

**Sony Electronics Inc.**  
**Hitachi Consumer Electronics Co., Ltd.**  
**Panasonic Corporation of North America**

*Via Electronic Filing*

January 25, 2013

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

*Re: Notice of Ex Parte Presentation – MB Docket No. 11-154*

Dear Ms. Dortch:

This is to notify you that on January 22, 2013, Jim Morgan, Sony Electronics Inc., Seth Greenstein, Constantine Cannon, representing Hitachi Consumer Electronics, and Paul Schomburg and Tony Jasionowski, Panasonic Corporation of North America, (“Consumer Electronics Manufacturers’ representatives”) met with Michelle Carey, Mary Beth Murphy, Steven Broeckaert, Diana Sokolow, Maria Mullarkey, and Jeffrey Neumann of the Media Bureau, and Karen Peltz Strauss, Rosaline Crawford, Eliot Greenwald, and John Herzog of the Consumer and Governmental Affairs Bureau.

The purpose of the meetings was to discuss the subjects addressed in CEA’s pending petition for reconsideration of the *IP Captioning Order*<sup>1</sup>, CEA’s Petition For Reconsideration (the “PFR”)<sup>2</sup>, filed on April 30, 2012, and CEA’s reply to an opposition to the PFR (“PFR Reply”)<sup>3</sup>. The CE Manufacturers’ representatives urged the Commission to act quickly to grant CEA’s petition to provide certainty for the design and manufacture of products affected by issues raised in the PFR.

Consistent with CEA’s PFR and the PFR Reply, the CE manufacturers’ representatives urged the Commission to reconsider the finding in the *IP Captioning Order* that standalone removable media players (*e.g.*, Blu-ray Disc™ and DVD players) are covered by Section 79.103.<sup>4</sup> The CE manufacturers’ representatives explained that DVD and Blu-ray Disc™ were designed to support motion picture content, which is commonly produced using subtitles because of the need to support multiple languages and character sets for a global market. Many DVD and Blu-ray Disc™ titles include Subtitles for the Deaf and Hard of Hearing (SDH), which is an improved and internationally recognized method of providing text description of both dialog and non-verbal audio content.

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

<sup>2</sup> CEA, Petition for Reconsideration, MB Docket No. 11-154 (filed Apr. 30, 2012).

<sup>3</sup> CEA, Reply to Opposition to Petition for Reconsideration, MB Docket No. 11-154 (filed Jun. 18, 2012).

<sup>4</sup> 47 C.F.R. § 79.103.

The CE manufacturers' representatives also noted that:

- The *IP Captioning Order* requires current DVD and Blu-ray Disc™ players to incorporate additional closed caption decoder circuitry, even though such players are not designed to playback “video programming transmitted simultaneously with sound”.<sup>5</sup> For this reason, the Consumer Electronics Manufacturers’ representatives agree with the CEA PRF that the Commission should “...reconsider the *IP Captioning Order*’s analysis of this issue and find that removable media players are not covered apparatus.”<sup>6</sup>
- The capability to decode and render closed captions would require significant hardware changes to provide additional processing capability which lower-cost, stand-alone removable media players currently do not have, and would add increased cost to basic DVD and Blu-ray Disc™ players. As a result, manufacturers may not be able to provide simple removable media players at the low price points consumers expect.
- DVD players are a mature technology, and all physical media players, including Blu-ray Disc™ players, face increasing competition from online streaming and pay-per-view services. If the CEA PRF is not granted, numerous manufacturers would have to reconsider whether to continue marketing such low-cost removable media products in the United States. Limiting market access to low-cost removable media players would not benefit the public interest, especially consumers with limited resources.
- Granting the petition proposed by CEA would eliminate this potential negative impact on consumers. Consumers with disabilities would not suffer harm because SDH provides an adequate substitute for closed captions. Consumers with low vision disabilities have other alternatives, such as IP-streaming from web-based services, which the Commission requires to support captions.

Pursuant to Section 1.1206 of the Commission’s rules,<sup>7</sup> this letter is being electronically filed with your office and a copy of this submission is being provided to the meeting attendees from the Commission. Please let the undersigned know if you have any questions regarding this filing.

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<sup>5</sup> See CEA PFR at 2 (“The IP Captioning Order’s interpretation of the phrase “**transmitted simultaneously with sound**” is inconsistent with Congressional intent and Commission precedent, and is unnecessary to satisfy the requirements of the CVAA and the Act. Fundamentally, however, the IP Captioning Order’s treatment of removable media players exceeds the Commission’s authority.”)

<sup>6</sup> CEA PFR at 9

<sup>7</sup> 47 C.F.R. § 1.1206.

Respectfully submitted,

/s/ **Jim Morgan**

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/s/ **Tony Jasionowski**

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/s/ **Seth Greenstein**

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/s/ **Paul Schomburg**

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Attachment cc:

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