

July 11, 2012

VIA ELECTRONIC FILING

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

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

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, the National Association of the Deaf (NAD), Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), Hearing Loss Association of America (HLAA), and the Association of Late-Deafened Adults, Inc. (ALDA) (collectively, the "Consumer Groups") and the Technology Access Program at Gallaudet University (TAP) respectfully file this *ex parte* communication to illustrate the importance of CEA-708 obligations for Video Programming Distributors (VPDs).

CEA-708 features allow users to change the size, color, opacity, font, background and other character attributes of the closed captions. These control features are incredibly important to deaf and hard of hearing viewers, particularly viewers who are deafblind or who are deaf or hard of hearing and visually impaired, who often must be able to manipulate captions to be able to view them properly. Being able to customize closed captions is like a hearing person being able to adjust volume, bass or treble on one's video playback device. An example of the need to customize closed captions is in situations when the captions are the same color as scenes in the program, such as white captions in a movie about polar bears. In this situation, with CEA-708 control features, the user would be able to add a background to the captions or select a different color for the captions, but without these controls, the user would be stuck with the default captions and miss information. Another common situation is when deaf and hard of hearing people are at airports or restaurants and the TV is high-up or far away and it's not possible to read the captions because they are too small. With these control features, the airport or restaurant can increase the size of the captions so that they are readable from a distance.

We have included several examples below of situations where CEA-708 control features are needed to make closed captions accessible:

1. On June 5, 2012 several groups testified before the U.S. Copyright Office asking that closed captions and audio descriptions be exempted from anti-circumvention measures under the Digital Millennium Copyright Act. This testimony included a video demonstration prepared for us by CPC Closed Captioning that shows the good, bad, and ugly of closed captioning and audio descriptions. This video demonstration is now available on the NAD YouTube channel and to watch it with closed captions, one must enable the closed captioning function in YouTube by clicking the "CC" button on the

control bar just beneath the video.

To view the video demonstration, please visit:

<http://www.nad.org/news/2012/6/nad-advocates-access-quality-captioning>

In the second video segment of the demo (“Video 2”), there is an example of poor quality closed captioning where the captions are small and the dark blue color of the captions makes for poor contrast and lacks a background. Also, it’s not possible for the user to change any of the features of these captions.

The demo has examples of good quality captions where the user can control the caption features. Such as in the third video segment (“Video 3”). In order to control the closed caption features, click on the “CC” button and then in the CC Menu, click on “Settings.” Within the closed captioning settings, one can adjust the captions’ color, font, size, foreground color and background color. These YouTube control features are very similar to CEA-708 control features.

2. Here is an example of why users need to be able to control the closed caption’s color, contrast and background:



As one can see, the closed captions are hard to read with the yellow color and no

background on top of the white text. Ideally, and with CEA-708 features, the user should be able to change the color of the captions or add a solid background to the captions.

3. Additionally, the CEA-708 obligations go beyond supporting user control features and include the full range of CEA-708 features. For instance, both CEA-608 and CEA-708 have a way to transmit the positioning of captions as set by the captioner and/or captioning company. This allows the VPD to preserve the original positioning of the closed captions when distributed. It is important that VPDs preserve the original positioning of the closed captions when shown on TV. Often the captions used on TV will be positioned so that they do not obstruct on-screen text or even are positioned on the screen to reflect the person who is talking. When these programs are later shown online, the proper positioning is often lost and the captions are centered on specific lines. This kind of degradation in the quality of captions should not be permitted under the new FCC rules requiring that the closed captions shown online be at least the same quality as those shown on TV. However, if the original positioning does obstruct other screen text or visually important information, we are not opposed to any improvements to the positioning of captions or advances in technology that could, for example, allow consumers to control positions of captions. Below is an example of bad positioning:

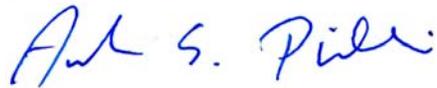


As one can see, the closed captions overlap with the text on the screen, making it difficult to read the closed captions. It is very common for closed captions to cover up news headlines, sports scores and other on-screen text.

The Consumer Groups and TAP hope that these examples will help the Commission and others understand the importance of being able to customize closed captioning to fit one's accessibility needs and the need for VPDs to support the full range of CEA-708 features. We are

fully opposed to granting any waivers from the CEA-708 obligations for VPDs since such features are an integral part in making video programming accessible to deaf and hard of hearing people.

Respectfully submitted,



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