



January 11, 2012

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

Re: Notice of Ex Parte Communication, MB Docket No. 11-154

Dear Ms. Dortch:

Yesterday, the undersigned of the National Association of Broadcasters (NAB) spoke by phone with Dave Grimaldi, Chief of Staff and Media Legal Advisor in the Office of Commissioner Clyburn.¹

The purpose of the call was to discuss the rules governing the implementation of Internet Protocol Captioning, MB Docket No. 11-154. We reiterated our position that the instant proceeding presents novel questions about an extremely complex and evolving programming distribution ecosystem.² As such, as the Commission implements the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), it must be careful to afford broadcasters sufficient flexibility to continue to innovate their multiplatform video programming and avoid stifling such innovation as an unintended consequence of any new rule. *Id.*

In particular, NAB asked that the Commission provide parties that will be subject to the new rules with flexibility as to timing, especially with respect to the manner in which VPOs, VPPs and VPDs share information about the captions contained in programming to be distributed online. We also asked that the Commission pursue only willful violations of the new rules during the two-year period immediately following when the rules become effective, to ensure that parties acting in good faith have adequate time to address unforeseen issues that arise

¹ Linda Kinney of the Motion Picture Association of America, Inc. also participated on the call.

² See Comments of the National Association of Broadcasters, In the Matter of 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, Oct. 28, 2011 at pp. 3-6.

Marlene H. Dortch, Esq.
January 11, 2012
Page 2

during the transition to IP captioning. Finally, we urged the Commission to refrain from requiring captions for any online clips or outtakes, consistent with the statute.³

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Please direct any questions regarding these matters to the undersigned.

Respectfully submitted,

A handwritten signature in black ink that reads "Ann West Bobeck". The signature is stylized, with a large, looped initial "A" and a horizontal line extending from the end of the name.

Ann West Bobeck
Senior VP and Deputy General Counsel
Legal and Regulatory Affairs

cc: Dave Grimaldi

³ H.R. Rep. No. 111-563, at 30 (2010) (“The Committee intends ...for the regulations to apply to full-length programming and not to video clips or outtakes.”).