December 9, 2011

VIA ELECTRONIC FILING

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

RE: Notice of *Ex Parte* Meeting
MB Docket No. 11-154

Dear Ms. Dortch:

On Tuesday, December 6, 2011, Christian Vogler, Ph.D., Director, Gallaudet University Technology Access Program and Andrew Phillips, Policy Attorney, National Association of the Deaf talked with Karen Peltz Strauss, Deputy Chief, Consumer & Governmental Affairs Bureau (CGB).

We responded with disagreement to Industry representatives' claim that that there are technical reasons why captioning video clips would incur significant additional expenses. In particular, Microsoft notes that the process of creating a clip involves the following:

> *A creative decision is made to use an excerpt of a program. The process is executed and the clip is now a finished product. At that point it could be used as an IP clip and requires the following steps to make it user ready: (a) re-archive with unique asset ID; (b) enter metadata that tells users program information (e.g.., year created, directors, stars, shortened plot, etc.); (c) re-encode to create a digital master, and then create various resolutions required to serve platforms (standard definition, high definition 720P, high definition 1080P, low resolution for smaller devices such as smartphones, etc.); (d) manually build the new conformed Closed Caption File and its reference timing; (e) publish the clip and the captions with a "manifest" file (which governs play back characteristics and timing) for distribution to the content distribution networks.*[1]

We noted that all steps with the exception of step (d) are not specific to captioning video. Hence, if step (d) is automated, there would be no significant additional burden or expense involved in creating captioned excerpts from a larger captioned video.

There are no fundamental technical obstacles to automating step (d). For example, CPC MacCaption has a feature to assemble captions based on an edit decision list export from Final Cut Pro. This feature specifically has been designed to preserve closed captions

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[1] *See* Microsoft written *Ex Parte* submission, MB Docket No. 11-154 (November 22, 2011). Online: http://fjallfoss.fcc.gov/ecfs/document/view?id=7021748128

while cutting, editing or manipulating video, so that it is no longer necessary to recreate the captions from scratch manually after edits[2]. Although MacCaption is QuickTime-specific, the same concept could be applied to any combination of video editing software and video formats. Conceptually, all that is required is software with the ability to store the captioning information in a text track, and to have software apply edit decisions to this text track. This type of functionality could easily be integrated with nonlinear video editing software, or applied as a post-processing step on edit decision lists, similar to how MacCaption works.

In summary, technology like MacCaption demonstrates that generating captioned clips from full-length captioned video need not require significant additional effort on the part of content creators and distributors. Software to automate the step of syncing captions is both economically feasible and achievable. There is no reason that programs currently used by content creators to generate clips cannot be easily updated to better preserve captions.

Respectfully submitted,

/s/ Christian Vogler

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[2] *See* http://www.cpcweb.com/hdtv/assemble.htm. Retrieved on December 9, 2011.