



National Cable & Telecommunications Association
25 Massachusetts Avenue, NW – Suite 100
Washington, DC 20001
(202) 222-2300

www.ncta.com

Diane B. Burstein
Vice President and Deputy General Counsel

(202) 222-2445
(202) 222-2446 Fax

March 24, 2014

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Application of the IP Closed Captioning Rules to Video Clips; MB Docket
No. 11-154**

Dear Ms. Dortch:

On March 20, 2014, Jill Lockett, Senior Vice President, Program Network Policy, Stephanie Poday, Vice President and Associate General Counsel, and I, all of the National Cable & Telecommunications Association (“NCTA”), met with the following staff from the Media Bureau: Michelle Carey, Mary Beth Murphy, Steven Broeckaert, Alison Neplokh, and Diana Sokolow, and from the Consumer and Governmental Affairs Bureau: Karen Peltz Strauss, Gregory Hlibok, Suzy Singleton, and Rosaline Crawford.

At the meeting we explained that cable programming networks have made significant strides in voluntarily making video programming online available with captions, especially clipped news material.¹ We explained that the industry continues to actively explore potential technological solutions to make providing captions with online clips as possible as the repurposing of captioned full length television programming over the Internet.² To date, however, the captioning of clips online remains a time-consuming and costly process.³

¹ See NCTA Comments at 3-5; NCTA Reply Comments at 3-5.

² See NCTA Comments at 6; NCTA Reply Comments at 6.

³ See NCTA Comments at 5-6; NCTA Reply Comments at 5-6.

Ms. Marlene H. Dortch

March 24, 2014

Page 2

We also explained that the Commission lacks authority to mandate the captioning of clips online under the CVAA;⁴ and that, even if it had such authority, there are many reasons for the Commission to refrain from adopting such mandates.⁵ Instead, we urged the Commission to continue monitoring progress in this area. Finally, we noted that, given the complexities involved with applying captioning requirements to online clips, it makes sense that the IP Captioning *Report & Order* stated that “[a]ny changes to the rules would be adopted through a rulemaking proceeding.”⁶

Respectfully submitted,

/s/ **Diane B. Burstein**

Diane B. Burstein

cc: Michelle Carey
Mary Beth Murphy
Steven Broeckaert
Alison Neplokh
Diana Sokolow
Karen Peltz Strauss
Gregory Hlibok
Suzy Singleton
Rosaline Crawford

⁴ See NCTA Comments at 7; NCTA Reply Comments at 2-3.

⁵ See NCTA Comments at 7-8; NCTA Reply Comments at 3-8.

⁶ *In re Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, Report & Order, 27 FCC Rcd 787 ¶ 48, n.205 (2012).