

**SEPARATE STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: In the Matter of Closed Captioning of Video Programming, Accessibility of Programming Providing Emergency Information, Telecommunications for the Deaf, Inc., Petition for Rulemaking, CG Docket No. 05-231, Notice of Proposed Rulemaking.

In light of the fifteenth anniversary of the Americans with Disabilities Act, now is the time to review whether our closed captioning rules have been successful at achieving the important goal of increasing access to high quality video programming for the hearing-impaired community. I fully support this Notice to seek comment on the adequacy of our current closed captioning rules and on how the rules can be made more effective and efficient.

Both Congress and the Commission have recognized how important it is that *all* people have access to video programming, which is increasingly affecting how we operate in the home, at the office, and at school. When closed captioning is inaccurate, unavailable, or unintelligible, millions of hearing-impaired individuals are excluded from the opportunity to participate in political and cultural experiences that shape our identity as Americans. For example, when closed-captioning errors prevented many hearing-impaired viewers from casting their vote for Fox television's program, "American Idol," these viewers were prevented from being a part of this cultural event.

Television is increasingly the medium relied upon as the primary source of local and national news, and a healthy democracy demands a well-informed citizenry to make reasoned decisions about where our country is and should be headed. Closed-captioning errors, however, leave millions of Americans without access to this vital information and uninformed. The consequences are even greater when the closed captioning is providing emergency information.

As we prepare to review the current closed captioning rules, we must remain committed to ensuring that video programming is not only accessible, but also high quality. I am therefore pleased that this Notice of Proposed Rulemaking addresses the issues of both technical and non-technical standards for closed captioning. I am also pleased that this Notice seeks comment on how the Commission can best ensure compliance. We provide nothing but empty promises if our rules overlook the critical means for monitoring and enforcement.

The Commission has already taken the important step of mandating that non-exempt new programming be captioned as of January 1, 2006. Today's rulemaking takes another step forward toward ensuring that the hearing-impaired community receives functionally equivalent video programming services. I commend my colleagues for their dedication to confronting these issues that are so important for the deaf and hard of hearing community, and I would like to thank the Consumer & Governmental Affairs Bureau for all their hard work on this matter.