



August 26, 2014

Federal Communications Commission  
Disability Rights Office  
445 12th Street, SW  
Washington, DC 20554  
Gregory.Hlibok@fcc.gov

**RE: FCC Case No. 14-C00573084 (SK) – Informal Complaint Against BBC World News;  
Ex Parte CG Docket No. 05-231**

Dear Chief Hlibok:

We are writing to express serious concern regarding BBC World News's July 23, 2014 response to Kenneth Oliver's informal closed captioning complaint – FCC Case No. 14-C00573084 (SK). In its response, BBC World News misinterprets self-implementing exemption 79.1(d)(11) for captioning expenses in excess of 2% gross revenues and we, on behalf of deaf and hard of hearing Americans, want to bring heightened attention to this misinterpretation. We wish to make sure that the Commission is fully aware of this situation and does not let BBC World News continue to neglect its obligations under 79.1 of the Closed Captioning Regulations.

On April 16, 2014, Mr. Oliver filed an informal complaint with the Commission regarding the unavailability of closed captioning on the BBC World News programming service. BBC World News responded on July 23, 2014 to the Commission claiming that Section 79.1(d)(11) "provides that no video programmer shall be required to expend any money to caption any video programming if such expenditure would exceed two percent (2%) of the gross revenues received from the applicable programming service during the previous calendar year." (Copy of letter attached.) BBC World News is incorrectly claiming a total exemption from the closed captioning requirements since its captioning expenses exceed 2% of its gross revenues.

The 79.1(d)(11) exemption actually says that expenditures above 2% are exempted rather than a total exemption. Thus, to claim the exemption, BBC World News is obligated to caption a portion of its programming until those costs exceed 2% of its gross revenue. BBC cannot use the exemption to avoid captioning any programming.

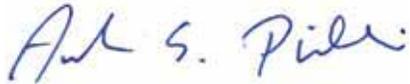
Moreover, given the confusion as well as abuse of the 2% exemption, we urge the Commission to revisit this exemption and consider eliminating or at least clarifying its operation as part of the closed captioning quality rulemaking.<sup>1</sup> We appreciate the Commission reconsidering several other self-implementing exemptions which have long outlived their purposes. We believe that this exemption deserves serious reconsideration given lower closed captioning costs, wide availability of closed captioning technology, and especially the abuse of this exemption.

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<sup>1</sup> *Closed Captioning of Video Programming*, R&O and FNPRM, CG Docket No. 05-231 (Feb. 24, 2014).

We appreciate Mr. Oliver reaching out to us and sharing his letter with us. We hope that the Commission can work with BBC World News to clarify its captioning obligations and be on the lookout for similar misinterpretations of the closed captioning rules.

Sincerely,

A handwritten signature in blue ink that reads "Andrew S. Phillips". The signature is written in a cursive, slightly slanted style.

Andrew Phillips  
Policy Counsel

cc: Susan Kimmel (Susan.Kimmel@fcc.gov)  
Sherita Kennedy (Sherita.Kennedy@fcc.gov)  
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**Copy of Letter Attached.**