



July 26, 2013

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

Re: Notice of Ex Parte Communication, CG Docket No. 05-231,  
ET Docket No. 99-254, MB Docket No. 11-154

Dear Ms. Dortch:

On July 24, Kelly Williams and the undersigned of the National Association of Broadcasters (NAB) met with Sarah Whitesell, Office of Chairwoman Clyburn, Brendan Murray of the Media Bureau, and Cynthia Bryant, Elaine Gardner, Eliot Greenwald, Gregory Hlibok, Kris Monteith, Suzanne Rosen Singleton and Karen Peltz Strauss of the Consumer and Government Affairs Bureau. Also present at the meeting were the following: Claude Stoudt and Jim House, TDI, Inc., Lise Hamlin, HLAA, Blake Reid, Georgetown University Law Center (via teleconference), Larry Goldberg, WGBH (via teleconference); Andrew Phillips, NAD, Diane Burstein, Jill Lockett and Andy Scott, NCTA, Jill Toschi, NCI, Stacy Fuller, DIRECTV, Michael Nilsson, Wiltshire & Grannis, LLP and Hadass Kogan, DISH Network.

The purpose of the meeting was to discuss closed captioning quality on television with a number of stakeholders in an informal context. Providing quality captioning to viewers is a shared goal and we look forward to a continued dialogue on this issue.

NAB reiterated our position that defining common metrics for quality and timing (including technical and non-technical standards) raises significant challenges. We urged the Commission to refrain from adopting specific numeric captioning quality standards.<sup>1</sup> We also urged the Commission to continue to balance all interests to work towards practical solutions to increase caption availability and quality.

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<sup>1</sup> See Comments of the National Association of Broadcasters In the Matter of Closed Captioning of Video Programming, CG Docket No. 05-231, Nov. 10, 2005 at 10-15 (NAB Comments) ; See *also* Reply Comments of the National Association of Broadcasters, CG Docket No. 05-231, Dec. 16 2010 at 5-10.

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We discussed with relevant stakeholders the challenges of live captioning, including accuracy, timing and completeness. NAB reiterated that the reality is that broadcasters for the foreseeable future must continue to rely on a limited pool of persons to caption they produce. And, for programming they do not produce themselves, broadcasters must rely on program producers to ensure the programming has been properly captioned. Inherent in this process is an unavoidable truth, that in captioning both live and recorded programming, both human error and transmission delays will preclude perfect captions. This process is further complicated by the myriad of platforms, devices, and applications programming may be accessed in the IP environment.

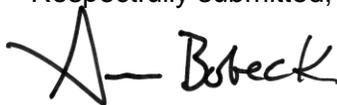
There was also a dialogue on the Commission's complaint process, both informal and formal.

We also stressed the importance of use of the Electronic Newsroom Technique (ENT), particularly in smaller markets. Extending the prohibition beyond the top 25 markets could likely result, both on cost considerations and the continued challenges associated with securing real-time captioners, a loss of news coverage.<sup>2</sup> We also urged the Commission to retain its per-channel revenue in accessing broadcasters' captioning obligations.

Finally, we urged the Commission to reach out to the Consumer Electronics Association to discuss closed captioning standards for 3D television receivers.

Please direct any questions regarding these matters to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ann West Bobeck". The signature is stylized with a large, looped initial "A" and a long horizontal stroke extending to the right.

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

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<sup>2</sup> See NAB Comments at 6-9; NAB Replies at 11-15; See also In the Matter of Consumer & Governmental Affairs Bureau Seeks to Refresh the Record on Notices of Proposed Rulemaking Regarding Closed Captioning Rules, CG Docket No. 05-231, ET Docket No. 99-254, Reply Comments of NAB, Dec. 9, 2010 at 2-6.