

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

In the Matter of

**CLOSED CAPTIONING OF INTERNET
PROTOCOL PROGRAMMING:
IMPLEMENTATION OF THE TWENTY-FIRST
CENTURY COMMUNICATIONS AND VIDEO
ACCESSIBILITY ACT OF 2010**

MB Docket No. 11-154

COMMENTS OF DIRECTV, INC.

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SUMMARY

Like many other programmers and distributors, DIRECTV, Inc. has developed a number of ways to deliver video programming via Internet protocol (“IP”) so that consumers can view content when they want, where they want, and on the devices of their choice. It is in the context of this proliferation of IP-delivered video that Congress enacted the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”) and extended the closed captioning requirements for both programming and devices to these new and innovative services. DIRECTV applauds both the passage of the CVAA and the Commission’s push to timely and effectively issue implementing rules. For its own part, DIRECTV has already begun to pass through digital television closed captioning data with programming delivered via IP. Given the pace of innovation and the lack of consensus on technological standards in this area, however, the Commission is wise to move cautiously to ensure that its rules provide as much flexibility as possible without thwarting the CVAA’s accessibility objectives.

Generally speaking, DIRECTV supports the framework proposed by the Commission for closed captioning of IP-delivered video, which in many ways parallels the regime that has worked well for over a decade in the context of traditional television programming. However, in light of the dynamism of the market for IP-delivered video, DIRECTV submits that a single deadline giving affected parties at least 24 months to come into compliance with the new closed captioning requirements will better ensure a smooth transition and avoid potential consumer confusion.

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DIRECTV, Inc. (“DIRECTV”) files these comments in response to the notice of proposed rulemaking¹ issued in this proceeding to implement the Twenty-First Century Communications and Video Accessibility Act of 2010 (“CVAA”), and its directive that the Commission revise its regulations to mandate closed captioning on certain video programming delivered using Internet protocol (“IP”). Section 202 of the statute contemplates regulation of distributors, providers, and owners of IP-delivered video programming, while Section 203 applies to the devices that consumers use to view such video programming. DIRECTV is a distributor that typically has delivered programming to a set-top box (“STB”) in a subscriber’s home. It will increasingly, however, deliver programming to other devices as well, either via the STB or directly. DIRECTV’s interests are thus potentially implicated by both aspects of the new legislation.

¹ See *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, FCC 11-138 (rel. Sep. 19, 2011) (“Notice”).

DIRECTV supports the CVAA's goal of making IP-delivered video programming accessible by consumers who are deaf or hard of hearing. Indeed, its own end-to-end video services using IP delivery pass through the closed captioning information supplied for standard television so that it can be rendered in this new context as well. The explosive growth in video services available via IP on an expanding array of devices makes this a particularly topical issue at this time. But this growth introduces complexity that far outstrips that of delivering closed captioning to television. Managing this complexity will require a flexible approach to regulation.

Generally speaking, DIRECTV believes that the regime proposed by the Commission in the *Notice* strikes an appropriate balance. For example, DIRECTV commends the Commission for recognizing that primary responsibility for captioning must fall upon those who create video programming rather than those who distribute it, and for proposing to extend to IP-delivered programming the certification system that has proven to be an effective and workable approach to demonstrating compliance with closed captioning requirements in the context of standard television programming.

One area of material disagreement with the proposals in the *Notice* concerns the timetable for implementation. DIRECTV believes that, given the many different ways in which programming can be delivered to viewers via IP and the absence of an industry standard for delivering IP captions, working through the implementation of a closed captioning regime will require more time than the Commission has proposed. A ramp-up period of at least 24 months, consistent with the period allowed for implementation of other accessibility mandates, would provide a more reasonable timeframe for achieving the CVAA's goals while avoiding consumer confusion and frustration.

I. THE COMMISSION’S PROPOSED REGIME ASSIGNS RESPONSIBILITY FOR CLOSED CAPTIONING IN THE APPROPRIATE MANNER TO ACHIEVE THE CVAA’S GOALS UNDER THE WIDE VARIETY OF IP-DELIVERY PARADIGMS.

Although closed captioning of television programming began in the 1970’s, regulatory mandates for its provision were not immediately put in place. More recently, captioning requirements have been imposed and adapted to keep pace with changes in the technology used to deliver video programming. Television receivers were first required to be capable of displaying those captions in 1991.² By that time, the industry had developed a standard (EIA-608) for the transmission of closed captioning on line 21 of the vertical blanking interval of analog television signals. Most popular networks captioned many of their programs, and the Commission made such captioning mandatory in 1997.³ The impending introduction of digital television prompted the development of a new industry standard (EIA-708) for digital closed captions and the extension of the captioning requirements to digital programming in 2000.⁴ Yet despite having the advantage of industry consensus on standards and a fairly straightforward mechanism for delivery and display, the Commission was careful at each stage to allow sufficient time for the industry to adjust to new captioning mandates.⁵ This history is instructive as the Commission considers how best to build upon the existing closed captioning regime and extend requirements to a new technology.

² See *Amendment of Part 15 of the Commission’s Rules to Implement the Provisions of the Television Decoder Circuitry Act of 1990*, 6 FCC Rcd. 2419 (1991).

³ See *Closed Captioning and Video Description of Video Programming: Implementation of Section 305 of the Telecommunications Act of 1996*, 13 FCC Rcd. 3272, ¶¶ 8-9 (1997) (“1997 Closed Captioning R&O”).

⁴ See *Closed Captioning Requirements for Digital Television Receivers*, 15 FCC Rcd. 16788 (2000) (“DTV Captioning Order”); 47 C.F.R. § 15.122(b) (incorporating by reference EIA-708 standard).

⁵ For example, manufacturers of digital television receivers were given two years to come into compliance, while programmers were subject to a phased-in requirement that did not take full effect for six years (for digital programming) to eight years (for analog programming). See *DTV Captioning Order*, ¶ 3 (Summary of Requirements).

A. Viewers Access Video Content Delivered Via IP in a Growing Number of Ways.

Having recently completed the transition to digital television, the market for video delivery and display is undergoing yet another fundamental revolution. Consumers no longer want to access video programming only on a television screen in their home at a time predetermined by the programmer or distributor. Instead, they increasingly demand the ability to view content when they want, where they want, and on whatever device they want, from computers to tablets to smartphones. In response, distributors and programmers have developed the ability to make content available in ever more flexible ways, almost all of which involve delivery via IP.

For its part, DIRECTV delivers programming to its subscribers using IP in several different ways. In some of them, DIRECTV itself has what might be thought of as “end-to-end” control of the programming once received from the program owner. For example:

- It “pushes” certain video-on-demand (“VOD”) content in IP via the subscribers’ own Internet connections directly to STBs.
- Its Whole-Home DVR converts recorded programming originally received via satellite in MPEG format into IP format for distribution to STBs throughout a subscriber’s household.⁶
- It will soon introduce a gateway device able to serve the entire home by delivering an IP stream to a wide variety of third-party devices, so long as those devices are compliant with the remote user interface standard developed by the RVU Alliance.⁷

⁶ Information on DIRECTV’s Whole-Home DVR is available at <http://www.directv.com/DTVAPP/content/technology/wholehome?footernavtype=-1&lpos=header>.

⁷ Information on RVU Alliance technology is available at <http://www.rvualliance.org>. The RVU standard was specifically designed with the capability to render the full suite of closed captioning features and functions available with EIA-708.

In each of these configurations, DIRECTV passes through the EIA-708 closed captioning data for delivery in IP format in a form that its STBs (or RVU client devices) can decode and render. Viewers thus receive IP-delivered closed captioning with all of the features and functions available on their digital televisions.⁸

In some instances, however, DIRECTV does not have end-to-end control over the programming and devices used to display it.

- DIRECTV's NFL Sunday Ticket To-Go offers viewers the ability to watch out-of-market football games in high definition on their smartphones, tablets, computers, or PlayStation3 systems.⁹ This programming is streamed in IP directly from the directv.com website to these devices, once the subscriber logs in to authenticate her subscription.
- DIRECTV's new Nomad device allows a subscriber to use her in-home IP network to transfer programs recorded on her STB to another device (such as a smartphone) for viewing at another location.¹⁰

⁸ It is not entirely clear that such end-to-end services were intended to be subject to the CVAA's mandate for captioning of IP-delivered programming, as they likely already fall within the scope of the existing captioning rules for television programming. *See, e.g., Comcast Corp., General Elec. Co., and NBC Universal, Inc.*, 26 FCC Rcd. 4238, ¶ 54 and n. 122 (2011) (suggesting that video-on-demand and pay-per-view fall within the Communications Act's definition of "video programming"). Nonetheless, in the interest of completeness, DIRECTV includes them in the discussion for purposes of these comments.

⁹ Information on NFL Sunday Ticket To-Go is available at <http://www.directv.com/DTVAPP/content/nflstonline/overview>.

¹⁰ Information on DIRECTV Nomad is available at <http://www.directv.com/DTVAPP/content/technology/nomad>.

- Some content is available directly from the programming source, with DIRECTV's role limited to providing authentication that the viewer is a subscriber entitled to access the chosen content. HBO Go is an example of this model.¹¹
- When connected to a broadband system, many DIRECTV STBs can access video programming directly from Internet sites such as YouTube.¹²

These alternative paradigms, in which DIRECTV controls only some part of the “transaction” in which the user receives her programming, introduce complexities for the delivery and display of closed captioning information. Such scenarios are becoming ever more common, and will require the cooperation of many different stakeholders to ensure proper captioning performance.

Accordingly, one significant challenge in this proceeding is achieving the CVAA's goals without inhibiting new initiatives that enable consumers to view programming in the way they deem optimal. In order to meet that challenge, the Commission must take into account the many IP delivery mechanisms currently available, as well as those to come in the future. DIRECTV believes that this can best be achieved by establishing clear lines of responsibility for captioning-related activities that are easily understood and administered by all those involved, including programmers, distributors, and manufacturers.

B. The Regime Proposed in the *Notice* Properly Allocates Responsibility for Compliance Throughout the IP Delivery Chain.

At the outset, the *Notice* seeks comment on several preliminary matters, such as the definitions of important terms and the basic responsibilities for closed captioning of programming distributed via IP. DIRECTV agrees with the proposal to define the terms video

¹¹ Information on HBO Go is available at <http://www.hbogo.com/product-tour>.

¹² Using the SmartSearch function on the remote control, DIRECTV subscribers can search and access YouTube videos directly through their STBs. See *YouTube on Your TV* (available at <http://www.directv.com/DTVAPP/global/article.jsp?assetId=P7330052>).

programming distributor (“VPD”) and video programming provider (“VPP”) to have the same meaning: “any entity that makes available directly to the end user video programming through a distribution method that uses IP; and to define the term video programming owner (“VPO”) as “any person or entity that owns the copyright of the video programming delivered to the end user through a distribution method that uses IP.”¹³ For this purpose, it is critical that the same rules apply to the new class of online video distributors (“OVDs”) as to the more traditional multichannel video programming distributors (“MVPDs”) who distribute via IP, as the statute clearly contemplates.¹⁴ Were the regime otherwise, it would unjustifiably skew the regulatory burden and undermine the CVAA’s objective by diminishing the availability of captioned programming.

Moving to the substantive aspects of the proposed captioning regime, DIRECTV also supports the Commission’s proposal to require VPOs to send program files to VPDs/VPPs with all required captions, while VPDs/VPPs are required to enable the rendering or pass through of all required captions received from the VPO to the end user.¹⁵ This regime appropriately allocates responsibility to the party most able to ensure compliance, with programmers supplying captioning and distributors passing it along. In this regard, DIRECTV notes that its systems are already capable of passing through the EIA-708 data used for digital television closed captioning for delivery in IP format. Such an approach should be sufficient to satisfy DIRECTV’s

¹³ *Notice*, ¶ 15. Distributors and others who license programming from the copyright holders would not, by reason of such relationship, become VPOs.

¹⁴ *See, e.g.*, Twenty-First Century Video Accessibility Act of 2010, S. Rep. No. 386, 111th Cong., 2d Sess. 14 (Dec. 22, 2010) (discussing mechanisms to aid “online video distributors that are not multichannel video programming distributors” to “ascertain whether programs were distributed on television and thus subject to the closed captioning requirement”).

¹⁵ *Notice*, ¶ 16.

obligations as a VPD/VPP under the CVAA.¹⁶ It is also worth noting that in some cases, the same party would bear the responsibilities applicable to both the VPO and the VPD/VPP, as would be the case, for example, where HBO provides direct access to its own programming via HBO Go.

Since the IP captioning requirement only attaches if the programming has been shown on television with captions, it is fair to require that captioning of IP-delivered video programming provide the same feature set as captioning of such programming for display on television. This approach is particularly appropriate given that, in many instances, programming that was originally delivered in non-IP format for viewing on a standard television may be converted (often at the subscriber's direction) for IP delivery to a different device. In such a case, if the programming is delivered with closed captioning compliant with EIA-708, passing through that information for IP delivery would provide data necessary to support the full suite of currently-required captioning capabilities. For this same reason, however, the rules should not impose additional captioning requirements on IP-delivered video beyond those applicable to programming delivered for television viewing by other means.¹⁷ Indeed, applying such burdens would inhibit the orderly provision of closed captioning in IP-delivered programming to the extent VPDs/VPPs would otherwise pass along EIA-708 data from television programming converted for delivery via IP.

DIRECTV also agrees with the Commission's proposal to apply captioning requirements only to full-length programming, and not to video clips or outtakes, as that is clearly the CVAA's

¹⁶ Even if the Commission adopts other methods for VPDs/VPPs to comply, passing through EIA-708 data in IP format should be deemed an "alternate means of compliance" for purposes of the VCAA's requirements. *See id.*, ¶ 42 (seeking comment on how to interpret statutory phrase).

¹⁷ *Id.*, ¶¶ 17-18.

objective as reflected in the legislative history.¹⁸ For this purpose, video clips should be defined to include promotional materials composed of one or more sections of a larger work, but should not exceed one quarter of the overall length of the video program. DIRECTV also agrees with the Commission's conclusion that the CVAA imposes captioning requirements only to the extent that video programming was published or exhibited on television in the United States, and not solely in other countries which may have different captioning requirements.¹⁹

In the context of traditional television programming, the Commission has established a regime in which distributors can demonstrate compliance with closed captioning requirements by securing from programmers regular certifications stating that closed captions have been provided as required under the Commission's rules.²⁰ This regime has been in place for over a decade, and has served as the key link in a compliance chain that essentially makes a regulated party (the MVPD) responsible for assuring performance by a non-regulated party (the programmer).

Because the CVAA gives the Commission clear authority directly over VPOs as well as VPDs/VPPs, however, there is no need for a certification to perform this function in the context of IP-delivered programming. Instead, VPOs can be held directly accountable for captioning IP-delivered programming as required, while VPDs/VPPs can be held directly accountable for enabling the rendering or pass through of all required captions received from the VPO.

A certificate could be useful, however, to alert VPDs/VPPs that programming originally provided by the VPO without captions is no longer exempt from the CVAA's captioning requirement. Providing certificates of this kind would have the added benefit of meeting the

¹⁸ *Id.*, ¶ 21 and n.82.

¹⁹ *Id.*, ¶ 22.

²⁰ *See 1997 Closed Captioning R&O*, ¶ 28 (“We will allow distributors to demonstrate compliance with these rules by relying on certifications from program sources, such as producers, networks or syndicators, that expressly state that the programming is either captioned or exempt from our closed captioning rules”).

CVAA's requirement for a mechanism to make available to VPDs/VPPs information on video programming that must be captioned when delivered via IP.²¹ Whether or not such certificates are required, the Commission should require VPOs to provide VPDs/VPPs new program files with all required captions whenever previously non-captioned IP-delivered programming becomes subject to the CVAA's captioning requirement.

Because captioning obligations can be clearly and directly applied, there is no reason to require an entity in one part of the chain to monitor or warrant the performance of an entity in another part of the chain. Thus, for example, VPDs/VPPs should not have the duty to ensure that VPOs have provided all required captions before performing their own function of passing programming and captions through to end users.²² As the Commission has recognized, VPOs are in a far better position to know whether their programming has been aired on television (in this country), and therefore falls within the CVAA's captioning requirement.²³ Moreover, VPDs/VPPs are likely to have little if any opportunity to review programming for captioning (much less the extent and quality of such captioning) before transmitting programming to end users.²⁴ Since VPOs are directly subject to the statutory mandate, are responsible for providing captioning in the first instance, and are in the best position to determine whether the statute applies and (if so) ensure compliance, it would be both unnecessary and unduly burdensome to

²¹ 47 U.S.C. § 613(c)(2)(D)(v). The other alternatives mentioned in the *Notice* are both unproven and far less likely to be effective. For example, there is no established mechanism for VPDs/VPPs to provide captioning information to consumers, and no third-party database containing information on all video programming that has previously been shown on television with captions. *See Notice*, ¶¶ 37-38. The ability of such alternatives to provide accurate and timely information in a manner that is easily understood by consumers and readily tracked by VPDs/VPPs remains at best an open question.

²² *See Notice*, ¶ 16.

²³ *See id.*, ¶ 35 (“We presume that VPOs are in the best position to know if captions are required for a particular program”).

²⁴ For this reason, in the rare instances where captioning is not provided for television programming, DIRECTV typically learns of the matter when it receives a consumer complaint.

impose a duplicative requirement on VPDs/VPPs to confirm that VPOs have performed as required.

For similar reasons, to the extent the Commission were to adopt a certification approach, DIRECTV does not believe that there is any need to leave open the possibility of vicarious liability for VPDs/VPPs that might have known or arguably should have known that a certification was erroneous.²⁵ Here again, given the direct jurisdiction over the VPO, there is no need to create an indirect method for enforcement. Inviting speculation as to what a VPD/VPP with thousands of employees providing hundreds of video channels knew or, in hindsight, should have known would be highly problematic, and would not add materially to the Commission's ability to address any problem at its source (the VPO) in order to penalize fraudulent conduct in the past and ensure compliance going forward.

In the closed captioning regime for television programming, the Commission has declined to prescribe specific recordkeeping requirements, preferring instead to require VPDs/VPPs to maintain records sufficient to demonstrate compliance in response to any complaint.²⁶ The Commission should follow the same approach in the IP context as well. This is particularly appropriate given that different entities in the chain must demonstrate compliance with different requirements – *i.e.*, VPOs must produce evidence on inserting captioning while VPDs/VPPs must produce evidence on passing it along. In these circumstances, there is no single type or record that would satisfy in all cases. The Commission would therefore be best

²⁵ Notice, ¶ 36.

²⁶ See *1997 Closed Captioning R&O*, ¶¶ 240 (“In order to further minimize the administrative burden on individual video programming distributors, we will not prescribe specific recordkeeping requirements but will simply require video programming distributors to maintain records sufficient to demonstrate compliance in response to any complaint.”), 244 (“We believe that specific recordkeeping or filing requirements would be unnecessarily burdensome and administratively cumbersome. Thus, we will only require that video programming distributors maintain records sufficient to demonstrate compliance and will leave the specifics of recordkeeping to their discretion.”).

served by leaving each entity the discretion to determine how best to demonstrate compliance with its own obligations.

II. IN THE ABSENCE OF INDUSTRY CONSENSUS ON TECHNICAL STANDARDS FOR CLOSED CAPTIONING DELIVERED VIA IP, THE COMMISSION SHOULD AVOID HASTY ACTION.

As the Commission recognizes, at present there is no clear industry standard for the format to be used for closed captioning in IP-delivered video.²⁷ Given this lack of consensus, the *Notice* does not propose to specify a particular standard for the interchange format or delivery format of IP-delivered video programming, or to specify a particular delivery file format that devices must support.²⁸ In these circumstances, DIRECTV agrees with the Commission's conclusion that allowing the market to continue to develop one or more appropriate formats will foster the maximum amount of technology innovation and ultimately lead to the most robust solution. However, should the comments in this proceeding demonstrate that the industry has coalesced around a standardized approach, the Commission should remain open to implementing that consensus as part of its captioning regime for IP-delivered video.²⁹

III. THE COMMISSION SHOULD ALLOW AT LEAST TWO YEARS FOR IMPLEMENTATION OF THESE NEW CAPTIONING MANDATES.

Creating the end-to-end ecosystem necessary to support closed captioning of IP-delivered video will not happen overnight. On the programming side, the *Notice* proposes a schedule of

²⁷ See, e.g., *Notice*, ¶ 57.

²⁸ *Id.*, ¶¶ 40, 57.

²⁹ DIRECTV notes that the VPAAC proposed SMPTE-TT as the standard for several aspects of IP-delivered closed captioning, which may reflect an emerging consensus on this issue. See *id.*, ¶¶ 40 (interchange format), 57 (content delivered to an unaffiliated device). In implementing any particular standard, the Commission should, of course, allow flexibility to account for future innovation. It should be careful not to lock in any particular standard, even if such standard represents an industry consensus today.

compliance deadlines ranging from six months (for programming that is prerecorded and not edited for Internet distribution) to twelve months (for programming that is live or near-live) to eighteen months (for programming that is prerecorded and edited for Internet distribution).³⁰ On the equipment side, it does not propose a specific schedule, though it does note that the Commission allowed 24 months for device manufacturers to design and build digital television closed captioning display functionality into their products.³¹ DIRECTV believes that a single implementation period for all aspects of this captioning mandate of at least 24 months would serve the public interest better than would the Commission's proposal.

To begin with, there should be only one deadline. The Commission should not adopt three timelines with respect to three kinds of programming and a fourth timeline with respect to devices used to display such programming.³² Such an approach would likely create confusion among consumers and create false expectations for captioning capabilities that would vary over a range of IP-delivery paradigms. Establishing a single deadline for all aspects of the CVAA captioning mandate will ensure consistency and avoid needless confusion among consumers.

As for the length of the timeline, the Commission just two weeks ago adopted a 24-month phase-in for another aspect of the CVAA, which mandated accessibility requirements for advanced communications services.³³ In deciding to allow two years for implementation, the Commission noted that such a period "is also consistent with the Commission's approach in

³⁰ *Id.*, ¶ 28.

³¹ *Id.*, ¶ 60.

³² *See id.* (seeking comment on whether the implementation schedule for apparatus should be matched to that for programming).

³³ *See Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, FCC 11-151, ¶¶ 110-11 (rel. Oct. 7, 2011).

other complex rulemakings,” as evidenced by the table below.³⁴

Commission Proceeding	Phase-In Period
CVAA Advanced Communications Services	2 years
Closed Captioning Requirements for Digital Television	2 years
E911 Location Accuracy Requirements	5 years
V-chip Implementation	2 years
Wireless Hearing Aid Compatibility Implementation	4.5 years

Given the complexity of making IP closed captioning work across numerous devices and distribution configurations and in the absence of an industry standard for delivery of closed captioning via IP, two years strikes DIRECTV as the *minimum* amount of time that will be necessary for all parties to come into compliance.

IV. COMPLAINT PROCEDURES FOR IP-DELIVERED VIDEO SHOULD PARALLEL THOSE APPLICABLE TO STANDARD TELEVISION CAPTIONING.

In order to enforce its closed captioning requirements for IP-delivered video, the Commission proposes to adopt procedures analogous to those used for complaints alleging a violation of the closed captioning rules for standard television programming.³⁵ DIRECTV has found the existing rules to be a practical and workable approach to identifying and resolving closed captioning issues, and generally supports the Commission’s proposal to extend this regime to IP-delivered programming as well. To the extent VPDs/VPPs have already provided

³⁴ *Id.*, ¶ 110.

³⁵ *Notice*, ¶ 43.

contact information to the Commission and on their web sites for the receipt and handling of written closed captioning complaints,³⁶ that should be sufficient for this purpose as well.

However, there is one aspect in which traditional television programming is likely to differ materially from IP-delivered programming. Unlike television programming, IP-delivered programming may be accessed at different times and in different ways by consumers viewing it on different devices. Given the complexity this is likely to cause in investigating and resolving captioning issues, complaints should be filed when records and other evidence is fresh.

Accordingly, the Commission should require complainants to file within thirty days of the date they first access the programming that is the subject of the complaint. Moreover, complaints should (at a minimum) be required to provide the most basic information necessary to resolve the complaint, including (1) the complainant's name and contact information; (2) the programming at issue; (3) how the complainant accessed that programming (including, for example, the relevant web site and Internet service provider); (4) when the complainant accessed that programming; (5) what device the complainant used to view that programming; and (6) how the captioning failed to satisfy the Commission's requirements.

* * *

DIRECTV supports much of the framework proposed in the *Notice* for captioning IP-delivered video programming, which builds upon the proven approach used for years in the television context. However, in light of the dynamic pace of development in IP-delivered video and lack of technological consensus, the Commission should defer implementation of that regime for at least two years, consistent with the transition periods adopted by the Commission in comparable cases.

³⁶ Video programming distributors as defined under the existing closed captioning rules are already subject to such a requirement. *See* 47 C.F.R. § 79.1(i)(2)-(3).

