

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010; Closed Captioning of Internet Protocol-Delivered Video Clips*, MB Docket 11-154

As Victor Hugo famously noted, there are few things more powerful than an idea whose time has come.

When Congress passed the Twenty-First Century Communications and Video Accessibility Act of 2010 — better known as CVAA, it marked a bold step in insuring that all individuals, particularly those with hearing disabilities, could enjoy the full benefits of modern communications technology.

Our action today represents yet another step towards full implementation of CVAA. In reconsidering the Commission's earlier interpretation of the statute, we concluded that Congress intended the IP closed captioning requirements to extend to all covered video programming beyond television, including video clips. Among other things, Congress left it to the discretion of the FCC to determine an appropriate timeline for compliance with this requirement.

The item accomplishes these objectives.

As a prelude to where we are today, we must acknowledge that considerable work has already gone into developing a compliance regimen on IP captioning. Industry has sought to work cooperatively with key stakeholders, and has achieved quite a respectable level of compliance in voluntarily captioning video clips. For these efforts, the industry should be commended and encouraged to keep moving forward.

However, even with that impressive level of progress, it became clear that those with hearing disabilities were still not experiencing the full benefits that every American expects today. That is what motivates me to support this item.

As our society moves ever steadily to an all-IP environment, we must be mindful not to create divides — even if they are unintended. After all, we will be remembered for our actions, not necessarily our good intentions. We should not, and do not want to, create a system where those with hearing disabilities are left to their own devices when it comes to their media engagement — even if that content appears in short video clips beyond the television platform. For instance, in emergency situations we need to ensure that every member of the community has access to vital information.

This item seeks to close that divide where it currently exists, and attempts to make sure that such a fissure does not grow in the video ecosystem. And while it is not perfect it will put us ever closer to where we want and need to be.

I know there has been a healthy discussion concerning the recommended time frame for

implementing this order, especially as it relates to the burdens and costs on video programmers for captioning “montage” clips. I am sensitive to the concerns of industry when it points out a need for more time, for it is clear that the captioning process in the IP framework is much more complex than captioning on video.

But that alone should not be an impediment to full implementation. I am more than confident that industry’s willingness to comply with this item is superseded only by its tremendous capacity to create and innovate. Therefore, I am hopeful that neither time nor technical issues will obstruct our march toward full participation and engagement by all Americans.

I would like to acknowledge the concerns raised by my colleague, Commissioner O’Rielly, with respect to potential hardships on small broadcasters — however we may define “small”. I share those concerns, and am sure that there is no shortage of small broadcasters who are not as well-equipped to tackle this requirement, compared to their larger counterparts.

So I greatly appreciate the efforts by the Chairman to address these concerns because we all should remember that there is a bottom-line difference in the way small broadcasters and large broadcasters go about doing business. And we should remain mindful of imposing any additional burdens on those least able to shoulder them.

Finally Mr. Chairman, I want to acknowledge the patience, persistence and perseverance of the advocates from the deaf and hard of hearing community. In the best and finest tradition of our participative democracy, they have pressed their case for full inclusion. Their non-stop efforts to sensitize those of us with different abilities to the day-to-day issues they face have been nothing short of heroic. And until we completely close these gaps, Mr. Chairman, our work is not done.

And of course, I want to thank the Media Bureau, the Consumer and Governmental Affairs Bureau, the Office of General Counsel, my law clerks Sharon Lin and Laura Arcadipane and my advisor, Adonis Hoffman, for their work on this item.