of the Commission's rules contains several exemptions to the closed captioning rules. These are self-implementing exemptions, meaning that a provider does not need to seek Commission approval of the claimed exemption. As such, the Commission does not "certify" that a provider falls within a self-implementing exemption.

If a program or provider does not meet the criteria for one of these self-implementing exemptions, and it would be an undue burden to close caption, we direct you to Section 79.1(f) and the process for seeking an exemption on this basis.

For purposes of determining compliance with Section 79.1, any video programming provider that meets one or more of the following criteria shall be exempt to the extent specified.

(1) Programming subject to contractual captioning restrictions. Video programming that is subject to a contract in effect on or before February 8, 1996, but not any extension or renewal of such contract, for which an obligation to provide closed captioning would constitute a breach of contract.

(2) Video programming or video programming provider for which the captioning requirement has been waived. Any video programming or video programming provider for which the Commission has determined that a requirement for closed captioning imposes an undue burden on the basis of a petition for exemption filed in accordance with the procedures specified in paragraph (f) of this section.

(3) Programming other than English or Spanish language. All programming for which the audio is in a language other than English or Spanish, except that scripted programming that can be captioned using the "electronic news room" technique is not exempt.

Request a Speaker

(4) Primarily textual programming. Video programming or portions of video programming for which the content of the soundtrack is displayed visually through text or graphics (e.g., program schedule channels or community bulletin boards).

(5) Programming distributed in the late night hours. Programming that is being distributed to residential households between 2 a.m. and 6 a.m. local time. Video programming distributors providing a channel that consists of a service that is distributed and exhibited for viewing in more than a single time zone shall be exempt from closed captioning that service for any continuous 4 hour time period they may select, commencing not earlier than 12 a.m. local time and ending not later than 7 a.m. local time in any location where that service is intended for viewing. This exemption is to be determined based on the primary reception locations and remains applicable even if the transmission is accessible and distributed or exhibited in other time zones on a secondary basis. Video programming distributors providing service outside of the 48 contiguous states may treat as exempt programming that is exempt under this paragraph when distributed in the contiguous states.

(6) Interstitials, promotional announcements and public service announcements. Interstitial material, promotional announcements, and public service announcements that are 10 minutes or less in duration.

(7) ITFS programming. Video programming transmitted by an Instructional Television Fixed Service licensee pursuant to §§ 74.931(a), (b) or (c) of the rules.

(8) Locally produced and distributed non-news programming with no repeat value. Programming that is locally produced by the video programming distributor, has no repeat value, is of local public interest, is not news programming, and for which the "electronic news room" technique of captioning is unavailable. (See ¶ 158 of 1997 R&O and ¶¶ 57-61 of 1998 Recon Order.)

(9) Programming on new networks. Programming on a video programming network for the first four years after it begins operation, except that programming on a video programming network that was in operation less than four (4) years on January 1, 1998 is exempt until January 1, 2002.

(10) Primarily non-vocal musical programming. Programming that consists primarily of non-vocal music.

(11) Captioning expense in excess of 2% of gross revenues. No video programming provider shall be required to expend any money to caption any video programming if such expenditure would exceed 2% of the gross revenues received from that channel during the previous calendar year.

*I say -
Sorry &
"no excuse"
to - FCN-48
about that -!
out of ordered -
that was old data -
2/18/2004.*

FCC

PCN-48 * (12) **Channels producing revenues of under \$3,000,000.** No video programming provider shall be required to expend any money to caption any channel of video programming producing annual gross revenues of less than \$3,000,000 during the previous calendar year other than the obligation to pass through video programming already captioned when received pursuant to paragraph (c) of this section.

(13) **Locally produced educational programming.** Instructional programming that is locally produced by public television stations for use in grades K-12 and post secondary schools.

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out of order! but that was old note - 2/14/2004

PART 79—CLOSED CAPTIONING OF VIDEO PROGRAMMING

** Current through February 18, 2004 **

§ 79.1 Closed captioning of video programming.

(a) Definitions. For purposes of this section the following definitions shall apply:

(1) Video programming. Programming provided by, or generally considered comparable to programming provided by, a television broadcast station that is distributed and exhibited for residential use. Video programming includes advertisements of more than five minutes in duration but does not include advertisements of five minutes' duration or less.

(2) Video programming distributor. Any television broadcast station licensed by the Commission and any multichannel video programming distributor as defined in § 76.1000(e) of this chapter, and any other distributor of video programming for residential reception that delivers such programming directly to the home and is subject to the jurisdiction of the Commission. An entity contracting for program distribution over a video programming distributor that is itself exempt from captioning that programming pursuant to paragraph (e)(9) of this section shall itself be treated as a video programming distributor for purposes of this section. To the extent such video programming is not otherwise exempt from captioning, the entity that contracts for its distribution shall be required to comply with the closed captioning requirements of this section.

(3) Video programming provider. Any video programming distributor and any other entity that provides video programming that is intended for distribution to residential households including, but not limited to broadcast or nonbroadcast television network and the owners of such programming.