



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 19-776

August 14, 2019

**CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU SEEKS COMMENT ON  
PETITION FOR DECLARATORY RULING AND PETITION FOR RULEMAKING FILED BY  
TELECOMMUNICATIONS FOR THE DEAF AND HARD OF HEARING ET AL.  
ON LIVE CLOSED CAPTIONING QUALITY METRICS AND THE USE OF  
AUTOMATIC SPEECH RECOGNITION TECHNOLOGIES**

CG Docket No. 05-231  
RM-11848

**Comments Due: September 13, 2019**

**Reply Comments Due: September 30, 2019**

With this Public Notice, the Consumer and Governmental Affairs Bureau (Bureau) of the Federal Communications Commission (Commission) seeks comment on a petition for declaratory ruling and petition for rulemaking filed by a coalition of consumer and academic organizations.<sup>1</sup>

The Consumer Groups and RERCs Petition requests that the Commission (1) initiate a notice of inquiry into the current state of “closed captioning techniques for live television programming and how the varying dimensions of caption quality, including accuracy, synchronicity, completeness, and placement affect the accessibility of video programming.”<sup>2</sup> (2) following this inquiry, launch a rulemaking “to develop rules requiring live television programming to be captioned at a level that meets or exceeds technology-neutral metrics guaranteeing that the programming is accessible by Americans who are deaf or hard of hearing,”<sup>3</sup> and (3) issue a declaratory ruling or expedited rule change “on the use of automatic speech recognition (ASR) technologies for captioning of live television programs.”<sup>4</sup>

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<sup>1</sup> Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association of the Deaf (NAD), Hearing Loss Association of America (HLAA), Association of Late-Deafened Adults (ALDA), Cerebral Palsy and Deaf Organization (CPADO), Deaf Seniors of America (DSA), Deaf/Hard of Hearing Technology Rehabilitation Engineering Research Center (DHH-RERC), Twenty-First Century Captioning Disability and Rehabilitation Research Project (Captioning DRRP), Rehabilitation Engineering Research Center on Universal Interface & Information Technology Access (IT-RERC), and National Technical Institute for the Deaf, Petition for Declaratory Ruling and/or Rulemaking on Live Closed Captioning Quality Metrics and the Use of Automatic Speech Recognition Technologies, CG Docket No. 05-231 (filed July 31, 2019), <https://www.fcc.gov/ecfs/filing/10801131063733> (Consumer Groups and RERCs Petition). The petitions are combined in a single filing.

<sup>2</sup> *Id.* at 1.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

*Filing Requirements.* Interested parties may file comments on or before the date indicated on the first page of this document.<sup>5</sup> All filings must reference RM-11848 and CG Docket No. 05-231. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>6</sup>

- Electronic Filers: Comments may be filed electronically using the Internet by accessing ECFS: <https://www.fcc.gov/ecfs/>. Petitioners consent to electronic service via ECFS of comments to the extent that service is required under the Commission's rules.<sup>7</sup>
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- 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 12th 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 9050 Junction Drive, Annapolis Junction, MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

*Ex Parte Rules.* The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>8</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 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). 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). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

*People with Disabilities.* 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](mailto:fcc504@fcc.gov) or call the

<sup>5</sup> 47 CFR §§ 1.2, 1.405, and 1.419.

<sup>6</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

<sup>7</sup> Consumer Groups and RERCs Petition at 1. See 47 CFR §1.47.

<sup>8</sup> 47 CFR §§ 1.1200 *et seq.*

Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 844-432-2275 (videophone), or 202-418-0432 (TTY).

*Additional Information.* For further information regarding this Notice, please contact Debra Patkin, Attorney-Advisor, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 870-5226, or by e-mail to [Debra.Patkin@fcc.gov](mailto:Debra.Patkin@fcc.gov).

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