

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Closed Captioning of Internet Protocol-Delivered) MB Docket No. 11-154
Video Programming: Implementation of the Twenty-)
First Century Communications and Video)
Accessibility Act of 2010)

**REPLY COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY
ASSOCIATION**

I. INTRODUCTION

The Telecommunications Industry Association (“TIA”)¹ submits reply comments in response to the Commission’s Order on Reconsideration and Further Notice of Proposed Rulemaking (“FNPRM”) in this proceeding.²

¹ TIA is a trade association based in the Washington, DC area which represents the global information and communications technology (“ICT”) manufacturer, vendor, and supplier community through policy advocacy, standards development, business opportunities, market intelligence, and networking. TIA’s member companies manufacture or supply the products and services used in global communications across all technology platforms. Members’ products and services empower communications in every industry and market, including healthcare, education, security, public safety, transportation, government, the military, the environment, and entertainment. TIA is an American National Standards Institute-accredited standard developer. Please see TIA’s 2013 Policy Playbook, which provides an overview of the ICT market, technologies, and policies that drive innovation and investment. See <http://www.tiaonline.org/policy/tia-2013-playbook>.

² See *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, MB Docket No. 11-154, Order on Reconsideration and Further Notice of Proposed Rulemaking, 28 FCC Rcd 8785 (2013) (“FNPRM”). The Commission extended the comment period in this matter from September 3, 2013 and September 30, 2013 to November 4, 2013 and December 4, 2013. See *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, MB Docket No. 11-154, Order (Aug. 20, 2013).

II. DISCUSSION

A. TIA AGREES THAT REQUIREMENTS FOR THE SYNCHRONIZATION OF CLOSED CAPTIONS SHOULD REST WITH THE CONTENT PROVIDER, NOT THE APPARATUS MANUFACTURER

In the FNPRM, the Commission requests input on causes of and ways to address closed captioning synchronization problems.³ TIA concurs with the Consumer Electronics Association (“CEA”) in their assessment of the synchronization issues raised in the FNPRM, particularly that caption decoders are not able to correct the alleged synchronization problems that the FCC intends to address.⁴ Based on our understanding TIA further agrees that it would be inappropriate for the Commission to “require apparatus manufacturers to ensure that their apparatus synchronize the appearance of closed captions with the display of the corresponding video.”⁵ Due to the crucial role the content provider plays, this responsibility should rest with the content provider to ensure such encoding consistent with the Commission’s previous determination.⁶

Furthermore, if the Commission nevertheless proceeds to place a requirement on manufacturers of apparatus for synchronization of closed captions, we strongly urge that the requirement be limited to a “do no harm” commitment to the caption timing commands in the

³ See FNPRM at ¶¶ 32-34.

⁴ See Comments of CEA, MB Docket No. 11-154 (filed Nov. 4, 2013) at 3-4 (“CEA Comments”).

⁵ See FNPRM at ¶ 32.

⁶ See *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, Report and Order, 27 FCC Rcd 853 (2012) at ¶ 112.

programming. Such a requirement would be consistent with the obligation placed on video programming distributors (VPDs) to not degrade closed captions during delivery to the consumer. Importantly a “do no harm” requirement would relieve apparatus of any closed captioning obligation when content is not adequately encoded with the necessary timing information – outside of the control of apparatus – because it would be infeasible to provide such timing information at that point.

B. THE USE OF SUBTITLES FOR THE DEAF AND HARD OF HEARING SHOULD BE CONSIDERED AN “ALTERNATE MEANS” OF COMPLIANCE WITH THE CVAA FOR REMOVABLE MEDIA PLAYERS

The Commission also examines in the FNPRM possibly imposing closed captioning requirements on DVD players that do not render or pass through closed captions, and on Blu-ray players with regard to Blu-ray discs and DVDs.⁷ TIA wishes to note for the Commission its agreement in this matter that the Commission should consider the use of subtitles for the deaf and hard of hearing (“SDH”) by removable media players to be an “alternate means” of complying with the captioning regulations, consistent with Section 203(e) of the CVAA.⁸

We also note our agreement that due to the declining market for physical disc-based media and the widely-accepted future of IP-delivered content, continued focus by the Commission in this area should be on the latter. As CEA notes in its comments, the removable

⁷ See FNPRM at ¶¶ 35-37.

⁸ See FNPRM at ¶ 37.

media discs themselves are not required to include closed captioning information.⁹ Further regulation of these removable media players would indeed only serve to more quickly make the business case for manufacturers of such devices to decline to further invest in them, and how this would further the CVAA or benefit the deaf and hard of hearing community is not apparent. For these reasons requiring a new output to be included in these devices is not a useful and realizable solution to further the CVAA, and we urge the Commission to refrain from placing such a requirement on this equipment.

⁹ See CEA Comments at 6-7.

III. CONCLUSION

We thank the Commission for its public consultation and urge the careful consideration of the positions of the ICT manufacturer and vendor community offered above.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

By: _____

Danielle Coffey
Vice President, Government Affairs

Brian Scarpelli
Senior Manager, Government Affairs

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

1320 Court House Road
Suite 200
Arlington, VA 22201
(703) 907-7700

December 4, 2013