



January 9, 2012

ELECTRONIC DELIVERY

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

Re: Written Ex Parte Presentation
MB Docket No. 11-154

Dear Ms. Dortch:

HTC America (“HTC”) writes to share its views on the Commission’s implementation of the IP video closed captioning requirements of the Twenty First Century Communications and Video Accessibility Act of 2010 (“CVAA”).¹ HTC supports the goals of the CVAA and the Commission in this proceeding. HTC agrees that IP video should support closed captioning, and the company is committed to complying with any accessibility rules the Commission may adopt. However, the Commission’s goal of accessible IP video will only be achievable if device manufacturers have some measure of certainty regarding the formats and applications that will be used for the delivery of closed captions over IP.

HTC is concerned that, given the myriad combinations of services and software available to consumers for the delivery of IP video in a mobile environment, device manufacturers would be unable to guarantee support for all conceivable closed captioning mechanisms. For this reason, the Commission should consider recognizing HTTP Live Streaming (“HLS”) as a safe harbor standard for the delivery of streaming Internet video, including closed captions. As explained herein, HLS already is emerging as a widely-supported, *de facto* delivery standard. HTC estimates that it could support HLS across its device portfolio within two years.

Today’s consumers choose from an ever-expanding world of video programming providers and video applications. In the mobile world this can include carrier-delivered video services, major over-the-top subscription-based streaming video services, web-based video, videos downloaded through Internet services, and digital copies bundled with physical media, among others. In many cases, these videos or services can be consumed through various applications or in various formats, even from the same device.

The innumerable combinations of services and software available to consumers effectively prevents device manufacturers from guaranteeing support for all conceivable closed captioning

¹ Pub. L. No. 111-260, 124 Stat. 2751, §§ 202(b), 203(a)-(b), (d) (2010).

mechanisms, particularly in light of the consumer's ability to load third-party applications and access third-party services that may be completely unknown to device manufacturers. As such, the Commission should identify a safe harbor standard for the delivery of closed captions. Identifying an appropriate safe harbor, based upon a widely-deployed industry standard, will ensure that consumers have access to closed captioned video delivered using IP in a consistent way across the widest possible range of devices. If selected appropriately, the Commission's safe harbor standard will provide certainty for consumers and industry alike, while also providing a starting point from which application designers, service providers, and manufacturers can continue to innovate.

To this end, the Commission should consider recognizing HLS as a safe harbor standard for the delivery of streaming Internet video including closed captions. With HLS, closed captions can be added to video streams using common commercially-available solutions. Similarly, app developers can use industry standard development frameworks to support the playback of closed captions over IP video delivered using HLS. HLS is currently supported by a wide range of video players and services including the Android operating system, Apple's iOS, QuickTime Player, VideoLAN's VLC media player, and Roku systems. Additionally, various video server implementations support the delivery of HLS-based video to consumers, including technologies offered by Microsoft, Adobe, RealNetworks, Akamai, TVersity, and Apache. While HLS may not be the only protocol capable of delivering IP-based video with closed captions, it is a proven, versatile, industry-supported standard. The Commission should affirm that manufacturers that incorporate HLS support into their devices will be deemed compliant with any new accessibility obligations regarding closed captioning of IP video.

In the *NPRM*, the Commission proposed a phased compliance schedule for video programming providers and video programming distributors that would require these entities to comply with the new rules on a deadline of between six and eighteen months after the publication of the new rules in the Federal Register, depending upon the type of content.² While HTC takes no position here on whether these deadlines are appropriate for other entities, it notes that even with the identification of HLS as a safe harbor delivery standard, the constraints of product development and manufacturing cycles will likely demand more time than suggested by the Commission for manufacturers to make compliant devices available. As noted above, HTC estimates that it could support HLS across its device portfolio within two years. Accordingly, HTC respectfully requests that the Commission afford device manufacturers at least two years to comply with any new obligation to support closed captioning for IP video.

In closing, HTC reiterates its commitment to supporting closed captioning of IP video in a mobile environment. To advance the FCC's vision of accessible IP video, the Commission should identify a safe harbor standard for the delivery of closed captions for IP video. Such a safe harbor would provide industry much-needed certainty and help ensure widespread availability of closed captioning in a predictable format for users. Specifically, HLS should be designated as a safe-harbor delivery standard for IP video with closed captioning. Moreover, the

² See Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, MB Docket No. 11-154, *Notice of Proposed Rulemaking*, 26 FCC Rcd 601, ¶ 28 (2011) ("*NPRM*").

Commission should set reasonable compliance deadlines for device manufacturers that take into consideration the practical necessities of product design, development, and production processes.

Sincerely,

/s/ Amy Wolverton

Amy Wolverton
Executive Director of Public Policy and Government Affairs
HTC America

