

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

In the Matter of:)
)
Home Shopping Club L.P.)
) CSR 5459
Petition for Partial Reconsideration or Clarification)
)
)

MEMORANDUM OPINION AND ORDER

Adopted: April 26, 2001

Released: April 27, 2001

By the Chief, Cable Services Bureau:

1. In the above-captioned proceeding, HSN L.P. (“HSN”)¹ filed a petition for partial reconsideration or clarification of the Bureau’s June 15, 2000 decision denying HSN’s request for waiver of the Commission’s closed captioning requirements.² HSN argues that it requires a reasonable amount of time to come into compliance with the Commission’s rules, and submits that allowing it a year from the adoption of the *Bureau’s Order* is appropriate.

2. In its initial petition, HSN claimed that closed captioning of the video programming it distributes constitutes an undue burden. After considering the four statutory factors as required by Section 713(e) of the Communications Act of 1934, as amended (“the Act”), the Bureau found that HSN had not demonstrated that closed captioning requirements would constitute an undue burden.³ The *Bureau Order* noted the Commission’s finding that the spoken dialog in programs that use graphics and text to sell products or services such as HSN’s adds information that would be lost to consumers with hearing disabilities.⁴ The *Bureau Order* noted that on two previous occasions, the Commission rejected requests to exempt shop-at-home programming such as HSN’s from the closed captioning rules.⁵

3. HSN maintains that it requires sufficient time to install equipment and train personnel to ensure that its closed captioning is as accurate as possible. Given the finding on several occasions that closed captioning of HSN’s programming will convey important information that is otherwise unavailable

¹ Home Shopping Club, L.P., filed the initial petition in this proceeding. Petitioner has since changed its name to HSN L.P.

² *Home Shopping Club, L.P.*, Memorandum Opinion and Order, 15 FCC Rcd 10790 (2000) (“*Bureau Order*”).

³ 47 U.S.C. § 613(e). The factors the Commission is required to consider include: (a) the nature and cost of the closed captions for the programming; (b) the impact on the operation of the provider or program owner; (c) the financial resources of the provider or program owner; and (d) the type of operations of the provider or program owner.

⁴ *Bureau Order* at 10794.

⁵ *Id.*

to consumers with hearing disabilities, and the finding that providing closed captioning for such programming does not constitute an undue burden, we find that HSN should commence closed captioning within 30 days. We expect HSN to report to the Commission on the status of its closed captioning.

4. Accordingly, **IT IS ORDERED** that the petition for partial reconsideration or clarification filed by HSN L.P. **IS DENIED** to the extent indicated above.

5. **IT IS FURTHER ORDERED** that HSN L.P. **SHALL COMMENCE COMPLIANCE** with Section 79.1 of the Commission's rules within thirty (30) days.⁶

6. **IT IS FURTHER ORDERED** that HSN L.P. **SHALL FILE A REPORT** detailing the progress of its efforts to achieve compliance with Section 79.1 of the Commission's rules within sixty (60) days.

7. This action is taken pursuant to delegated authority by Section 0.321 of the Commission's rules.⁷

FEDERAL COMMUNICATIONS COMMISSION

Deborah A. Lathen
Chief, Cable Services Bureau

⁶ 47 C.F.R. § 79.1.

⁷ 47 C.F.R. § 0.321.