



# PUBLIC NOTICE

Federal Communications Commission  
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## REQUEST FOR COMMENT

### PETITION FOR WAIVER OF REGISTRATION AND CERTIFICATION REQUIREMENT OF CLOSED CAPTIONING RULES

CG Docket No. 05-231

Comments Due: February 9, 2017

Reply Comments Due: February 24, 2017

This Public Notice seeks comment on a petition filed by the Alliance for Community Media (ACM) for waiver of certain Commission registration and certification requirements for video programmers that provide video programming exclusively to public, educational, and governmental access channels (PEG channels), to the extent that such channels are exempt from the provision of closed captioning under the Commission's rules.<sup>1</sup> Specifically, ACM requests waiver of the requirements for this class of video programmers to register contact information with the Commission and to certify to the Commission that their programs are exempt from the closed captioning rules.<sup>2</sup> According to ACM, PEG channels generally fall within one or more of the exemption categories, including channels or streams producing revenues of less than \$3,000,000.<sup>3</sup> As grounds for its waiver petition, ACM states that the certification rule will burden many thousands of PEG video programming providers.<sup>4</sup>

Ex Parte Rules. The proceeding this Public Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>5</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or

<sup>1</sup> ACM Petition for Waiver of Registration and Certification Requirement, CG Docket No. 05-231 (filed Aug. 26, 2016) (ACM Petition), available at: <https://www.fcc.gov/ecfs/filing/10825083956243>. PEG channels are authorized by section 611 of the Communications Act of 1934, as amended (Act), which permits cable franchising authorities to "establish requirements in a franchise with respect to designation or use of channel capacity for public, educational, or governmental use. . . ." 47 U.S.C. § 531(a). A video programmer is "[a]ny entity that provides video programming that is intended for distribution to residential households including, but not limited to broadcast or nonbroadcast television networks and the owners of such programming." 47 CFR § 79.1(a)(9).

<sup>2</sup> See 47 CFR § 79.1(i)(3) (requiring video programmers to register contact information), (m)(2) (requiring video programmers to submit certifications if all of their programs are exempt, and to specify each category of exemption claimed).

<sup>3</sup> ACM Petition at 2 n.3.

<sup>4</sup> ACM Petition at 2.

<sup>5</sup> 47 CFR § 1.1200 *et seq.*

arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).<sup>6</sup> In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf).<sup>7</sup> Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Filing Instructions. Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document.

- *Electronic Filers:* Comments, oppositions, or reply comments may be filed using the Commission's Electronic Comment Filing System (ECFS) at <https://www.fcc.gov/ecfs/filings>.<sup>8</sup>
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
  - Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 20554.

People with Disabilities. To request materials in accessible formats (such as braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 844-432-2275 (videophone), or 202-418-0432 (TTY). This *Public Notice* can also be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro>.

Additional Information. For additional information on this proceeding, please contact Eliot Greenwald, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-2235 or e-mail <mailto:Eliot.Greenwald@fcc.gov>.

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<sup>6</sup> 47 CFR § 1.1206(b).

<sup>7</sup> 47 CFR § 1.49(f).

<sup>8</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (May 1, 1998).