Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of	)	
	)	
Closed Captioning of Video Programming	)	CG Docket No. 05-231
	)	

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ORDER

Adopted: December 4, 2009 **Released: December 11, 2009**

By the Commission:

I. INTRODUCTION

1. In this Order, we amend our rules to permit video programming distributors (VPDs) to submit to the Federal Communications Commission (Commission or FCC) through an electronic webform contact information for handling closed captioning complaints.[1] The webform option will represent a third method for VPDs to submit the required contact information to the Commission, in addition to the email and paper filing options already provided for under Commission rules. This approach will promote compliance with the rule by facilitating the submission and availability of complete and accurate contact information. Specifically, the webform employs automatic checks to ensure that submissions are complete. In addition, consumers will no longer need to consult a list to locate VPDs' contact information, but instead will be able to locate VPDs' contact information by conducting a search of VPDs registered with the FCC by using a webform on the FCC's website. We amend Section 79.1(i)(3) of our rules to reflect this change, as discussed below.

II. DISCUSSION

2. In November 2008, the Commission adopted a rule requiring VPDs to submit to the Commission, for posting on the Commission's website, contact information for the handling of immediate closed captioning concerns and written closed captioning complaints.[2] This requirement is intended to ensure that consumers can more easily and promptly contact the appropriate video programming distributor to report closed captioning problems or to file complaints.[3] To establish this listing, the Commission required VPDs to file the required contact information with the "Chief of the Disability Rights Office, Consumer and Governmental Affairs Bureau, or by sending the information to

[1] 47 C.F.R. § 79.1(i)(3).

[2] *Closed Captioning of Video Programming; Closed Captioning Requirements for Digital Television Receivers*, CG Docket 05-231, ET Docket 99-254, Declaratory Ruling, Order, and Notice of Proposed Rulemaking, 23 FCC Rcd 16674 (2008) (*November 2008 Order*). In the *November 2008 Order,* the Commission also revised its rules governing closed captioning complaint procedures by substantially amending Section 79.1(g). Examples of immediate closed captioning concerns include situations where captions suddenly disappear or become garbled.

[3] *See November 2008 Order*, 23 FCC Rcd at 16684, para. 28.

CLOSEDCAPTIONING_POC@fcc.gov, within 30 days of our publication in the *Federal Register* of a notice announcing approval [of the rule] by the Office of Management and Budget."[4]

3. In anticipation of a large number of submissions and volume of information we expect to receive,[5] the Commission has established an electronic webform as an additional method by which VPDs may submit their contact information to the Commission. To submit their contact information in this manner, VPDs will enter contact information in specific fields and, once submitted, this information will be available for online searching by the public.[6] Because this additional method of providing contact information was not provided for in the *November 2008 Order* or in Section 79.1(i)(3), we hereby amend Section 79.1(i)(3) to allow for the filing of contact information through a webform.[7]

4. While VPDs may use any of the three methods described in Section 79.1(i)(3), we encourage VPDs to submit their contact information through this online, self-service webform. First, this approach uses a step-by-step process to ensure that all required information is submitted -- the webform will not accept any entry that does not contain all required information entered in the proper format. In addition, all information entered by VPDs will be secure and only authorized persons with access to a VPD's FRN and password may enter data or make changes to data previously entered. Further, because the VPD enters the contact information directly, Commission staff need not manually enter the data and then post the information to the web, thus reducing the chance of human error in transcribing VPD contact information. Information submitted via webform will be available for public searches on the FCC's website almost immediately.[8]

5. Finally, by this Order we delegate authority to the Consumer and Governmental Affairs Bureau to adopt any additional procedures necessary to implement the three options for VPDs to utilize when providing closed captioning contact information to the Commission and/or to implement a search capability for consumers, and to make any conforming changes to Commission rules.

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[4] *See November 2008 Order*, 23 FCC Rcd at 16687, para. 34; *see also* 47 C.F.R. § 79.1(i)(3). Although the paperwork burden associated with this rule has been approved by OMB, the rule is not yet effective until the Commission publishes a notice in the Federal Register announcing the rule's effective date. In addition, after the compliance deadline for submitting the contact information has passed, the Commission will release a Public Notice informing interested parties as to how they may obtain access to the contact information. This information shall also be available by telephone inquiry to the Commission's Consumer Center at 1-888-225-5322 (voice) and 1-888-835-5322 (TTY). *See November 2008 Order*, 23 FCC Rcd at 16687, para. 34 n.89. The rule also requires VPDs to promptly notify the Commission each time there is a change in any of this required information, and in any event within 10 business days. 47 C.F.R. § 79.1(i)(2); *see also November 2008 Order*, 23 FCC Rcd at 16686, para. 23.

[5] The Commission anticipates that approximately 12,000 VPDs will submit contact information to the Commission for purposes of satisfying their obligations under Section 79.1(i)(3), consistent with the Paperwork Reduction Act submission approved by OMB.

[6] VPDs will be required to use their existing FCC Registration Number (FRN) or obtain a new one online to use the webform. VPDs can obtain an FRN at this website: https://fjallfoss.fcc.gov/coresWeb/publicHome.do.

[7] *See* Appendix. Notice and comment are not required under the Administrative Procedure Act to effectuate this rule change because the amendment constitutes a change in a rule of agency procedure. *See* 5 U.S.C. § 553(a)(3)(A).

[8] Consumers will search the database using distributor types, viewer location (zip code), and keywords, such as a television station's call sign, or a cable system's name, in order to locate the contact information for making closed captioning complaints. This search function will be available on the FCC's Closed Captioning webpage soon after the compliance deadline for VPDs to submit their contact information to the Commission. *See* http://www.fcc.gov/cgb/dro/caption.html.

III. PROCEDURAL MATTERS

6. *Persons with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice) or 202-418-0432 (TTY). This Order also can be downloaded in Word and Portable Document Formats (PDF) at http://www.fcc.gov/cgb/dro/caption.html.

7. *Congressional Review Act.* The Commission will send a copy of this Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.[9]

IV. ORDERING CLAUSE

8. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i), 303(r) and 713 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r) and 613, this Order IS ADOPTED and the Commission's Rules ARE HEREBY AMENDED as set forth in the Appendix. IT IS FURTHER ORDERED that this Order SHALL BE EFFECTIVE UPON PUBLICATION IN THE FEDERAL REGISTER, provided that such publication shall not occur prior to publication in the Federal Register of a notice announcing OMB approval of the paperwork burden associated with Section 79.1(i), and effective date of Section 79.1(i).

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch

Marlene H. Dortch
Secretary

[9] *See* 5 U.S.C. § 801(a)(1)(A).

APPENDIX

Revised Rule

Part 79 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 79 – CLOSED CAPTIONING OF VIDEO PROGRAMMING

1. The authority citation for Part 79 continues to read as follows:

Authority: 47 U.S.C. 613.

2. Section 79.1(i) (3) is amended to read as follows:

Providing contact information to the Commission. Video programming distributors shall file the contact information described in this section with the Commission in one of the following ways: through a webform located on the FCC website; with the Chief of the Disability Rights Office, Consumer and Governmental Affairs Bureau; or by sending an email to CLOSED CAPTIONING_POC@fcc.gov. Contact information shall be available to consumers on the FCC website or by telephone inquiry to the Commission's Consumer Center. Distributors shall notify the Commission each time there is a change in any of this required information within 10 business days.