

Institute for Public Representation

Georgetown Law
600 New Jersey Ave. NW
Washington, DC 20001
202.662.9535 (phone)
202.662.9634 (fax)



May 29, 2012

via electronic mail

Ms. Cathy Williams
Office of the Managing Director
Federal Communications Commission
Cathy.Williams@fcc.gov
PRA@fcc.gov

Re: **Notice and Request for Comments**
OMB Control No. 3060-1162:
Closed Captioning of Video Programming Delivered Using Internet
Protocol, and Apparatus Closed Caption Requirements.
MB Docket 11-154

Dear Ms. Williams:

Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI) respectfully submits these comments pursuant to the above-referenced request for comments on whether certain revised information collections by the Federal Communications Commission related to the closed captioning of video programming using Internet Protocol ("IP") and apparatuses satisfy the requirements of the Paperwork Reduction Act of 1995 (PRA). TDI seeks to promote equal access to telecommunications for the more than 48 million Americans who are deaf, hard of hearing, late-deafened, or deaf-blind so that they may fully experience the important informational, educational, cultural, and societal opportunities afforded by the telecommunications revolution, including video programming. TDI has been an active participant in the Commission's development of the IP and apparatus closed captioning requirements under the Twenty-First Century Communications and Video Accessibility Act of 2010 ("CVAA").

The revised information collections under the Commission's new IP and apparatus captioning rules include:

- a) Video programming owners ("VPOs") and video programming distributors ("VPDs") must agree on a mechanism for VPOs to inform VPDs whether programming is subject to the IP captioning rules;
- b) VPDs must make contact information available to end users so they can receive and handle complaints regarding IP closed captioning;
- c) VPOs and VPDs can petition the Commission for exemptions from the IP closed captioning requirements based on economic burden;
- d) Consumer complaints regarding can be filed with the Commission or with VPDs;
- e) Parties may raise technical infeasibility as a defense to a complaint under the apparatus closed captioning requirements;
- f) Manufacturers of certain apparatuses may petition the Commission for exemptions from the closed captioning requirements on the grounds of unachievability;
- g) Manufacturers of apparatuses may petition the Commission for waivers from the captioning requirements on the grounds that an apparatus's primary design or essential utility relates to activities other than playing back video; and
- h) Written complaints regarding violations of the apparatus closed captioning requirements must be filed with the Commission.

TDI supports the revised information requirements to the extent each is necessary to vindicate Congress' goal in enacting the CVAA: equal access for all Americans to video programming. We encourage the Commission, however, to take particular care to ensure that its complaint processes do not overly burden consumers, and to acknowledge technical infeasibility and grant exemptions and

waivers only under the most extreme circumstances. We plan to observe these information collections as they come into operation in the coming months, and urge the Commission to regularly solicit further public comment regarding the operation of the new IP and apparatus closed captioning rules.

Respectfully submitted,

/s/

Blake E. Reid, Esq.

*Counsel to Telecommunications for the
Deaf and Hard of Hearing, Inc.*

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Institute for Public Representation
Georgetown Law
600 New Jersey Ave. NW
Washington, DC 20001
202.662.9545
ber29@law.georgetown.edu

cc: Karen Peltz Strauss, Consumer
and Governmental Affairs Bureau