

## APPENDIX E

## List of Commenters

## Industry and Organization comments and date filed

Accessible Media Industry Coalition (AMIC)	11/9/05
Alexander Graham Bell Association for the Deaf and Hard of Hearing (AG Bell)	11/9/05
American Cable Association (ACA)	11/10/05
American Society for Deaf Children (ASDC)	11/10/05
AZN Television and several networks (AZN)	11/10/05
Casino & Gambling Television	
Comcast SportsNet (Mid-Atlantic)	
Comcast SportsNet (Philadelphia)	
E! Entertainment Television	
G-4 Videogame TV	
The Golf Channel	
Inspirational Life Television	
The Inspiration Network	
Outdoor Life Network	
Style Network	
TV One	
Block Communications, Inc. (Block)	10/3/05
Caption Colorado, L.L.C.	11/8/05
CaptionMax	11/10/05
Caption Perfect, Inc.	11/10/05
Cosmos Broadcasting Corporation, Cox Broadcasting, Inc., Media General Communications, Inc., and Meredith Corporation (Cosmos)	11/10/05
DirectTV, Inc. (DirecTV)	11/10/05
Disability Rights Network	11/10/05
Echostar Satellite, LLC (Echostar)	11/10/05
ENCO Systems, Inc. (Enco)	8/17/05
Florida Association of Broadcasters (FAB)	11/10/05
Global Translation, Inc. (Global)	11/7/05
Home Box Office, Inc. (HBO)	11/10/05
Hubbard Broadcasting, Inc. (HBI)	11/10/05
KJLA, LLC (KJLA)	11/10/05
Lincoln Broadcasting Company (Lincoln)	11/10/05
Media Captioning Services (MCS)	11/9/05
Motion Picture Association of America (MPAA)	11/10/05
National Association of Broadcasters (NAB)	11/10/05
NBC/Telemundo License Co. (NBC/Telemundo)	11/10/05
National Cable & Telecommunications Assoc.(NCTA)	11/10/05
National Court Reporters Association (NCRA)	11/5/05
Radio-Television News Directors Assoc. (RTNDA)	11/10/05
United States Telecom Association (USTA)	11/10/05
WGBH/ National Center for Accessible Media (WGBH/NCAM)	11/10/05

**Late-Filed Comments**

Association of Public Television Stations (APTS)	5/11/06
California Association of the Deaf	11/28/05
Connecticut Association of the Deaf	11/29/05
D.C. Association of the Deaf	11/15/05
Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN)	2/1/06
Empire State Association of the Deaf	11/29/05
Florida Association of the Deaf	11/28/05
Georgia Association of the Deaf	11/25/05
National Captioning Institute (NCI)	11/14/05
National Educational Telecommunications Assn (NETA) and Organization of State Broadcasting Executives (OSBE)	6/1/06
New Jersey Division on Civil Rights	11/23/05
New Mexico Association of the Deaf	11/30/05
North Carolina Association of the Deaf	11/28/05
Ohio Association of the Deaf	11/29/05
Oklahoma Association of the Deaf	12/1/05
PA Society for the Advancement of the Deaf	11/14/05
Vermont Association of the Deaf	11/29/05
West TX Association of the Deaf	11/29/05
Wisconsin Association of the Deaf	11/28/05

**Reply Comments**

AZN and several networks (AZN)	2/10/06
AZN Television,	
Casino & Gambling Television	
Comcast SportsNet (Mid-Atlantic)	
Comcast SportsNet (Philadelphia)	
E! Entertainment Television	
G-4 Videogame TV	
The Golf Channel	
Inspirational Life Television	
The Inspiration Network	
Outdoor Life Network	
Style Network	
TV One- omitted	
Accessible Media Industry Coalition (AMIC)	12/14/05
CBS Broadcasting, Inc. (CBS)	12/16/05
Communication Service for the Deaf (CSD)	12/16/05
DirectTV, Inc. (DirectTV)	12/16/05
Echostar Satellite, LLC (Echostar)	12/16/05
Hearing Access Program	12/16/05
Home Box Office, Inc. (HBO)	12/16/05
Hubbard Broadcasting, Inc. (HBI)	12/16/05
KVMD Licensee Co., LLC and Rancho Palos Verdes Broadcasters, Inc. (KVMD)	12/16/05
Lincoln Broadcasting Company (Lincoln)	12/16/05
Local Market Broadcasters (LMB)	12/16/05
Marantha Broadcasting Company, Inc.	12/16/05
Motion Picture Association of America, Inc. (MPAA)	

National Association of Broadcasters (NAB)	12/16/05
National Cable & Telecommunications Association (NCTA)	12/16/05
Northern Virginia Resource Center for Deaf and Hard of Hearing Persons (NVRCC)	12/16/05
Radio-Television News Directors Association (RTNDA)	12/16/05
Time Warner Cable Inc., and Bright House Networks, LLC (Time Warner/ Bright House)	12/16/05
Telecommunications for the Deaf and Hard of Hearing, Inc., Deaf and Hard of Hearing Consumer Advocacy Network, Hearing Loss Association of America, Association of Late Deafened Adults, Inc., National Association of the Deaf (TDI)	12/16/05
The Walt Disney Co., ESPN, Disney ABC Cable Networks, ABC Television Network, and ABC-owned Television Stations (Disney)	12/16/05
Verizon	12/16/05
WGBH National Center for Accessible Media (WGBH/NCAM)	12/16/05

**Note: The Commission has also received hundreds of comments from concerned individuals in this proceeding. These comments are available through the Commission's electronic comment filing system.**

**STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS**

**Re. Closed Captioning of Video Programming; Closed Captioning Requirements for Digital Television Receivers, CG Docket No. 05-231 and ET Docket No. 99-254.**

Today's decision takes several important steps to update and enhance our closed captioning rules. It improves our complaint process. It makes it easier for consumers to get immediate help with specific captioning problems. And it clarifies some important captioning issues as we continue to transition to digital television.

This is as it should be. For individuals who are deaf and hard of hearing, closed captions provide a critical link to news, entertainment and emergency information. By acting on many of the issues raised in the petition filed by Telecommunications for the Deaf, the National Association of the Deaf, Self Help for Hard of Hearing People, the Association for Late Deafened Adults and the Deaf and Hard of Hearing Consumer Advocacy Network, we help meet our obligation to keep our rules current and ensure that video programming is accessible to everyone.

But while this item represents progress, many open issues remain. For instance, I have publicly called on the Commission to immediately implement the October 2007 recommendation (reiterated in June 2008) from its Consumer Advisory Committee to convene a working group on digital closed captioning that includes representatives from the broadcast, cable and satellite industries, consumer electronics manufacturers and retailers, and captioning providers and consumers. The working group would: (1) identify current and anticipated problems with the transmission and display of digital captioning; (2) evaluate the captioning capabilities of digital equipment; and (3) develop solutions to ensure that captions are passed through intact to the consumer.

I hope that we act on that recommendation soon. In the meantime, today's decision is a good step forward and I'm pleased to support it.

STATEMENT OF  
COMMISSIONER JONATHAN S. ADELSTEIN

Re. *Closed Captioning of Video Programming; Closed Captioning Requirements for Digital Television Receivers*, CG Docket No. 05-231 and ET Docket No. 99-254.

I am pleased to support today's decision to clarify the closed captioning obligations of video programmers and to streamline the complaint process. With this item, we have taken a critical step towards ensuring that we do not neglect those in the deaf and hard-of-hearing community when we transition to digital television in early 2009.

In light of the upcoming DTV transition, our decision stresses the importance of minimizing disruptions to consumers' access to programming. This rationale holds true for hearing-impaired viewers who have come to rely on receiving closed captioned programs. Under the Declaratory Ruling we adopt today, we remind video program distributors that the closed captioning rules will continue to apply regardless of technological changes in the media landscape.

For more than a decade, these rules have helped individuals who are deaf or hard-of-hearing stay connected to news, information, and entertainment. However, since its inception, our process for ensuring that video programmers meet these obligations has been unnecessarily complicated. Consumers affected by a distributor's failure to provide closed captioning were forced to take their complaints directly to the distributor, and faced a long waiting period before the distributor was required to act. I applaud today's decision to streamline the process by providing a means for consumers to contact the Commission directly as well as requiring programmers to dedicate a phone line, email address and fax number for handling complaints in a timely manner.

As we monitor the advances we make with our improved complaint process, we should continue to consider whether it may be necessary to require all video programmers to file periodic compliance reports. Although today's decision will make it easier for consumers to identify video programmers that are not meeting their closed captioning obligations, there may be situations in which failures to comply slip through the cracks. I encourage the Commission to persist with reassessing our rules as we transition to digital to ensure that we are meeting the needs of hearing-impaired viewers to the greatest extent feasible.

**STATEMENT OF  
COMMISSIONER DEBORAH TAYLOR TATE**

**Re.    *Closed Captioning of Video Programming; Closed Captioning Requirements for Digital Television Receivers, CG Docket No. 05-231 and ET Docket No. 99-254.***

With today's Order the Commission ensures that a key at-risk group will be protected during and after the 2009 DTV Transition. The hearing impaired community depends on closed captioning not only for entertainment, but also news and information. Most importantly, these citizens rely on closed captions for the emergency alerts. In 1996, Congress mandated that the FCC establish rules making video programming accessible through closed captions. This Order clarifies that the closed captioning viewers currently depend upon will remain in place after February 17, 2009. Networks that are transitioning from analog to digital will still be required to caption the same programming they currently caption, and will not qualify for an exemption as a "new network." I believe this Order appropriately clarifies the closed captioning rules for the new digital world we are preparing to enter, and protects thousands of Americans from losing critical communications services.

STATEMENT OF  
COMMISSIONER ROBERT M. McDOWELL

**Re. *Closed Captioning of Video Programming; Closed Captioning Requirements for Digital Television Receivers, CG Docket No. 05-231 and ET Docket No. 99-254.***

I am delighted that the Commission has moved to streamline and simplify the complaint process for consumers experiencing problems with closed captioning. It also is appropriate for us to clarify, to the extent anyone seriously needs such guidance, that the mere transition of a programming channel or network from analog to digital format does not alter the existing obligations of a "video programming distributor" – meaning a broadcaster, cable operator, satellite television operator, or other multichannel video provider – to provide closed captioning to serve people with hearing disabilities.

Today's revisions to the consumer complaint process for closed captioning should not be an end point for reform of the Commission's complaint processes generally. I have not forgotten the February 2008 findings of the U.S. Government Accountability Office ("GAO"), which reviewed the FCC's enforcement procedures generally and found them wanting in several respects.<sup>86</sup> Among other issues, GAO noted that the Commission has received an annually increasing number of complaints of all types in recent years, but that the agency has not set measurable enforcement goals in many instances and lacks reliable data-collection and analysis processes that would help us better analyze trends, allocate Commission resources, and accurately track and monitor complaints and their disposition. Going forward, I will look for us to re-double our efforts to make the consumer complaint process easier and accurately assess how well we handle our enforcement responsibilities.

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<sup>86</sup> See U.S. Government Accountability Office, Report to the Chairman, Subcommittee on Telecommunications and the Internet, Committee on Energy and Commerce House of Representatives, *Telecommunications: FCC Has Made Some Progress in the Management of Its Enforcement Program but Faces Limitations, and Additional Actions Are Needed*, GAO-08-125 (February 2008).