

December 1, 2011

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: *MB Docket No. 11-154*

Dear Ms. Dortch:

This is to inform you that, on November 30, 2011, Stacy Fuller of DIRECTV, Inc., Alison Minea of DISH Network L.L.C., and undersigned counsel met with William Lake, Michelle Carey, Mary Beth Murphy, Alison Neplokh, Diana Sokolow, and Jeffrey Neumann of the Commission's Media Bureau to discuss requirements for closed captioning of programming delivered via Internet protocol ("IP") in the above referenced proceeding.

First, DIRECTV and DISH Network reiterated their support for the Commission's conclusion that Video Programming Owners ("VPOs") should have primary responsibility for captioning, while Video Programming Distributors ("VPDs") and Video Programming Providers ("VPPs") should, as provided in the statute, "be deemed in compliance if such entity enables the rendering or pass through of closed captions." *See* 47 U.S.C. § 613(c)(2)(D)(vi). Although they receive relatively few complaints related to captioning of television programming, DIRECTV and DISH Network have found that many of those complaints arise due to a failure of the programmer to provide complete and accurate captioning. Thus, rather than making VPDs/VPPs the middle men in the process of resolving such issues, the Commission should place responsibility directly upon those most likely to be in a position to correct the problem: VPOs.

Second, DIRECTV and DISH Network noted their support for designation of SMPTE-TT as a safe harbor standard for IP interchange and delivery to devices unaffiliated with the distributor that would presumptively satisfy the CVAA's requirements. While there appears to be an emerging consensus that SMPTE-TT is a promising approach to IP closed captioning, it should not be made the only acceptable standard as that could stifle innovation in this nascent field. So long as parties maintain the flexibility to use alternative industry standards as well, however, establishing SMPTE-TT as a safe harbor would be appropriate.

Lastly, they argued for a uniform 24-month timeline for implementation and enforcement of IP closed captioning requirements. The *Notice* proposed to implement the recommendation of

Marlene H. Dortch
December 1, 2011
Page 2 of 2

the VPAAC, which includes a schedule of 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). Clearly, this recommendation reflects the VPAAC's view of the pace at which programmers could be expected to meet captioning mandates. But it does not take into account that fact that programmers are only one part of the end-to-end ecosystem necessary to support closed captioning of IP-delivered video. Indeed, the VPAAC did not address the timeframe on which devices must become compliant with IP closed captioning requirements. Thus, consumers could be presented with IP video captioning that varies over time and type of programming, and may not be viewable on some devices in any event. That is a recipe for confusion and the disappointment of false expectations.

In implementing the CVAA's accessibility requirements for advanced communications services, the Commission adopted a 24-month implementation schedule. In doing so, it noted that this period is consistent with the implementation schedule adopted in other complex rulemakings, including closed captioning requirements for digital televisions.¹ 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, 24 months is the *minimum* amount of time that will be necessary for all parties to come into compliance. Adopting a realistic, uniform compliance deadline for all programming, parties, and devices will promote clarity and avoid consumer confusion.

Respectfully submitted,

/s/

William M. Wiltshire
Counsel for DIRECTV

cc: William Lake
Michelle Carey
Mary Beth Murphy
Alison Neplokh
Diana Sokolow
Jeffrey Neumann

¹ 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).