



August 14, 2012

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

*Re: Ex Parte Notice for MB Docket No. 11-154*

On August 13, 2012, Emmett O’Keefe with Amazon.com, Paula Boyd with Microsoft Corporation, Gerry Waldron with Covington & Burling LLP, and the undersigned met with Lyle Elder with Chairman Genachowski’s office to discuss the status of the DiMA petitions asking for a brief extension of time to comply with the Commission’s rules concerning captioning of video programming delivered via Internet protocol (“IP”). We expressed appreciation for prompt consideration of DiMA’s two petitions and emphasized that given the proximity of the deadline, a prompt decision on the petitions was vitally important.

With respect to the rendering petition, we emphasized that the timing of the September 30th deadline for VPDs to render closed captioning for IP-delivered video programming is especially difficult and will be challenging to meet. We explained that in order to include closed captioning functionality in upgrades after September 30th, VPDs are working diligently to develop a rendering engine, modify their video content applications, accommodate third party content applications, modify video players, and test all applications, software and products to ensure that everything works seamlessly. As a result, during the Fall holiday season, a large sales period and a time when industry introduces new products into the marketplace, VPDs may be forced not to release otherwise beneficial updates of their platform and applications, plug-ins, or devices in order to avoid being out of compliance with the FCC’s rules. The result is that all consumers could be negatively affected unless a short-term waiver is granted. We noted that result is not consistent with the intent of Congress.

The parties stressed that the companies within the class, which are defined by the terms of the petition, only includes VPDs which do not currently enable the rendering of closed captions, and that we agree the class could be limited further to include only those VPDs with video programming accessible via multiple platforms or devices. We explained that the parties are working to comply with the captioning requirement but seek an additional six months for applications, plug-ins, or devices upgraded or deployed after March 30, 2013, to come into general compliance. Finally, the parties noted every company has a powerful market incentive to make closed captions available to consumers as soon as possible.

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Please direct any questions to the undersigned.

Sincerely,

/s/

Lee Knife

Executive Director

cc: Lyle Elder  
Zac Katz  
Sherrese Smith  
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Diana Sokolow  
Jeffrey Neumann  
Mary Beth Murphy  
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