

STATEMENT OF COMMISSIONER AJIT PAI

Re: *Closed Captioning of Video Programming*, CG Docket No. 05-231; *Telecommunications for the Deaf and Hard of Hearing, Inc. Petition for Rulemaking*, PRM11CG.

I would like to start off by extending my gratitude to this morning's speakers. Claude Stout and Tai Jensen's testimony illustrates the critical role captioning plays in bringing the universal medium of television to those who are hearing impaired. For the medium is universal only if captions actually work to make video programming accessible.

Today's item is a solid step towards improving captioning. First, the industry-derived best practices set high expectations for video programming, and I hope they will make superior captions the norm rather than a pleasant surprise. Second, the rules recognize the limited ability of video programming distributors to control caption quality and focus their energy on ensuring those parts of the captioning process that *are* under their control work. Third, the item also helps bring our captioning rules into the 21st century by requiring that petitions for exemptions, along with comments on those petitions, be filed electronically. This is a big step forward for transparency.

Looking to the future, I am pleased that the Further Notice has been split into two parts—one that's needed to complete today's Report and Order, and another teeing up many of the thornier, longer-term issues. The near-term portion directs the public's attention to the question of which entities are responsible for compliance with the rules. This will ensure that the Commission will have a focused, well-reasoned record on which to resolve the critical issue of responsibility more quickly. And in turn, giving the public more time to respond to the Commission's more complex questions will allow them to develop better, more thoughtful answers to those queries.

Additionally, I am glad that the item seeks comment on creating an online dashboard to provide information about the status of closed captioning complaints. This is a particularly good example of how the FCC Dashboard I have proposed could advance the goals of transparency and accountability. A dashboard would allow consumers to monitor the status of their own closed captioning complaints, view the resolution of other, similar complaints, and see broader industry trends. In short, it would allow the public to see how we are doing and to keep us on track. I am very grateful to Claude, Blake Reid of the Technology Law & Policy Clinic at Colorado Law School, Andrew Phillips of the National Association of the Deaf, and Lise Hamlin of the Hearing Loss Association of America for their public support of my proposal.¹

So far, so good on substance. But a brief note on process. The path to today's item has been far from smooth. It's been almost 10 years since the Consumer Groups filed their initial petition for rulemaking. And it's been over three years since the Consumer and Governmental Affairs Bureau issued a Public Notice to "refresh the record" in this proceeding. This delay doesn't just deny the petitioners the fair and timely hearing they deserve and frustrate hardworking Commission staff who know and care deeply about these issues. It also forces us to work from a less-than-current record. While the flurry of *ex parte* presentations and the industry's diligent efforts to arrive at a consensus give me hope that we're striking a good balance here, this isn't the way we should do business.

Let me convey my thanks to the staff of the Consumer and Governmental Affairs Bureau, especially Karen Peltz Strauss, Elliot Greenwald, Aaron Garza, and Greg Hlibok, for all of your hard work on today's item. Thanks as well to the captioners hiding behind the glass. As we've all seen on the screens beside us today, and at every past meeting for as long as I've been a Commissioner, captioning a live event with jargon-filled, pop-culture-infused, and occasionally rambling statements is quite a challenge. We appreciate your efforts.

¹ See Letter from Blake E. Reid, Director, Samuelson-Glushko Technology Law & Policy Clinic, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 05-231, PRM11CG, at 2 (Feb. 6, 2014), *available at* <http://apps.fcc.gov/ecfs/document/view?id=7521071501>.