

Before the
Federal Communications Commission
Washington, DC

In the Matter of:)
)
Closed Captioning of Internet Protocol-)
Delivered Video Programming:) MB Docket No. 11-154
Implementation of the Twenty-First)
Century Communications and Video)
Accessibility Act of 2010)

Motion for Extension of Time

Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)
National Association of the Deaf (NAD)
Association of Late-Deafened Adults (ALDA)
Hearing Loss Association of America (HLAA)
Cerebral Palsy and Deaf Organization (CPADO)
Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN)
California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH)
Technology Access Program at Gallaudet University (TAP)

via electronic filing
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Pursuant to Rule 1.46(b), Telecommunications for the Deaf and Hard of Hearing Inc., (TDI), the National Association of the Deaf (NAD), the Association of Late-Deafened Adults (ALDA), the Hearing Loss Association of America (HLAA), the Cerebral Palsy and Deaf Organization (CPADO), the Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), the California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), collectively, “Consumer Groups,” and the Technology Access Program at Gallaudet University (TAP) respectfully submit this motion to extend the public comment and reply comment deadlines for the Commission’s *Further Notice of Proposed Rulemaking* (“*FNPRM*”) in the above-referenced docket.¹

The *FNPRM* was released on June 14th, with comments due 60 days after the date of publication in the Federal Register and reply comments due 90 days after the date of publication in the Federal Register.² The *FNPRM* was published in the Federal Register on July 2, 2013; comments are currently due on September 3, 2013 and reply comments on September 30, 2013.³ Consumer Groups and TAP respectfully request that the due date for comments be extended by 60 days to November 2, 2013 and the due date for reply comments be extended by 30 days thereafter to December 2, 2013.⁴

¹ 47 C.F.R. § 1.46(b). The *FNPRM* was part of a multipart Commission document, *In the Matter of Closed Captioning of Internet Protocol-Delivered Video Programming, Order on Reconsideration and Further Notice of Proposed Rulemaking*, MB Docket No. 11-154, 28 FCC Rcd. 8785 (rel. June 14, 2013) (“*FNPRM*”).

² *Id.* at 8785.

³ 78 Fed. Reg. 39,691; *see also* *Notice of Effective Date of IP Closed Captioning Order on Reconsideration and Announcement of Comment and Reply Comment Deadlines for Related Notice of Proposed Rulemaking, Public Notice*, MB Docket No. 11-154, 28 FCC Rcd. 9329 (July 2, 2013).

⁴ Pursuant to Rule 1.46(b), this motion is being timely filed at least 7 days before the applicable filing date for comments and reply comments.

First, we request this extension of time to permit a collaborative dialogue between the Consumer Groups, TAP, members of the consumer electronics industry that may be affected by the rules proposed in the *FNPRM*, and their trade association, the Consumer Electronics Association (CEA). Both sets of issues raised in the *FNPRM*—(1) synchronization requirements for apparatus covered by the Commission’s Internet Protocol (IP) closed captioning rules and (2) closed captioning requirements for DVD and Blu-ray players—primarily implicate the interests of consumers and the consumer electronics industry and arise generally from disagreements between consumer and industry representatives over technical and economic dimensions of those issues.⁵

Based on recent conversations between the Consumer Groups, TAP, and industry representatives, we believe that further discussion may help consumers and industry members arrive at common ground and mitigate or resolve disagreement on at least some of the issues raised in the *FNPRM*. We have spoken with a CEA representative and are optimistic that we will be able to convene a meeting between consumer and industry representatives by early October. Extending the comment and reply comment deadlines would allow the meeting to occur before comments are filed, thereby affording an opportunity to improve the quality of the record upon which the Commission will resolve the issues raised in the *FNPRM*.

Congress enshrined industry-consumer dialogue as a critical component of the Commission’s implementation of the Twenty-First Century Communications and Video Accessibility Act (“CVAA”), and the Commission has routinely encouraged and facilitated dialogue in related contexts.⁶ Thus, the Commission should grant this motion

⁵ See, e.g., *FNPRM*, 28 FCC Rcd. at 8796-97, 8805-08, ¶¶ 20-21, 31-37 & nn.77, 80-81, 132, 139-140, 149.

⁶ See, e.g., Pub. L. 111-260 § 201(b)(3), (5) (requiring the Chairman to appoint both representatives from the consumer electronics industry and organizations representing

because doing so would be consistent with the Commission's long-standing practice of promoting a collaborative approach to solving critical accessibility problems and would plainly serve the public interest.

Second, TDI's pro bono counsel, the Samuelson-Glushko Technology Law and Policy Clinic (TLPC), is a law school clinic that is generally inoperative during the summer months. The requested extension of time will enable the TLPC to represent TDI in this matter and file comments and reply comments on behalf of the Consumer Groups and TAP. However, if the current comment and reply comment deadlines remain in place, it is unlikely that TDI, any of the other Consumer Groups, or TAP will be able to retain counsel in this matter. Thus, the Commission should also grant this extension to ensure that people who are deaf or hard of hearing, the primary beneficiaries of the IP captioning rules under the CVAA, are not denied the ability to weigh in on the critical accessibility issues raised in the *FNPRM*.

Finally, we acknowledge the admonition of Rule 1.46(a) that "extensions of time shall not be routinely granted," but note that granting the requested extension would be unlikely to prejudice any of the parties whose interests are implicated by the rules proposed in the *FNPRM*. In particular, the Commission has temporarily extended the deadline for compliance with its apparatus closed captioning rules for DVD players that do not either render or pass through closed captions and Blu-ray players pending resolution of the *FNPRM*, and has not yet adopted any apparatus synchronization

people with disabilities to the Video Programming Accessibility Advisory Committee (VPAAC)); *Notice of Ex Parte Presentation* of TDI, et al., CG Docket Nos. 05-231 & 06-181, ET Docket No. 99-254, PRM11CG, RM-11065 (July 26, 2013) (describing a collaborative meeting on closed captioning issues between representatives of consumers who are deaf or hard of hearing, video programmers, and captioning providers), *available at* <http://apps.fcc.gov/ecfs/comment/view?id=6017460687>.

requirements.⁷ Thus, the requested extension would not impose any additional burden on industry members who produce covered apparatuses, and would even afford additional time to proactively approach the accessibility of those apparatuses. Moreover, while consumers would no doubt benefit from an expedient adoption of the rules proposed in the *FNPRM*, we believe that affording industry and consumer representatives the ability to arrive at a mutual understanding regarding critical legal, economic, and technological issues will ultimately benefit both consumers and industry members alike.

Accordingly, Consumer Groups and TAP respectfully request that the due date for comments be extended by 60 days to November 2, 2013 and the due date for reply comments be extended by 30 days thereafter to December 2, 2013 in the above-referenced proceeding.

Respectfully submitted,

/s/

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⁷ See *FNPRM*, 28 FCC Rcd. at 8796-97, 8805, ¶¶ 20-21, 31.

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