

Closed Captioning Quality Rules Federal Communications Commission

State and Local Government Webinar
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Closed Captioning Rules

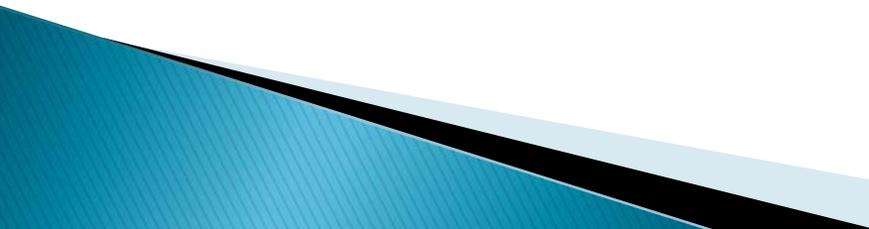
- ▶ Captioning is now a routine part of television production
- ▶ **100%** of all new, non-exempt television programming must be captioned.
- ▶ **75%** of older (first shown before January 1998) programming must be captioned.
- ▶ Applies to both English and Spanish programming
- ▶ Exemptions for
 - some overnight programming (2:00–6:00 a.m.)
 - advertisements
 - channels producing annual revenues under \$3 million
 - music without lyrics
- ▶ No provider must spend more than 2% of its annual revenues on captioning.

FCC Closed Captioning Quality Standards (adopted February 2014)

▶ 4 Quality Components

- Accuracy: Captions must reflect the dialogue and other sounds and music in the audio track to the fullest extent possible based on the type of the programming, and must identify the speakers.
- Synchronicity: Captions must be synchronous with their corresponding dialogue and other sounds to the fullest extent possible based on the type of the programming, and must appear at a speed that can be read by viewers.
- Program Completeness: Captions must run from the beginning to the end of the program, to the fullest extent possible, based on the type of the programming.
- Placement: Captions may not cover up other important on-screen information, such as character faces, featured text, graphics, or other information essential to the understanding or accessing of a program's content, and other information may not cover up captions.

Types of Programming

- ▶ Pre-recorded Programming: Compliance with 4 components expected. Alternative: Follow best practices (discussed below)
 - ▶ Live Programming: FCC will consider the challenges (e.g., lack of an opportunity to review captions), but expects captioning to be sufficiently accurate, synchronous, complete, and appropriately placed to allow a viewer who depends on captioning to understand the program and have a viewing experience that is comparable to someone listening to the sound track
 - ▶ Near-Live Programming: Programming that is performed and recorded within 24 hours prior to when it is first aired on television will be evaluated under the same standards applied to live programming, although we encourage measures that can be taken prior to the program's airing to improve its captioning quality (e.g., delivery of material in advance to captioner)
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Best Practices

- ▶ Includes agreements with captioning vendors that include performance requirements for high quality captions. Examples:
 - Requirements for error-free captions that are punctuated correctly, placed properly, and synchronized with audio
 - Performance evaluations of captioners
 - Screening, training and supervision of captioners
 - Ensuring technical system functionalities (e.g., properly working telephone lines and IP transmissions)

Consumer Complaints

▶ Must contain:

- (1) the channel number, channel name, call sign, or network;
- (2) the name of the MVPD, if applicable;
- (3) the date and time when the captioning problem occurred;
- (4) the name of the program with the captioning problem; and
- (5) a detailed description of the captioning problem, including specifics about the frequency and type of problem (*e.g.*, garbling, captions cut off at certain times or on certain days, and accuracy problems).

News Programs– Current Access

- ▶ Real-time captioning required on major news programs if shown by:
 - major national broadcast television networks (i.e., ABC, CBS, Fox and NBC);
 - affiliates of these networks in the top 25 television markets as defined by Nielsen’s Designated Market Areas; and
 - national nonbroadcast networks serving at least 50% of all homes subscribing to multichannel video programming services.
- ▶ All other local newscasts may use the “Electronic Newsroom Technique (ENT)” – uses teleprompter to caption, but often misses live sports, weather and most late-breaking news.

News Programs – New Rules

- ▶ Most news programming, including sports, weather, and most late-breaking news must be scripted for the teleprompter and therefore captioned.
 - ▶ Crawls and other visual information must be utilized to provide visual access to those segments where ENT is not used.
 - ▶ FCC will assess effectiveness of new requirements and the need for real-time captioning for news programs after 1 year.
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Other Captioning Matters

- ▶ Existing law: Video distributors must monitor and maintain their equipment and take any corrective measures necessary to ensure that such equipment is in proper working order, as part of their obligation to ensure that the captioning included with video programming reaches consumers – now explicitly added to FCC rules.
- ▶ New requirement for video distributors to perform routine technical equipment checks in a manner that is sufficient to ensure that captions are passed through to viewers intact
- ▶ New requirement for video distributors to keep records for 2 years of their activities related to the maintenance, monitoring and routine technical checks of their captioning equipment.

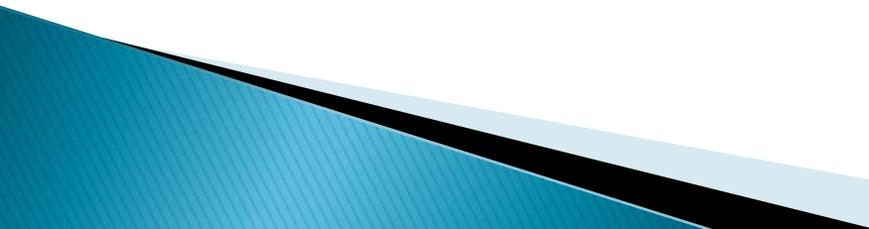
Order Clarifies Captioning Rules

- ▶ New bilingual English and Spanish language programming and 75% of pre-rule bilingual English and Spanish language programming must be closed captioned.
- ▶ Small, discrete portions of English or Spanish segments that account for only a small percentage of an otherwise non-English or non-Spanish program, respectively, need not be captioned.
- ▶ All video distributors are required to make contact information available to consumers and the Commission.
- ▶ “On demand” programming must comply with captioning rules (caption 100 percent of all new English, Spanish and bilingual English and Spanish language programming; and 75 percent of older (pre-1998) English, Spanish and bilingual English and Spanish language programming).
- ▶ Low power television stations must comply with the Commission’s closed captioning rules.

Further Notice – Seeks Comment

- ▶ Whether to impose some responsibilities for compliance with the Commission's closed captioning quality rules on video programmers (presently rules are imposed on distributors – e.g., cable companies)
- ▶ Whether to require specific measures to ensure program completeness and synchronicity for live and near-live programming
 - For live programming: advanced delivery of the audio track; use of fade outs to add a few seconds before the next program or commercial content; allowing captions remaining at the end of a program's audio to be placed on the screen during a subsequent advertisement or program in a manner that does not overlap with the captions on that ad or program.
 - For near-live programming: provision of a complete program script or near-completed program to the captioning agency in advance of airing; access to a live feed of the taping for the captioning agency so captioning may be done at the time of taping

Further Notice – Seeks Comment

- ▶ How to define “near-live” programming
 - ▶ Whether to require off-line captioning for re-airing of live and near-live programming
 - ▶ Whether to require that captioning outages be communicated to viewers in real-time and be reported to the Commission
 - ▶ Whether the Commission should modify or eliminate certain current exemptions (e.g., new networks, commercials, overnight programs)
 - ▶ Captioning on 3D TV
 - ▶ Access to caption display features
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Helpful Information

- CVAA Webpage: <http://www.fcc.gov/encyclopedia/twenty-first-century-communications-and-video-accessibility-act-0>
- First FCC Biennial CVAA Report to Congress – October 5, 2012: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-12-1602A1.pdf
- Contact Information: Karen.Strauss@fcc.gov

