This matter of compliance is not one that ought to be within the jurisdiction of the FCC. The ADA, TDCA and subsequent amendments fell to FCC to enforce not interpret or develop. The exception process reflects the environment of 20+ years ago when smaller broadcasters required greater considerations in complying to the then new standards of handicapped accessibility that came with the ADA and TDCA. This is flatly not the case now when broadcasters are and have been aware of the need to provide closed captioning and have instead used the waiver process as a cost cutting measure.

The FCC's job is to ensure that public discourse remains fairly open to the public and operates for the public good as these are shared national resources. Policies that exclude a group inherently violate this protective mandate. The deaf and hard of hearing require compliance with the TDCA to access the knowledge, information, and content that all other Americans freely assess. Compliance by contemporary broadcasters ought to be rigidly and comprehensively applied.

It may be that our legislators have failed in their duty to revisit these rules or to allow small level broadcasters to apply for credits, grants and other forms of support that would make CC technologies more affordable. But the spirit of the law and the primary objectives of the FCC dictate that they fall clearly on the side of protecting access for the deaf and hard of hearing.