



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 10-836

Released: May 12, 2010

**INFORMATION FOR CONTACTING VIDEO PROGRAMMING DISTRIBUTORS ABOUT
CLOSED CAPTIONING PROBLEMS NOW AVAILABLE ON FCC WEBSITE, AND
INFORMATION ON NEW COMPLAINT PROCEDURES FOR CLOSED CAPTIONING AND
REVISED FORM 2000C**

**CG Docket No. 05-231
ET Docket No. 99-254**

Pursuant to this Public Notice, the Federal Communications Commission (FCC or Commission) announces that the public may now search the FCC's website to find their video programming distributor's (VPDs) contact information for closed captioning complaints. The closed captioning Contact Information requirements, 47 C.F.R. § 79.1(i), which became effective on February 19, 2010, required VPDs to provide the Commission with the following two sets of contact information by March 22, 2010¹: (1) contact information for the receipt and handling of immediate closed captioning concerns by consumers, and (2) contact information for written closed captioning complaints.² Immediate closed captioning concerns are those that a consumer may have while watching a program on television (*e.g.*, the captions suddenly disappear or become garbled). Contact information for these kinds of concerns must be provided so that consumers can try to get the VPD to fix the problem on the spot, when possible. By contrast, written closed captioning complaints report a violation of the captioning rules to the Commission to enable the Commission to enforce compliance with these rules. This Public Notice explains how to access both of these types of VPD contact information on the FCC's website. Additional consumer information is located on the FCC's closed captioning webpage at <http://www.fcc.gov/cgb/dro/caption.html>.

This Public Notice also describes the new process for filing and processing written closed captioning complaints under Section 79.1 of the Commission's rules.³ The simplified complaint rules

¹ See *Closed Captioning of Video Programming; Closed Captioning Requirements for Digital Television Receivers*, CG Docket No. 05-231, ET Docket No. 99-254, Declaratory Ruling, Order, and Notice of Proposed Rulemaking, 23 FCC Rcd 16674 (rel. Nov. 7, 2008) (*November 2008 Order*). Notice of the effective date of the new rule was published in the Federal Register on February 19, 2010, 75 FR 7370. This Public Notice is issued pursuant to the *November 2008 Order*, wherein the Commission stated it would issue a Public Notice "advising consumers and other interested parties how to obtain access to contact information." *Id.* 23 FCC Rcd at 16687, para. 34.

² See *November 2008 Order*, 23 FCC Rcd at 16684-16687, paras. 27-34.

³ The rule changes were adopted by the Commission in November 2008, approved by OMB in July 2009, and made effective February 19, 2010, by publication in the Federal Register. See *November 2008 Order*.

make it easier for consumers to bring their concerns about closed captions on television to the attention of the Commission. Specifically, the new rules allow consumers to file their closed captioning complaints either with the VPD (*i.e.*, television broadcaster, cable system, satellite provider, or telephone company) or with the Commission. The rules also shorten the time periods for consumers to file closed captioning complaints with the Commission, and for VPDs to respond to those complaints.

SEARCHING FOR VPD CONTACT INFORMATION

In order to search for either type of VPD contact information (for immediate concerns or written complaints), the Public can now go to the FCC's VPD Registry located at <http://esupport.fcc.gov/vpd-search/search.action>. This link to the VPD Registry is also available on the FCC's closed captioning website at <http://www.fcc.gov/cgb/dro/caption.html>.

As a caption viewer, you need to provide only two pieces of information to find your VPD: your zip code and the type of VPD or video provider that you use. In the registry, the "type of provider" is asking for how you receive your television programming. This could be "broadcast" for over-the-air users (for example, using "rabbit ears" or a rooftop antenna), "cable," "satellite," "local telephone company" or "other." If you do not know the type of VPD you use, select "All Types" and then click on "Submit." A list of the VPDs that provide service in your zip code will appear and you can select from that list. Once your VPD's name is shown, click on "view details" for that VPD's contact information.

As noted, a VPD is required to provide two kinds of contact information, and this information is divided as follows in the "VPD Details" screen: "Immediate Contact Information" (telephone number, fax number, and e-mail address for purposes of receiving and responding immediately to any closed captioning concerns) and "Written Complaint Contact Information" (the name of a person who is primarily responsible for captioning issues and who can ensure compliance with our rules, as well as the person's title or office, telephone number, fax number, postal mailing address, and e-mail address).

If you do not see the VPD you were looking for, please confirm that you entered the correct zip code. If the VPD you are looking for is still not appearing, please contact the FCC's Consumer Call Center for assistance: 1-888-CALL-FCC (1-888-225-5322); TTY: 1-888-TELL-FCC (1-888-835-5322) or by e-mail to fccinfo@fcc.gov.

In addition to being able to locate the VPD's contact information on the FCC's website, you can also find VPD contact information in the following ways:

- If you subscribe to a pay service (e.g., cable or satellite), the VPD's contact information should be in your bill;
- If you have over-the-air broadcast only TV, the contact information for the TV station should be in the phone directory.
- All VPDs with websites must post their contact information there.

REPORTING AN IMMEDIATE CAPTIONING PROBLEM

If you suddenly experience closed captioning problems while watching a program on television (*e.g.*, the captions suddenly disappear or become garbled) we encourage you to contact your VPD

immediately because the VPD may be able to fix the problem on the spot. You may contact the VPD by phone, email or fax in such situations. Unless you later place your concerns in writing (in the form of a complaint discussed below), the FCC will not become involved in resolving the problem.

FILING CLOSED CAPTIONING COMPLAINTS

As noted, the FCC's closed captioning rules now allow you to file a complaint with either the FCC or your VPD (*i.e.*, your cable, satellite or other subscription TV service or the TV station, if you do not pay for TV service). Your complaint must be in writing. If you file your complaint with the FCC, the FCC will forward the complaint to your VPD.

Your written complaint must be filed within 60 days of the captioning problem. After receiving a complaint, either directly from you or from the FCC, the VPD will have 30 days to respond to the complaint. If you file your complaint with your VPD first, and it does not respond within 30 days, or if a dispute remains, you can send your complaint to the FCC, but must do so within 30 days of the VPD's response, or 30 days after the date when the VPD should have responded.

You have two ways of filing your complaint:

(1) You can file your written complaint with the FCC by using the on-line complaint form found at: <http://www.fcc.gov/cgb/form2000c.html>. This form was recently revised to include more specific questions to assist the Commission in resolving complaints.

(2) You can also file your complaint with the FCC's Consumer Center by writing up a description of the program (see below) and either e-mailing it to fccinfo@fcc.gov; faxing it to 1-866-418-0232; or sending it to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, S.W.
Washington, DC 20554

If you choose to send in a letter or e-mail rather than use Form 2000C, please make sure to include the following information:

- your name, mailing address, and other contact information, such as a videophone or TTY number or e-mail address;
- the television channel number, call sign [for example WXYZ], and network;
- the name of the subscription service, if you pay to receive television;
- the location of the TV station or subscription service if you have it;
- the date and time when you experienced the captioning problem;
- the name of the program or show with the captioning problem;
- 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, captions missing only with HD programming);
- any additional information that may assist in processing your complaint, such as a description of your television receiver set up, including the make and model of your television or computer; whether you are using a computer to receive television signals; the type of any recording devices attached to the receiver; and the kinds of cables used to attach the components.

EXAMPLE: “On Monday February 6, 2010, I was watching Channel 52 (XYZ Channel), and the show “The Bad Guys” at 9 p.m. had no closed captioning, and during the re-run on Wednesday February 15, 2010, at 9 p.m. on Channel 52 (XYZ Channel) the closed captioning only appeared in the last 15 minutes of the program. I have an HD TV cable box that I rent from ABC cable company. The manufacturer listed on the box is CDE company.”

RESOLUTION OF YOUR COMPLAINT MAY BE DELAYED IF THE INFORMATION ABOVE IS INCOMPLETE.

In addition to the information listed above, you may provide the FCC with any other information that may help explain the problem you experienced, (e.g., written out examples of garbled closed captions) and you may send videotapes to the FCC, if available.

For additional information on the FCC’s closed captioning rules please see our Factsheet at <http://www.fcc.gov/cgb/consumerfacts/closedcaption.html>.

The closed captioning regulations are at http://www.fcc.gov/cgb/dro/captioning_regs.html. The complaint procedure is in the regulations at 47 CFR Part 79.1(g), which is attached to this Public Notice.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice) or 202-418-0432 (TTY). This *Public Notice* can be downloaded in Word and Portable Document Formats (PDF) at <http://www.fcc.gov/cgb/dro/caption.html>.

Consumer & Governmental Affairs Bureau Contact: Amelia Brown (202) 418-2799 (voice), (202) 418-7804 (TTY), Amelia.Brown@fcc.gov, or Traci Randolph (202) 418-0569 (voice), (202) 418-0537 (TTY), Traci.Randolph@fcc.gov.

Section 79.1(g): Complaint procedures

(1) Complaints concerning an alleged violation of the closed captioning requirements of this section shall be filed with the Commission or with the video programming distributor responsible for delivery and exhibition of the video programming within sixty (60) days of the problem with captioning. A complaint must be in writing, must state with specificity the alleged Commission rule violated and must include some evidence of the alleged rule violation.

(2) Complaints filed first with the Commission will be forwarded to the appropriate video programming distributor. The video programming distributor must respond in writing to the Commission and the complainant within 30 days of the receipt of the complaint from the Commission.

(3) Complaints sent to a video programming distributor regarding programming by a television broadcast station or other programming for which the video programming distributor is exempt from closed captioning responsibility pursuant to paragraph (e)(9) of this section, shall be forwarded by the video programming distributor within seven (7) days of receipt to the entity responsible for closed captioning of the programming at issue. The video programming distributor must also notify the complainant and the Commission that it has forwarded the complaint. Entities receiving forwarded complaints must respond in writing to the complainant within 30 days of the forwarding date of the complaint.

(4) If a complaint is first filed with the video programming distributor, the video programming distributor must respond in writing to the complainant within thirty (30) days after receipt of a closed captioning complaint. If a video programming distributor fails to respond to the complainant within thirty (30) days, or the response does not satisfy the consumer, the complainant may file the complaint with the Commission within thirty (30) days after the time allotted for the video programming distributor to respond. If a consumer re-files the complaint with the Commission (after filing with the distributor), the Commission will forward the complaint to the distributor, and the distributor shall respond to the Commission and the complainant within thirty (30) days of receipt of the complaint from the Commission.

(5) In response to a complaint, a video programming distributor is obligated to provide the Commission with sufficient records and documentation to demonstrate that it is in compliance with the Commission's rules.

(6) Certifications from programming suppliers, including programming producers, programming owners, networks, syndicators and other distributors, may be relied on to demonstrate compliance. Distributors will not be held responsible for situations where a program source falsely certifies that programming delivered to the distributor meets our captioning requirements if the distributor is unaware that the certification is false. Video programming providers may rely on the accuracy of certifications. Appropriate action may be taken with respect to deliberate falsifications.

(7) The Commission will review the complaint, including all supporting evidence, and determine whether a violation has occurred. The Commission shall, as needed, request additional information from the video programming provider.

(8) If the Commission finds that a violation has occurred, penalties may be imposed, including a requirement that the video programming distributor deliver video programming containing closed captioning in an amount exceeding that specified in paragraph (b) of this section in a future time period.