

**STATEMENT OF
CHAIRMAN TOM WHEELER**

Re: Closed Captioning of Video Programming; Telecommunications for the Deaf and Hard of Hearing, Inc. Petition for Rulemaking, CG Docket No. 05-231.

Closed captioning is crucial for ensuring that our televised media are fully accessible to people who are deaf and hard of hearing.

The provision of closed captioning depends upon the coordination of both video programmers and video programming distributors (VPDs) to both generate and deliver high quality caption content to viewers. To date, however, only VPDs have been directly subject to the Commission's closed captioning rules, leaving half of the responsible parties unaccountable for the quality of their captioning.

The action we take today ensures that the legal responsibilities imposed by our rules reflect the real world responsibilities of the parties involved in bringing television to viewers' homes. Video programmers exert the most direct control over the creation of closed captions, and thus, as compared to VPDs, can exercise greater control over the non-technical quality components of closed captioning. At the same time, VPDs primarily have control over the technical aspects of captioning quality related to the pass-through and distribution of programming to end users.

The critical role that video programmers play in creating quality captioning justifies creating a new allocation of responsibility for compliance with the caption quality requirements. The shift in responsibility we adopt here, however, does not absolve VPDs of their responsibility to ensure accessible programming. This Order maintains current rules that place primary responsibility for the provision of closed captioning on television programming on VPDs, and VPDs continue to serve as principal points of contact for consumer captioning complaints.

Furthermore, upon receiving a complaint, the VPD must initially investigate it to determine the source of the problem and whether matters raised in the complaint are within its control. Only after the VPD has investigated the problem at its end, determines that the problem is not within its control, and certifies that it has exercised its due diligence will the burden shift from the VPD to the video programmer to resolve the complaint.

We believe that this new approach of shared responsibilities under our rules will greatly improve the quality of closed captions for millions of Americans who rely on this feature to understand television programming.