



PUBLIC NOTICE

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NOTICE TO VIDEO PROGRAMMING DISTRIBUTORS AND THE PUBLIC OF THE JANUARY 1, 2004, REQUIREMENTS FOR THE CLOSED CAPTIONING OF NEW NONEXEMPT ENGLISH AND SPANISH LANGUAGE VIDEO PROGRAMMING AND REMINDER REGARDING OTHER CAPTIONING REQUIREMENTS

This *Public Notice* is to remind video programming distributors¹ and the public of upcoming closed captioning benchmarks for new English and Spanish language nonexempt video programming.

First, with regard to *new* nonexempt English language programming, between January 1, 2004, and December 31, 2005, a video programming distributor shall provide at least 1350 hours of captioned video programming or all of its new nonexempt video programming must be provided with captions, whichever is less.² These hours are measured on a per channel, per calendar quarter basis.³ The Commission's closed captioning benchmarks apply to both analog new programming (*i.e.*, video programming that was first published or exhibited *on or after* January 1, 1998),⁴ and digital new video programming. Digital new programming is video programming prepared or formatted for display on digital televisions that was first published or exhibited *on or after* July 1, 2002.⁵ This upcoming benchmark is the last before the final benchmark of January 1, 2006, when 100% of all new nonexempt programming must be captioned.⁶

Second, with regard to *pre-rule* nonexempt English video programming, we note that as of January 1, 2003, 30% of such programming must be captioned.⁷ Furthermore, as of January 1, 2008, and thereafter, 75% of the programming distributor's pre-rule nonexempt video programming being distributed and

¹ See 47 C.F.R. § 79.1(a)(2).

² See 47 C.F.R. § 79.1(b)(1)(iii).

³ See 47 C.F.R. § 79.1(b)(1).

⁴ See 47 C.F.R. § 79.1(a)(5).

⁵ See 47 C.F.R. § 79.1(a)(6)(ii); *Closed Captioning Requirements for Digital Television Receivers: Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility*, Report and Order, ET Docket No. 99-254, MM Docket No. 95-176, FCC 00-259, 15 FCC Rcd 16788 (2000) (*Digital Closed Captioning Order*) (See Summary of Requirements, setting forth applicable compliance dates).

⁶ See 47 C.F.R. § 79.1(b)(1)(iv).

⁷ See 47 C.F.R. § 79.1(b)(2)(i).

exhibited on each channel during each calendar quarter must be provided with closed captioning.⁸ Analog *pre-rule* programming is video programming that was first published or exhibited *before* January 1, 1998.⁹ Digital *pre-rule* programming is video programming first published or exhibited *before* July 1, 2002.¹⁰

Third, with regard to *new* nonexempt Spanish language programming, between January 1, 2004, and December 31, 2006, 900 hours of such programming must be closed captioned per channel per quarter, an increase from 450 hours,¹¹ leading to the final benchmark of 100% of *new* nonexempt Spanish language programming starting January 1, 2010.¹²

Lastly, the first benchmark for *pre-rule* nonexempt Spanish language programming is January 1, 2005, after which 30% of the programming distributor's *pre-rule* nonexempt Spanish language video programming being distributed and exhibited on each channel during each calendar quarter must be provided with closed captioning.¹³ Beginning January 1, 2012, and thereafter, 75% of the programming distributor's *pre-rule* nonexempt Spanish language video programming must be provided with closed captioning.¹⁴

As a further reminder, we note that the closed captioning requirements noted above are separate from video programming distributors' obligations to make emergency information accessible to persons with hearing and vision disabilities, as described in 47 C.F.R. 79.2 of our rules.¹⁵ The provisions of 47 C.F.R. 79.2 apply to all video programming distributors.¹⁶ For more information on this topic see the Commission's most recent Public Notice dated July 18, 2003 which can be found at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-03-2361A1.doc or see the FCC's Factsheet at <http://www.fcc.gov/cgb/consumerfacts/emergencyvideo.html>.

All closed captioning benchmarks and rules were established to ensure that video programming is accessible to persons who are deaf or hard of hearing in accordance with the mandate of Congress as set forth in Section 713 of the Telecommunications Act of 1996.¹⁷ To view the FCC's Factsheet summarizing all of the Commission's closed captioning rules and benchmarks go to <http://www.fcc.gov/cgb/consumerfacts/closedcaption.html>.

⁸ See 47 C.F.R. § 79.1(b)(2)(ii).

⁹ See 47 C.F.R. § 79.1(a)(6)(i).

¹⁰ See 47 C.F.R. § 79.1(a)(6)(ii); See generally *Digital Closed Captioning Order*, 15 FCC Rcd 16788 (2000) (See Summary of Requirements, setting forth applicable compliance dates).

¹¹ See 47 C.F.R. § 79.1(b)(3)(i).

¹² See 47 C.F.R. § 79.1(b)(3)(ii-iv).

¹³ See 47 C.F.R. § 79.1(b)(4)(i).

¹⁴ See 47 C.F.R. § 79.1(b)(4)(ii).

¹⁵ See 47 C.F.R. § 79.2.

¹⁶ *Id.*

¹⁷ See Pub. L. 104-104, 110 Stat 56 (1996); 47 U.S.C. § 613.

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