

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**In the Matter of**

**CLOSED CAPTIONING OF INTERNET  
PROTOCOL PROGRAMMING:  
IMPLEMENTATION OF THE TWENTY-FIRST  
CENTURY COMMUNICATIONS AND VIDEO  
ACCESSIBILITY ACT OF 2010**

MB Docket No. 11-154

**COMMENTS OF DIRECTV, LLC**

DIRECTV, LLC (“DIRECTV”) files these comments in support of the two Petitions for Temporary Partial Exemption or Limited Waiver filed by the Digital Media Association in the above referenced proceeding. DIRECTV is working diligently to develop the software and other capabilities necessary to comply with the requirements for closed captioning of video delivered via Internet protocol recently adopted by the Commission.<sup>1</sup> The petitions seek short-term and narrowly tailored relief from specific closed captioning requirements in recognition of the practical inability of video programming distributors (“VPDs”) to meet the Commission’s aggressive implementation deadlines. Grant of these petitions would serve the public interest by assuring that parties are given sufficient time to develop the capabilities necessary for an orderly transition to the closed captioning regime envisioned by the Commission.

---

<sup>1</sup> See *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, 27 FCC Rcd. 787 (2012).

## **A. CONFIGURATION AND FORMATTING REQUIREMENTS**

The first petition requests that all VPDs be exempt for a limited time period, until January 1, 2014, from the provisions of Section 79.4(c)(2)(i) of the Commission's rules that require VPD-provided applications, plug-ins or devices to comply with the user configuration and formatting requirements set forth in Section 79.103(c).<sup>2</sup> These requirements concern only configuration settings, such as the ability to customize caption background, color, opacity, and font. They do not concern the core requirement to ensure that consumers receive captioned video content. Accordingly, if the Commission were to grant this petition, consumers would still receive captioned video content in the timeframe set by the Commission.

Although VPDs are working hard to comply with the additional configuration requirements, they simply cannot complete their efforts to provide all of the "bells and whistles" required under Section 79.103(c) within the current deadline. In this regard, we would also note that the deadline itself was proposed in neither the Notice of Proposed Rulemaking in this proceeding nor the underlying report of the Video Programming Accessibility Advisory Committee, and would require VPDs to achieve user configuration capabilities in only six months that equipment manufacturers need not achieve until January 1, 2014.<sup>3</sup> Granting a brief exemption or waiver would afford VPDs the time necessary for orderly implementation of configuration capabilities in the same timeframe applicable to equipment manufacturers, but would not deprive viewers of the basic closed captioning functionality they enjoy today.

---

<sup>2</sup> See Petition for Temporary Partial Exemption or Limited Waiver, MB Docket No. 11-154 (filed May 8, 2012). Each petition also requests, in the alternative, that the Commission waive the captioning requirement at issue.

<sup>3</sup> Compare 47 C.F.R. § 79.4(b) (establishing 6-, 12-, and 18-month implementation timeline for VPDs) with § 79.103(a) (digital apparatus must comply by January 1, 2014).

## **B. RENDERING REQUIREMENTS**

The second petition requests that VPDs be exempt until January 1, 2014, from the provisions of Section 79.4(c)(2)(i) relating to the rendering – but not the pass-through – of captions, including to the applications, plug-ins, or devices provided by a VPD.<sup>4</sup> Many VPDs, including DIRECTV, depend upon third party video players to decode and render video programming delivered via Internet protocol.<sup>5</sup> DIRECTV has been working diligently with those third parties, and its goal is to complete that effort and implement the required capabilities within the established timeframe.

However, it appears that at least some platforms will not be able to achieve that objective by the September 30, 2012 implementation deadline. This is perhaps not surprising, given that the Commission gave those third parties that are not also VPDs more than a full extra year – until January 1, 2014 – to develop the technologies necessary to implement this capability for their own uses. As a result, those parties can be on schedule to comply with their own deadline without developing the products and capabilities necessary to enable DIRECTV to comply with its earlier deadline. Because DIRECTV relies upon these third parties for the software necessary to display the video they transmit via Internet protocol, DIRECTV is ultimately constrained to the extent they are unable to provide the necessary functionality.

Under the second petition, although VPDs would continue to be required to pass through the captioning data, they would be exempt from the rendering requirement until such time as apparatus manufacturers are required to meet that same requirement. Thus, if a third party video

---

<sup>4</sup> See Petition for Temporary Partial Exemption or Limited Waiver from the Provisions of Section 79.4(c)(2)(i) Relating to the Rendering of Captions, Including to the Applications, Plug-Ins, or Devices Provided by a VPD at 1, MB Docket No. 11-154 (filed May 8, 2012).

<sup>5</sup> Of course, to the extent DIRECTV delivers programming via IP to its set top boxes (*e.g.*, VOD programming), it will continue to decode and render closed captioning for display on television sets.

player was unable to render closed captioning delivered via IP on the more aggressive schedule applicable to VPDs, the VPDs would not be liable if that data could not be rendered on all devices or through all players prior to January 2014. In these circumstances, it would not serve the public interest to hold VPDs to an accelerated deadline that others are not required to meet.

\* \* \*

The two petitions at issue seek very targeted relief, such that the vast majority of the rules will remain in force and ensure the availability of closed captioning delivered via Internet protocol in the large majority of cases. The limited exemption or waiver sought in each petition is clearly justified by the time necessary to develop technologies required for orderly implementation of the new closed captioning requirements. DIRECTV therefore urges the Commission to grant these two petitions as expeditiously as possible.

Respectfully submitted,

William M. Wiltshire  
Michael Nilsson  
Kristine Laudadio Devine  
**WILTSHIRE & GRANNIS LLP**  
1200 Eighteenth Street, NW  
Washington, DC 20036  
(202) 730-1300

*Counsel for DIRECTV, LLC*

\_\_\_\_\_  
/s/  
Susan Eid  
Executive Vice President, Government  
Affairs  
Stacy R. Fuller  
Vice President, Regulatory Affairs  
**DIRECTV, LLC**  
901 F Street, NW, Suite 600  
Washington, DC 20004  
(202) 383-6300

June 4, 2012