

The Walt Disney Company
425 Third Street, S.W., Suite 1100
Washington, DC 20024

December 7, 2011

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Ex Parte Submission in MB Docket No. 11-154

Dear Ms. Dortch:

On December 5, 2011, Susan Fox met with the following representatives of the Media Bureau: Michelle Carey, Mary Beth Murphy, Allison Neplokh, Steve Broeckaert, Jeffrey Neumann, and Diana Sokolow. During the meeting, Ms. Fox made the following points:

- The online captioning rules should apply prospectively, as provided in the statute and legislative history. In this regard, Ms. Fox referenced the statutory language and history arguments made by NCTA at pages 18-20 of its comments.
 - Moreover, logistically, implementation of any requirement that would operate retroactively to require that content that is already online be replaced with captioned content soon after that content may re-air on television would be logistically very complicated and time-consuming, and would involve numerous entities among which there currently is no coordination. In addition, captioning archival content for online platforms with differing formats or software poses significant technical challenges. Imposing any sort of retroactivity requirement would impose these burdens and challenges on the very entities that will be working hard to ensure compliance with the new rules immediately after their adoption. Therefore, at a very minimum, Ms. Fox submitted if the Commission were to adopt any such requirement, significant additional time should be provided for the affected entities to comply. Ms. Fox also submitted that the amount of uncaptioned online content should on its own decrease over time.
- The most effective, consistent and straightforward enforcement method would be for the FCC to look to the entity with the direct consumer relationship, i.e., the entity at the end of the distribution chain. This method would ensure that all the players in the ecosystem work to ensure technical capability and resolve any formatting issues involved in transmitting captions. In this regard, Ms. Fox

referenced comments filed by MPAA Comments and detailed in MPAA's Ex Parte dated December 5, 2011.

- The CVAA covers full-length programming and should be defined as "programming that appears as a whole on television," as discussed in detail at pages 12-13 of NAB's comments and at page 20 of NCTA's comments.

This letter is being submitted electronically in the above-referenced docket, which has been granted permit-but-disclose status, pursuant to Section 1.1206(b) of the Commission's Rules.

Respectfully submitted,

/s/

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