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Ex Parte

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

Re: Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), MB Docket No. 11-154

Dear Ms. Dortch:

On December 19, 2011, Will Johnson, Michael Samsock and I met separately with Erin McGrath, Acting Legal Advisor to Commissioner McDowell, and Dave Grimaldi, Legal Advisor to Commissioner Clyburn, to discuss Verizon's position in the above-referenced proceeding.

We expressed support for the FCC's approach in its Notice of Proposed Rulemaking, which, consistent with the CVAA, recognizes the important but inherently limited role that video programming distributors play in providing closed captioning for video programming delivered using Internet protocol (IP). Specifically, the CVAA assigns to video programming owners, which originate content, the responsibility of ensuring that programming includes the required closed captioning. Video distributors, on the other hand, are responsible for passing through the closed captioning they receive from programming owners. The Commission's implementing rules should reflect this clear division of responsibilities.

We also expressed support for the FCC's proposal to refrain from adopting specific technical standards for IP-delivered video programming at this time. Allowing the market to continue to develop standards, rather than imposing a technology mandate, will foster technological innovation and lead to a robust solution.

Regarding the definition of "apparatus," we explained that it should include software. Software is an integral part of the process and must be configured to allow captioning. Furthermore, if an end user chooses to view IP-based programming not through pre-

loaded software but through software that the end user has chosen to download and place on a device, that software's capabilities and performance would be beyond the control of the video programming providers and distributors, and they should not be responsible for problems related to the viewing of closed captions in those instances.

We urged the FCC to adopt commercially reasonable deadlines for complying with IP-delivered closed captioning regulations. Specifically, the Commission should allow at least twenty-four months from the effective date of the new rules to ensure a commercially reasonable interval for affected entities to comply. We explained that with respect to the manufacturing of wireless devices, such as smartphones, it typically takes eighteen to twenty-four months to turn an idea into an actual product available for sale. Thus, the FCC should allow manufacturers twenty-four months to build devices that can display closed captions consistent with the new regulations. This timeline would be consistent with the two-year implementation deadline the FCC established in the advanced communications services proceeding and would lessen the negative impact on innovation in wireless services and devices.

Finally, with respect to archival Internet content (programming that is posted on a web site before the effective date of the new rules that will be adopted in this proceeding), we noted that there would be many practical difficulties if closed captioning was required for such programming. A voluntary and systematic effort by content owners to identify and provide captioning for such programming could be helpful, given that the video programming owners are in the best position to determine which online programming may have to be captioned.

Sincerely,

cc: William Lake