



December 9, 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 December 5, Kelly Williams and the undersigned of the National Association of Broadcasters (NAB), along with several industry representatives (see attached list) met with Eliot Greenwald, Suzanne Rosen Singleton, Karen Peltz Strauss, and Caitlain Vogus of the Consumer and Government Affairs Bureau; Steven Broeckaert, Mary Beth Murphy, and Diana Sokolow of the Media Bureau; and Susan Aaron from the Office of the General Counsel.

The purpose of the meeting was to discuss closed captioning quality on television.¹ Specifically, we discussed the use of Electronic Newsroom Technique (ENT) to caption local news programming. Broadcasters share a common goal with the Commission and other stakeholders to improve access to news services for all Americans, including those with disabilities. The ability to continue to utilize ENT, particularly in medium and small markets, is of critical concern to broadcasters, both in terms of cost and the challenges associated with securing quality real-time captioners.² In fact, ENT captioning is superior to live captioning in many respects, particularly as technology has facilitated script updates and the format of local

¹ 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.

² 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, Updated Comments of the Radio Television Digital News Association, Nov. 23, 2010 at 4-6; Reply Comments of NAB, Dec. 9, 2010 at 2-6.

1771 N Street NW
Washington DC 20036 2800
Phone 202 429 5300

newscasts have changed. Therefore, the considerable costs that would be imposed on local news operations to implement real-time captioning would not necessarily be outweighed by any significant benefit to viewers. Further, we noted that real-time captioning costs remain generally fixed regardless of market size.

We provided the Commission with some concrete examples of expenses should the Commission mandate the use of real-time captioning for local news programming in all markets. For example, one station group with stations in 34 markets, including in the smallest Designated Market Area (DMA), estimates that with over 46,000 hours of news product, the cost of providing real-time captioning could exceed \$5,000,000 per year. While stations have made concerted efforts to obtain sponsorships for captioning, such sponsorships have not, to-date, proven a viable option.

Another of our station group news executives explained that his mid-west stations provide a combination of live and ENT captioning. He estimated that the per-hour cost for real-time captioning is approximately \$125 dollars. A third broadcast representative who operates a chain of television stations in Texas explained that his company plans to bring new local news offerings to small markets in Texas without local television news options. While producing 14-16 hours of local news per week and captioning such programming using ENT is sustainable for this company, the costs of real-time captioning for the new programming would likely exceed \$110,000, and probably force a decision to forego their plans. The group underscored that the cost of securing real-time captioners is often *higher* in small markets, where small group or individual station licensees do not have the leverage to negotiate a group or volume rate.

Rather than a phase-out of the use of ENT, which would likely result in a loss of competitive local news coverage, as well as diverse voices in the market, we instead urged the Commission to work with the industry to examine how ENT can be better utilized to ensure local viewers have improved access to important news and information. We strongly believe that a solution that offers broadcasters the flexibility to use news production/captioning systems that are already in place would best serve the Commission's objectives at present. First, because ENT systems already are deployed at station facilities, there would be no significant ramp-up time in deploying best practices that hold broadcasters more accountable. Moreover, such a solution would circumvent the inevitable inability of medium and smaller market stations to secure quality real-time captioners. Second, the captions created using scripted news and ENT result in a better product. Third, scripted programming can be universally improved to ensure that in-studio programming, such as weather, sports, news, and entertainment, is made more accessible.

We believe that preserving stations' ability to use ENT with certain enhancements would not only be the best means through which improve the viewer's experience, but also serve as a metric by which the Commission could then set a reasonable date to examine whether communities are qualitatively better served by improved ENT. We will be following up with the Commission shortly with some specific proposals.

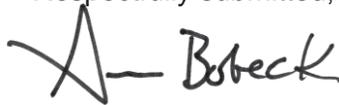
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Finally, Greg Schmidt from VoxFrontera gave an update of his company's efforts to improve voice recognition technology. Broadcasters, including the NAB, have invested in VoxFrontera, and continue to believe that the ultimate goal for much of our content is the ability to automate captioning, both for the content we provide over-the-air, and for our online viewers.

We thank the Commission staff for their continued efforts to balance all interests to work towards practical solutions to increase caption availability and quality.

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 horizontal line extending from the end of the name.

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

cc: Eliot Greenwald
Diana Sokolow

List of Participants

Ms. Ann Bobeck, SVP/Deputy General Counsel, NAB

Ms. Charlie Effinger, Vice President, Corporate Development, Gray Television, Inc.
(via teleconference)

Mr. Phil Hurley, COO, London Broadcasting Company (via teleconference)

Jack N. Goodman, Law Offices of Jack N. Goodman

Kathleen A. Kirby, Partner, Wiley Rein, LLP, General Counsel, Radio Television
Digital News Association

Ms. Nancy Kent-Smith, Regional News Director, Raycom Media, Inc.

Mr. Brian McDonough, President and GM, KY3, Inc.

Mr. Josh Pila, Senior Counsel, LIN TV Corp.

Mr. Greg Schmidt, CEO, VoxFrontera Inc.

Kelly Williams, Sr. Director Engineering, NAB