



PUBLIC NOTICE

Federal Communications Commission
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FCC ANNOUNCES ESTABLISHMENT OF TECHNICAL WORKING GROUP TO STUDY DIGITAL CLOSED CAPTIONING AND VIDEO DESCRIPTION ISSUES, APPOINTMENT OF MEMBERS, AGENDA FOR FIRST MEETING

Working Group to be Focused on Matters Pertaining to Accessibility of Television Programming for Individuals Who Are Deaf or Hard of Hearing, or are Blind or Have a Vision Disability

The Federal Communications Commission (“Commission”) announces the establishment of a working group to be focused on matters pertaining to accessibility of television programming for individuals who are deaf or hard of hearing, or are blind or have a vision disability. The Commission also identifies the individuals and organizations that will serve on the working group. Lastly, the Commission announces that the first meeting of the working group will be May 18, 2009, at 9:00 a.m. at the Commission’s headquarters in Washington, D.C.

PURPOSE

The purpose of the working group will be to conduct an assessment of closed captioning and video description technical issues associated with the switch to digital television (DTV transition), and to recommend to the Commission’s Consumer Advisory Committee (CAC)¹ solutions to any technical problems arising with these services in conjunction with the DTV transition. The CAC first recommended the establishment of a technical working group on digital closed captioning and video description in comments submitted in MB Docket No. 07-148 (the FCC’s *DTV Consumer Education Initiative*), on October 1, 2007, and again at subsequent CAC meetings in June 2008 and January 2009. Establishment of the working group is also consistent with Acting Chairman Copps’ statement before the CAC at the January 30, 2009 meeting, during which he emphasized the need for the Commission to take a leadership role in addressing these matters. The working group will be supported by staff from the Consumer and Governmental Affairs Bureau (CGB), jointly with staff from the Office of Engineering and Technology (OET), who will provide technical support and guidance on the DTV transition and the provision of digital closed captioning and video description services. Staff will also provide interpretations of the Commission’s closed captioning rules, but will not serve as voting members of the working group.

¹ The Commission established the CAC as a federal advisory committee in November 2000 for the purpose of making recommendations regarding consumer issues within the jurisdiction of the Commission and to facilitate the participation of consumers (including people with disabilities and underserved populations, such as American Indians and persons living in rural areas) in proceedings before the Commission. See *FCC Requests Nominations for Membership on the Consumer/Disability Telecommunications Advisory Committee*, Public Notice, 15 FCC Rcd 23798 (CIB 2000). The Committee was renewed for a fifth two-year term on November 17, 2008.

Specifically, the working group has been charged with meeting the following three goals:

- Identify current and anticipated problems with the transmission and display of digital closed captions and video description;
- Evaluate the closed captioning and video description capabilities of digital equipment; and
- Develop solutions to ensure that closed captions and video description are passed through intact to consumers.

MEMBERSHIP

The working group will be a subcommittee under the CAC. The members of the working group have been appointed by, and serve at the discretion of, the Chairman of the Commission, and have been approved by the FCC's Office of General Counsel Ethics group. Although the working group may meet informally and without public attendance, given that the working group is a subcommittee of the CAC, the full membership of the CAC must discuss and vote on any recommendations or conclusions of the working group prior to their adoption and presentation to the Commission. Members of the working group will not have voting authority on any of the CAC's recommendations to the Commission (unless they also are members of the CAC).

The attached list of working group members includes representatives from the broadcast, cable, satellite, and LEC video industries, manufacturers of consumer electronics, manufacturers of equipment used in or connected with the processing and encoding of closed captions and video description, consumer electronics retailers, closed captioning and video description providers, and consumers of closed captions and video description.

PROCEDURES

The first meeting of the working group will be held on May 18, 2009 in the Commission's Meeting Room. The Agenda for the meeting is attached to this Public Notice. Initially, the working group will meet once or twice per month, based on the members' availability, progress of the group's work, and other factors. To the extent feasible, such meetings may be open to the public. In order to facilitate the business of the group without imposing undue travel or other costs, however, some meetings of the working group may take place via teleconference. The working group will remain in existence for one year, at which time the Chairman of the Commission will determine if it is necessary for the working group to continue or whether it may be disbanded and its duties subsumed within those of the CAC. Given that the current term of the CAC ends on November 17, 2010, the working group must terminate at that time, if not earlier.

FUNCTIONS

It is anticipated that the working group will identify issues and problems with respect to closed captioning and video description that are associated with the DTV transition, and propose solutions to these problems in the form of recommendations to the full CAC. The working group shall submit a written report to the CAC on its progress in identifying and proposing resolutions to closed captioning and video description issues and problems within three months after the working group's first meeting, and then after another three months. These reports also will include the identification of any changes in Commission policy recommended in order to address these issues. These written reports, if adopted by

the CAC and to the extent modified by it, should be submitted to the Commission and made publicly available on the CAC's existing webpage: <http://www.fcc.gov/cgb/cac/>.

As recommended by the CAC, the Commission envisions that the CAC, through its web site, will act as a public clearinghouse of closed captioning- and video description-related DTV information. The Commission will also endeavor to share information learned through the CAC with TV station engineers, video programming distributors (VPDs), industry associations and others (*e.g.*, manufacturers, retailers, and closed captioning and video description providers).

As noted in the attached Agenda for the working group's first meeting, there will be some time allotted for public comment geared towards identifying issues and problems related to closed captioning and video description in the specific context of the DTV transition. For instance, the Commission anticipates that some of the closed captioning-related issues specifically arising in the context of the DTV transition include the following:

- Lack of captions or garbled captions on HD channels
- HD set top box stripping or garbling captions on HD channels
- Concern that HDMI cables may not pass through the captions
- VPD or station equipment cannot properly deliver up-converted (analog to digital) captions
- Captions readable by digital-to-analog converter boxes not being transmitted
- Problems receiving captions through digital-to-analog converter boxes or multi-channel VPD set-top boxes
- Overlapping captions (two lines of captions displayed over each other)
- Captions flashing on and off
- Captions that inadvertently switch to text mode, causing 95% of the screen image to be obscured.
- Highly difficult user interfaces or directions causing users to conclude that captions are unavailable on their TV sets.

With regard to video description, although video description is not presently required under the Commission's rules, some VPDs do provide this access feature voluntarily on certain programs. Many consumers are confronting the same types of problems that closed captioning users are having. For example, consumers are experiencing difficulty in accessing video descriptions through the user interfaces associated with DTV equipment, and many technicians, programming distributors, and retailers are unable to effectively address new problems with video description, often not even knowing why a given problem is occurring.

ACCESSIBILITY OF MEETING AND MATERIALS

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. If you require other reasonable accommodations, please request them as early as possible. Include a description of the accommodation you will need, providing as much detail as you can. Also include a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fulfill. For such requests, or to request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

For further information contact: Michael Jacobs, Consumer and Governmental Affairs Bureau, Federal Communications Commission, Room 5-C737, 445 12th Street, SW, Washington, DC 20554. Phone: 202-418-2859 (voice) or 202-418-8233 (TTY); Email: Michael.Jacobs@fcc.gov.

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MEMBERS OF WORKING GROUP

CONSUMER REPRESENTATIVES

FCC Consumer Advisory Committee, Karen Peltz Strauss
American Council of the Blind, Eric Bridges
Northern Virginia Resource Council for Deaf and Hard of Hearing, Hearing Loss
Association of America, Cheryl Heppner

INDUSTRY REPRESENTATIVES

National Center for Accessible Media (NCAM) at WGBH, Larry Goldberg
NAB, Graham Jones
NCTA, Andy Scott
Echostar, John Card
DirecTV, Robert Gabrielli
CBS, Bob Seidel
COMCAST, Charlie Kennamer
National Captioning Institute (NCI), Marc Okrand
Motorola, Jeff Newdeck
Panasonic, Tony Jaisnowski, Panasonic
CaptionMax, Gerald Freda,
PBS, Stephen Scheel
Verizon, Jimmy Ho
Norpak, Bob Fitzgerald
VITAC, Tim Taylor
CEA, Brian Markwalter
LG, John Taylor
AT&T, Chris Boyer
Evertz Microsystems, Michael Kirouac
EEG, Phil McLaughlin
ABC, David Dreispan
FOX, Andy Setos
NBC, Greg DePriest
Speech Conversion Technologies, Gregory Schmidt

FCC REPRESENTATIVES

CGB Chief Catherine Seidel and OET Chief Julius Knapp will serve as Co-Chairs of the working group. In addition, the following FCC staff will serve in support roles:

Michael Jacobs (CGB Front Office)
Alan Stillwell (OET Front Office)
Hugh Van Tuyl (OET, Technical Rules Branch)
Steve Martin (OET, Technical Research Branch/FCC Lab)
Amelia Brown (CGB, Disability Rights Office)

**DIGITAL CLOSED CAPTIONING AND VIDEO DESCRIPTION
TECHNICAL WORKING GROUP MEETING**

**Federal Communications Commission
445 12th Street, SW, Room TW-C305, Washington, DC
May 18, 2009
9:00 a.m. – 4:30 p.m.**

AGENDA FOR FIRST MEETING OF WORKING GROUP

Morning Session

9:00 a.m. - 9:15 a.m.	Introduction and Welcome
9:15 a.m. - 9:30 a.m.	Remarks by the Acting Chairman & Commissioners [Schedules permitting]
9:30 a.m. - 11:00a.m.	Roundtable Discussion: Identifying Issues with Digital Closed Captioning
11:00 a.m. - 11:15 a.m.	BREAK
11:15 a.m. - 12:15 p.m.	Roundtable Discussion: Identifying Issues with Video Description
12:15 p.m. - 1:15 p.m.	LUNCH BREAK

Afternoon Session

1:15 p.m. - 2:15 p.m.	Open Forum: Questions from Consumers
2:15 p.m. - 3:30 p.m.	Roundtable Discussion: Identifying Solutions
3:30 p.m. - 3:45 p.m.	BREAK
3:45 p.m. - 4:30 p.m.	The Technical Working Group: Delegation of responsibilities for follow-up and next steps; establishment of a timeframe for deliverables; and establishment of next four meeting dates
4:30 p.m.	Adjournment