



February 14, 2014

**BY ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Re: *Notice of Ex Parte Communication, CG Docket No. 05-231*

Dear Ms. Dortch:

On February 11, 2014, Hadass Kogan on behalf of DISH Network and Stacy Fuller and undersigned counsel on behalf of DIRECTV met with the following to discuss the above referenced proceeding: (1) Maria Kirby, Legal Advisor to Chairman Wheeler; (2) Adonis Hoffman, Chief of Staff and Senior Legal Advisor to Commissioner Clyburn, and legal intern Stefanie Frank; (3) Courtney Reinhard, Chief of Staff and Senior Legal Advisor to Commissioner O’Rielly; (4) Clint Odom, Policy Director for Commissioner Rosenworcel; and (5) Jeffrey Neumann, Acting Legal Advisor to Commissioner Pai.

The discussion related to various potential approaches to establishing the obligations of programmers and distributors with respect to quality standards for closed captioning of video programming. The parties discussed industry efforts to develop best practices for captioning which could be used as a guide for the Commission’s consideration. They argued that the Commission should place responsibility on the party best able to achieve compliance, and urged the Commission to make this allocation (and craft its enforcement regime accordingly) prior to the effective date of any quality standards adopted in this proceeding. In particular, they explained that there is no need to involve distributors in the collection of any compliance certifications from programmers, especially broadcast stations, over which the Commission has always exercised direct regulatory authority.

They also argued that the Commission should codify (but not extend) the obligations placed on distributors in the original closed captioning order, under which they are responsible for (1) “any steps needed to monitor and maintain their equipment and signal transmissions to ensure that the captioning included with the video programming reaches consumers;” (2) “any corrective measures necessary to ensure that the captioning is consistently included with the video programming delivered to viewers;” and (3) “ensur[ing] that the equipment used to

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transmit these channels to viewers is capable of passing the captioning through along with the programming is in proper working order.”<sup>1</sup>

Should you have any questions, please do not hesitate to contact me.

Respectfully submitted,

/s/

William M. Wiltshire  
*Counsel for DIRECTV*

cc: Maria Kirby  
Adonis Hoffman  
Courtney Reinhard  
Clint Odom  
Jeffrey Neumann  
Stefanie Frank

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<sup>1</sup> *Closed Captioning and Video Description of Video Programming*, 13 FCC Rcd. 3272, ¶ 212 (1997).