

Before the  
Federal Communications Commission  
Washington, D.C. 20554

MM Docket No. 95-176

In the Matter of

Closed Captioning and Video Description  
of Video Programming

**ORDER GRANTING EXTENSION OF TIME  
FOR FILING COMMENTS**

Adopted: January 22, 1996; Released: January 22, 1996

Comment Date: February 28, 1996

Reply Comment Date: March 15, 1996

By the Chief, Mass Media Bureau:

1. On December 1, 1995, the Commission adopted a *Notice of Inquiry* in MM Docket No. 95-176 (NOI), FCC-95-484, seeking comment on a wide variety of issues relating to closed captioning and video description services. Comments were initially due to be filed by January 29, 1996, and reply comments by February 14, 1996.

2. On January 16, 1996, a Motion to Extend the Comment Period was filed by the National Association of Broadcasters, the Association of Independent Television Stations, Inc., Capital Cities/ABC, Inc., CBS, Inc., Fox Broadcasting Company, and the National Broadcasting Company, Inc. (collectively referred to as "Broadcasters"). Broadcasters point out that both the House and Senate have passed versions of telecommunications legislation that would require the Commission to adopt new rules requiring closed captioning of most television programming. S. 652, 104th Cong., 1st Sess. § 308 (1995); H.R. 1555, 104th Cong., 1st Sess. § 204 (1995). See NOI at ¶¶ 7-8, 25-31. They claim that the information the Commission will need to gather will vary significantly depending on whether any such legislation is enacted. They argue that "the resources of both Broadcasters and the Commission would be poorly used in preparing and considering comments raised in the [NOI] when a second set of comments would almost certainly have to be sought on similar issues if Congress adopts the captioning legislation." Accordingly, Broadcasters request the Commission to extend the filing date for comments in this proceeding until 30 days after the date of enactment of the Telecommunications Act of 1995, or -- if Congress fails to adopt a bill -- until a further order of the Commission.<sup>1</sup>

3. On January 17, 1996, The National Association of the Deaf (NAD) requested that the Commission extend the due date for filing comments and reply comments in this proceeding by 30 days. In support of its request, NAD argues that the occurrence of certain events make meeting the

existing deadlines extremely difficult, if not impossible. First, NAD notes that Gallaudet University announced the closing of the National Center for Law and Deafness (Law Center), effective January 19, 1996. The Law Center, which NAD states has played a key role in coordinating and preparing comments on Commission proceedings affecting telecommunications and television access, was given only seven weeks notice of its closing date after being in operation for twenty years. NAD claims that because the time allotted for shutting down the Law Center and transferring its operations was so short, the Law Center had little or no time to begin to address the matters raised in the NOI. NAD states that it will be assuming the role formerly filled by the Law Center in addressing telecommunications matters raised by the Commission. Second, NAD notes that the severe winter snow storm that struck the Northeast forced closure of many private and governmental offices for approximately the entire week of January 8-12, 1996, impeding NAD's ability to gather the information needed for a proper response to the NOI. Finally, the partial closure of the Federal government resulted in a furlough of employees at several governmental agencies, including the Department of Education, which may have relevant information to file in connection with this proceeding.<sup>2</sup>

4. We decline to grant Broadcasters' request for an indefinite extension pending developments on the pending telecommunications reform legislation. While we understand that further comments may ultimately be necessary, we believe that submission of the information sought by the NOI will provide a useful foundation for further Commission action whether or not that legislation is enacted. The Commission will be able to expedite the implementation of any legislation that becomes law and accelerate completion of any further proceedings the Commission may be required by the legislation to conduct on both closed captioning and video description. Further, the comments submitted should provide us with information that would be useful in preparing any Notice of Proposed Rule Making that might be necessary to implement the legislation. If the legislation is not enacted, the record in this proceeding will enable the Commission to "assess the possibility of adopting regulatory requirements in this area under its existing statutory authority." NOI at ¶ 26.

5. With regard to NAD's request for an extension, we are mindful that Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, articulates a Commission policy that extensions of time for filing comments in rulemaking proceedings are not to be routinely granted. Nevertheless, we find that good cause exists for granting a short extension of the comment and reply comment deadlines. We take note of the following factors which, viewed in their totality, we believe warrant grant of a 30-day extension: (1) the abrupt closing of the Law Center at Gallaudet University, and the need for its successor organization, NAD, to gather comprehensive information on short notice; (2) the unusually severe winter storms, which have recently stalled mail deliveries, disrupted transit, and forced many workplaces to close for up to a week, and have therefore complicated efforts to prepare comments, particularly for those parties whose comments required coordination among multiple entities or persons; and (3) the partial federal government

<sup>1</sup> Broadcasters request in the alternative that the Commission extend the comment deadlines by 30 days.

<sup>2</sup> NAD also supports its request with the argument that "many

individuals were out of town or otherwise unavailable" during the Christmas holidays. We do not believe that this fact provides any justification for an extension of the comment period.

closure, which has made it difficult for parties to gather from agencies relevant information regarding closed captioning and video description services.

6. Accordingly, IT IS ORDERED, that the request filed by the National Association of the Deaf for an extension of time in which to file comments and reply comments in response to the *Notice of Inquiry* in MM Docket No. 95-176 IS GRANTED to the extent indicated herein. IT IS FURTHER ORDERED that the request of the National Association of Broadcasters, *et al.*, for an extension contingent on the passage of the pending telecommunications legislation IS DENIED.

7. IT IS FURTHER ORDERED, that the time for filing comments in the above-captioned proceeding IS EXTENDED to February 28, 1996, and the time for filing reply comments IS EXTENDED to March 15, 1996.

8. This action is taken pursuant to authority found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and Sections 0.204(b), 0.283 and 1.45 of the Commission's Rules, 47 C.F.R. §§ 0.204(b), 0.283 and 1.45.

FEDERAL COMMUNICATIONS COMMISSION

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