

Date: Tuesday, May 05, 2015
Subject: FCC Announces Filing Procedures for Reporting Non-Certifying Video Programmers Under Closed Captioning Rules

On May 5, 2015, the FCC released a Public Notice announcing the procedures for reporting non-certifying video programmers under the FCC's closed captioning rules. As directed by the FCC in the *Closed Captioning Quality Order* released in February of 2014, the FCC's Consumer and Governmental Affairs Bureau issued these procedures to further the FCC's objective of ensuring the provision of high quality closed captioning in accordance with the FCC's rule standards.

FCC rules require each video programming distributor (VPD) to make best efforts to obtain a certification from each video programmer from which the VPD obtains programming stating:

- (i) that the video programmer's programming satisfies the caption quality standards of 47 CFR 79.1(j)(2);
- (ii) that in the ordinary course of business, the video programmer has adopted and follows the Best Practices for video programmers with respect to captioning quality found in 47 CFR 79.1(k)(1); or
- (iii) that the video programmer is exempt from the closed captioning rules, under one or more properly attained exemptions.

If a video programmer fails to provide such widely available certification within 30 days after receipt of a written request from a VPD, **the VPD shall report the non-certifying video programmer to the Commission by sending the name and contact information of the video programmer via e-mail to captioningcertification@fcc.gov**. Because section 79.1(j) requires that such information be reported promptly, **we expect VPDs to report the information (1) within 40 days of the date that the VPD informed the video programmer that the video programmer must make the certification widely available or (2) within 30 days of the date of the Public Notice, whichever is later.**

The Public Notice also reminds video programmers that if a video programmer chooses to make widely available a certification stating that, in the ordinary course of business, it has adopted and follows the Best Practices for video programmers with respect to captioning quality, such certification must be executed by the *video programmer* and state that the *video programmer* adheres to the Best Practices for video programmers.

Links to the Public Notice:

Word: https://apps.fcc.gov/edocs_public/attachmatch/DA-15-534A1.docx

PDF: https://apps.fcc.gov/edocs_public/attachmatch/DA-15-534A1.pdf

Text: https://apps.fcc.gov/edocs_public/attachmatch/DA-15-534A1.txt

For further information, please contact Caitlin Vogus, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 418-1264 or by e-mail to Caitlin.Vogus@fcc.gov; or Eliot Greenwald, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 418-2235 or by e-mail to Eliot.Greenwald@fcc.gov.