

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C. 20554**

In The Matter of:)

CLOSED CAPTIONING OF INTERNET PROTOCOL-)
DELIVERED VIDEO PROGRAMMING: IMPLEMENTATION) MB Docket
No. 11-154
OF THE TWENTY-FIRST CENTURY COMMUNICATIONS)
AND VIDEO ACCESSIBILITY ACT OF 2010)

**COMMENTS OF
THE MARYLAND GOVERNOR’S OFFICE OF THE DEAF OF HARD OF HEARING (ODHH)**

I. Introduction

On behalf of the Maryland Governor’s Office of the Hard of Hearing (hereafter “we”), we submit these comments in response to the Further Notice of Proposed Rulemaking (FNPRM) released June 14, 2013.

II. Summary

We respectfully ask the Federal Communications Commission (“FCC” or “Commission”) to impose certain updated requirements on DVD players and Blu-ray players.

We believe that imposing these requirements would be constructive progress, as explained herein, regarding accessibility of closed-captioning for deaf and hard-of – hearing consumers and resolving the frustrations of said consumers.

III. Blu-ray Players

We believe that imposing a requirement that Blu-ray players render or pass through captions would encourage the development of an industry-wide standard¹. This current lack of an industry-wide standard is problematic for the following reasons.

¹ *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, CG Docket No. 11-154, Order on Reconsideration and Further Notice of Proposed Rulemaking, 2013. (FNRPM at 23).*

Closed captions were specifically excluded from the Blu-ray specifications when designed. Blu-ray discs cannot carry closed captions because of its High-Definition Multimedia Interface (HDMI) specifications. It can only carry subtitles instead. We contend that the subtitles already included on Blu-ray discs are not sufficient to satisfy the law's closed captioning requirements. Some deaf and hard-of-hearing consumers prefer closed captions over subtitles for a variety of reasons to be explained below. Closed captions include environmental cues in addition to spoken dialogue, such as someone screaming or a phone ringing in the background. Conversely, subtitles are usually restricted to spoken dialogue only. Therefore, deaf and hard-of-hearing consumers feel they miss out on certain aspects of the video when subtitles are used. That is not full and equal access. Another reason why closed captions are often preferred over subtitles is the color of the displayed text. Subtitles can be hard to read if the color melts into the background, which unfortunately often happens. Consumers have complained about yellow as well as white subtitles (both of which are transparent with no background bloc) that tend to get lost amidst similarly-colored backgrounds, such as someone wearing a shirt of that color or a white wall. By contrast, closed captions are usually in the format of white text over a black background, which tends to be much more readable. It is for those reasons, among others, that subtitles are viewed as insufficient in the deaf and hard-of-hearing community, particularly for those that cannot pick up environmental cues on their own.

Another frustration in the deaf and hard-of-hearing community is that while most people can view DVDs on a Blu-ray player, deaf and hard-of-hearing consumers currently cannot view captioned DVDs on a backward compatible Blu-ray player. The caption option is "greyed" out. Therefore, in response to the Commission's question, there is indeed a consumer expectation that captioned DVDs should be viewable on a backward compatible Blu-ray player² as to have the same access as others.

Deaf and hard-of-hearing consumers have the right to full and equal access to the video content instead of struggling with unreadable text and lack of environmental cues. The status quo goes against the 21st Century Communications and Video Accessibility Act (CVAA)'s requirement that manufacturers and service providers of communications technology provide technology that is *accessible*. It is for the above reasons that we do not believe that the rendering or passing through of subtitles instead of captions should be considered an "alternate means" of programming.³ This problem makes it more essential for Blu-ray player manufacturers to take steps to ensure that closed captions can be rendered or passed through.

IV. DVD Players

² *Id.* at 23.

³ *Id.* at 24.

Although we do not have direct knowledge regarding the costs and benefits of imposing certain closed captioning requirements on DVD players⁴, we believe that the FCC should require that all video outputs on a DVD player be capable of transmitting closed captioning data, as mandated for other apparatus. Deaf and hard-of-hearing consumers should be able to access captions regardless of which output is used. Many consumers have complained that their television's closed caption button only works for the analog input. In this digital age, many consumers are confused by which output transmits captioning data. When plugged into some certain outputs, the captions disappear, thus causing a plethora of trial and error to somehow get the captions to work in another output. Requiring all video outputs to be capable of transmitting closed captioning data would eliminate this confusion.

V. Conclusion

We therefore support the aforementioned changes to closed captioning requirements for Blu-ray players and DVD players. We also extend our appreciation and thanks to the Commission for the changes that are aimed at refining and expounding the relevant standards, and for the Commission's assistance in resolving the issues and concerns that the deaf and hard-of-hearing community has with respect to closed captioning.

Thank you for this opportunity to submit these Comments. We look forward to continued work with the Commission on this matter.

Respectfully submitted,

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⁴ *Id.*