



January 17, 2014

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

Dear Ms. Dortch:

On Wednesday, January 15, 2014 Jane Mago, Justin Faulb, Kelly Williams, and the undersigned of the National Association of Broadcasters (NAB), spoke via telephone with Kris Monteith and Karen Peltz Strauss of the Consumer and Government Affairs Bureau (Bureau).

The purpose of the meeting was to discuss NAB's efforts to improve closed captioning quality on television.¹ Specifically, the parties conferred over the status of the industry's proposed safe harbor/best practices proposal.

NAB emphasized that it is working diligently to improve the quality of captioning to ensure that all Americans can enjoy its member stations' content. The parties discussed the Bureau's proposed caption quality parameters: accuracy, completeness, placement, and timeliness. NAB expressed its concern that the four proposed parameters may result in conflicting priorities in a program, particularly with respect to pre-recorded programming requirements. For example, in order to have completeness and timeliness in a program with heavy dialogue and a lot of action, the captioning placement may be limited and therefore not verbatim to avoid blocking action on the screen. Thus, the Bureau must provide broadcasters and other programmers flexibility to provide the highest quality captions with artistic freedom to

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.

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

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take into consideration the program, dialogue, scene, activity, and other relevant factors. NAB reiterated that its members are committed to providing quality captions.

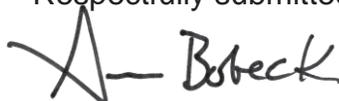
We discussed a safe harbor approach similar to the Commercial Advertisement Loudness Mitigation (CALM) Act Report and Order for stations meeting certain best practices. See 26 FCC Rcd. 17222, 17241 (rel. Dec. 13, 2011).

The parties also discussed enforcement if a broadcaster's caption quality falls outside a safe harbor. NAB reiterated the importance of a complaint-driven process where a clear pattern or practice of non-compliance exists prior to Commission action. Consistent with the CALM Act framework, NAB reiterated that the captioning ecosystem includes a variety of actors throughout the distribution channel. Captioning errors will continue to exist, even for pre-recorded programming, due to both human and technical considerations. These issues may not always be easily remedied; however, NAB's member stations are committed to working quickly to resolve captioning issues to ensure viewers have access to quality captions.

NAB again thanked the Commission staff for their continued efforts to balance all interests in an effort 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 long horizontal stroke extending to the right.

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

Enclosure

cc: Maria Kirby