

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

In the Matter of
Closed Captioning of Internet Protocol-Delivered
Video Programming: Implementation of the
Twenty-First Century Communications and Video
Accessibility Act of 2010
MB Docket No. 11-154

ORDER

Adopted: September 29, 2021

Released: September 29, 2021

By the Chief, Media Bureau:

1. On May 15, 2019, Pluto Inc., currently a subsidiary of ViacomCBS Inc., filed a Petition for Waiver (Petition) seeking a temporary waiver of the Commission's rules requiring closed captioning of video programming delivered through Internet Protocol (IP). On June 8, 2020, Pluto requested that the Commission suspend consideration of its Petition. On September 21, 2021, Pluto filed a request to withdraw its Petition.

2. Accordingly, IT IS ORDERED that pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and sections 0.283, 1.3 and 1.8 of the Commission's Rules, 47 CFR §§ 1.3, 1.8, Pluto's request to withdraw its Petition for Waiver IS GRANTED and the Petition IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Media Bureau

1 Petition for Waiver of Pluto, Inc., MB Docket No. 11-154 (filed May 15, 2019) (Petition). Pluto initially filed a similar Petition for Waiver seeking relief under an additional legal standard. See Petition for Waiver of Pluto, Inc., MB Docket No. 11-154 (filed May 13, 2019). Pluto did not prosecute the earlier Petition, which was not the subject of any public notice, and formally requested to withdraw it on June 8, 2020. See Letter from Matthew S. DelNero, Counsel to ViacomCBS Inc. and Pluto Inc., to Marlene H. Dortch, Secretary, FCC, MB Docket No. 11-154 (filed June 8, 2020) (Pluto Update to Record).

2 47 CFR § 79.4. Pluto amended its waiver request numerous times throughout the proceeding. See Comments of Pluto Inc., MB Docket No. 11-154, at 2-3 (filed Feb. 21, 2020); Pluto Update to Record.

3 Pluto Update to Record at 2.

4 Letter from Matthew S. DelNero, Thomas G. Parisi, Counsel to Pluto Inc., to Marlene H. Dortch, Secretary, FCC, MB Docket No. 11-154 (filed Sept. 21, 2021). The Enforcement Bureau subsequently entered into a consent decree with ViacomCBS and Pluto resolving an investigation into whether Pluto violated the Commission's rules. Pluto Inc.; ViacomCBS Inc., Order and Consent Decree, DA 21-1183 (EB Sept. 29, 2021). The consent decree requires ViacomCBS and Pluto to pay a civil penalty and implement a compliance plan designed to ensure Pluto's compliance with the Commission's IP closed captioning rules. See id.