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Ms. Darlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Closed Captioning of Video Programming, Telecommunications for the Deaf Inc., Petition for Rulemaking, CG Docket 05-231*
Anglers for Christ Ministries, Inc., New Beginning Ministries, Video Programming Accessibility, Petitions for Exemption from Closed Captioning Requirement, CG Docket No. 06-181

Dear Ms. Dortch:

On Tuesday May 31, 2011, Cheryl Heppner of the Northern Virginia Resource Center for Deaf and Hard of Hearing Persons, Shane Feldman and Andrew Phillips of the National Association of the Deaf, Jenifer Simpson of the American Association of People with Disabilities, and Adrienne Biddings and Lauren Wilson of the Institute for Public Representation on behalf of Telecommunications for the Deaf and Hard of Hearing, Inc. (collectively "TDI" et al.), met with Karen Peltz Strauss, Deputy Chief, Consumer and Governmental Affairs Bureau, Dave Grimaldi, Legal Advisor to Commissioner Clyburn, and Commissioner Clyburn to discuss the above referenced matter.

TDI et al. expressed concern that the FCC has yet to move forward on the 2005 Petition for Rulemaking on quality standards for closed captioning of video programming on television. TDI urged the Commission to act now so that the deaf and hard of hearing community as well as hearing persons who are aging and disabled may have full access to television. In an effort to cut costs, MVPDs are using methods that lead to a myriad of captioning errors and misunderstandings. Prompt action is warranted not only to give deaf and hard of hearing persons the quality they deserve, but also to prevent Internet video from replicating the same captioning inaccuracies.

TDI et al. discussed the challenges deaf and hard of hearing persons face when viewing programming accompanied by poor quality captions. Spelling errors, poor placement, and timing delays lead to persons receiving messages with completely different meanings than the program actually relayed. This leads to extreme confusion for the viewer and a degraded television viewing experience overall. TDI, et al., urged the Commission to complete the rulemaking and establish quality standards because without Commission action on standards, quality will continue to fall.

TDI, et al., requested that the Commission grant its Application for Review of the Anglers for Christ Ministries Order. In issuing the order, the Chief of the Consumer & Governmental Affairs Bureau created a new exemption for non-profit organizations in violation of the Administrative Procedure Act. TDI, et al., noted that categorical exemptions may only be promulgated through rulemaking by the full Commission and urged the Commission to grant its Application for Review and rescind the order.

Finally, TDI et al discussed its Universal Captioning Petition, filed on January 27, 2011, which addresses several categorical exemptions that prevent deaf and hard of hearing persons' access to critical programming. Specifically, the exemptions for commercials and late night and early morning programming deprive the deaf of critical information with which to make important decisions. These, and other similar exemptions, should be reevaluated by the Commission in light of changed circumstances. TDI et al. urged the Commission to put the 2011 petition out for public comment.

TDI, et al., provided the attached fact sheet summarizing their position on these issues.

Respectfully submitted,

/s/

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Attachment: Closed Captioning Fact Sheet

Closed Captioning Issues before the FCC

TDI, along with several national and state organizations representing the interests of 36 million deaf and hard of hearing members of the public, seeks Commission action to improve closed captioning requirements and ensure true accessibility to television programming. The Telecommunications Act of 1996 mandated full accessibility of video programming for the deaf and hard of hearing. Yet, the Commission's 1997 and 1998 regulations implementing closed captioning requirements lacked quality standards and created exemptions allowing large amounts of programming to go uncaptioned. In addition, changed circumstances, including the dramatic decrease in the cost of closed captioning, requires the reevaluation of several of the exemptions. TDI requests the Commission take the following actions:

(1) Complete Rulemaking in CG Docket No. 05-231

In 2004, TDI filed a Petition for Rulemaking seeking several changes to the closed captioning rules. The Commission issued a NPRM in 2005 and a FNPRM in 2008. In 2010, the Commission issued a Public Notice seeking to refresh the record on the pending Proposed Rulemakings. The Commission should:

Establish Quality Standards

- ❖ Current rules have failed to ensure high-quality captioning; the Commission should adopt standards for accuracy of transcription, spelling, grammar, punctuation and placement of captions as well as acceptable error rates and display rates for pre-recorded and real-time captioning

Disallow the Electronic Newsroom Technique as a Compliant Form of Captioning

- ❖ By not captioning critical programming like breaking news, weather updates, live reports and other emergency information, the exemption risks the public safety of deaf and hard of individuals

Remove or Modify the \$3 Million Revenue Exemption

- ❖ The dramatic reduction in the cost of captioning necessitates the removal or lowering of the revenue threshold; if continued, each TV broadcast station's digital allotment should be considered one channel

(2) Grant Application for Review of the Anglers for Christ Ministries Order

In 2006, The Chief of the Consumer and Government Affairs Bureau effectively created a new exemption for non-profit organizations. The Commission should:

- ❖ Grant TDI's pending 2006 application for review, which made clear that the order violated the Administrative Procedure Act

(3) Seek Comment on TDI's 2011 Petition for Rulemaking

In January 2011, TDI filed a Petition for Rulemaking asking the Commission to address several closed captioning exemptions, which continue to exempt large swaths of programming from captioning requirements. The Commission should:

Remove the Late Night Programming Exemption

- ❖ Current viewing patterns and expanded programming, including early morning newscasts, have resulted in larger audiences than anticipated; the exemption undermines incentives to caption by creating an outlet for non-captioned programming

Remove the Commercials and Promotionals Exemptions

- ❖ Market incentives have not encouraged voluntary captioning resulting in diminished access to political and commercial expression