

THE 21st CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT: (CVAA) AN UPDATE

James House and Blake Reid

Blake Reid: Since last year, a lot has changed in The 21st Century Communication and Video Accessibility Act (CVAA). We've been working very hard on this in Washington. President Obama signed the CVAA into law on October 8, 2010. The Federal Communications Commission, FCC, administers it. The CVAA is split into two titles. Title I deals with communications access and Title II deals with video programs.

Title I has several sections, though we're not going to discuss all of them. Jim is going to talk a little bit about Relay Services and Text-to-911. But first, we're going to talk about Advanced Communication Services (ACS). The FCC has taken a number of actions recently. In October of 2011 the FCC issued an initial report and order. In October of 2012 they issued a temporary waiver. In April of 2013 they issued a second report and order. Another waiver petition is also pending. This history describes how the FCC implements the ACS provisions of the CVAA.

When we talk about ACS, we're talking about four things. First, we're talking about non-interconnected Voice Over Internet Protocol (VoIP) service. Second, we're talking about interconnected VoIP. Basically, the difference between those two things is that "interconnected" is when you call somebody on the regular old telephone. "Non-interconnected" is when you are calling them on your computer. It's a little more complicated than that, but that's the basic difference. We're also talking about electronic messaging services, text messages and chats. Interoperable video conferencing service is also included and if you wonder what "interoperable" means, so does the FCC. They're still working on it. We'll get to that soon. What are the requirements of these Advanced Communication Services rules?

First, entities that make or produce end-user equipment such as tablets, laptops and smart phones must make their hardware, manufacturer provided hardware, software and software updates accessible. Applications that you install yourself are not included. We're a little bit unhappy with that ruling. TDI, TRACE R&D Center and Gallaudet Technology Access Program have challenged that ruling but that challenge remains pending. We're trying to get third-party applications covered. Right now, only what comes on your phone, only what comes on your tablet, only what comes on your laptop, only what the manufacturer has installed is covered. Manufacturers can't install features that impede accessibility or usability.

Here are some more details about the requirements. Covered entities can use

first-party or third-party solutions. Obviously we prefer universal design, where these things are built-in at the start. Manufacturers are allowed to use retrofitted third-party solutions. They have to provide support for the life of the product, or two years after the life of the third-party solutions. If they bolt on (or add something on), they have to keep supporting it even if the third-party solution goes out of business.

The rules also cover all entities that are offering ACS in interstate commerce. "All entities" includes re-sellers and aggregators of ACS service including service delivered both over the provider's network and over someone else's network. It doesn't matter if they own the whole network or not.

Here are caveats and some parts that we're disappointed with. Accessibility is only required if achievable. To determine "achievable," the Commission looks to a four-factor test. It looks at the nature and cost of accessibility. It looks at the technical and economic impact on the operation of the manufacturer or provider. It looks at the manufacturer or provider's type of operations. Finally, it looks at the extent to which the manufacturer or provider provides accessible services and different functionality with different features and different price points. When a provider comes to the FCC and says, "we can't do this," the FCC will decide if it's possible or not. Providers and manufacturers can also apply for waivers. The FCC will look to see if the device is capable of accessing ACS or if the device is designed primarily for purposes other than accessing ACS. It will look at whether the product was designed to be used for ACS purposes by the general public and whether the provider or manufacturer markets ACS features and functions in its advertising or promotional materials.

Waivers can be temporary. They're good for the life of the product or model but a new application is required for substantial upgrades to the product. Public comment is also required. A new application is required any time that the service changes. Waivers also have strict limitations. Occasionally you will see companies file petitions for these waivers. TDI files comments, the consumers can come in and file comments as well and say, "We don't approve of this waiver and we want this ACS to be accessible."

The FCC also has a preapproved exemption for customized, enterprise and business equipment. That's a pretty narrow exemption.

Despite the government shutdown, the ACS should be in effect by now so companies should be providing accessibility for their ACS. If they are not, they've got to keep a full, comprehensive record of their compliance. If they're not doing that, consumers can file complaints.

There are three different ways that you can file a complaint. One is to go to the Consumer and Governmental Affairs Bureau at the FCC. You can ask for assistance. Basically, the bureau and the staff at the FCC will help mediate a

dispute between you and the company. If that doesn't work out, you can file an informal complaint with the Enforcement Bureau. Or you can step straight to filing a formal complaint. The FCC will conduct an investigation.

In October of 2012 there were three applications for temporary waivers. The first was from the Consumer Electronics Association (CEA) asking for a waiver for Internet protocol connected television. New smart TVs in the stores have Skype and other social media applications installed on them. CEA was asking for an exemption for them because they didn't want to make those applications accessible. They also didn't want to make digital video player accessible. Now, you will see TiVo's and things like that have these ACS features built in.

The National Cable and Telecommunications Association (NCTA) asked for a two-year waiver for cable boxes. Many of you who have cable service will notice that in your home the features might be connected with your VoIP service. A Caller-ID might show on the screen, for example, when someone is calling and other features.

The most troublesome thing I think was when the Entertainment Software Association (ESA), requested an eight-year waiver, almost a decade, for gaming devices and video games. There are a lot of really cool social media functions on video game consoles. They have keyboards and video chat. Unfortunately, the folks who created the games didn't want to make those features accessible. The FCC granted a temporary waiver; these devices don't have to be accessible for two years. In two years they've got to justify why they want to keep not making them accessible or they've got to start making them accessible.

The next set that was challenged was browsers. There was a very short order in April; the FCC affirmed that Internet browsers are included in ACS. That includes Internet Explorer, Chrome, Firefox and others.

Then finally, you may have seen some things in the news in the last couple of weeks about eBook readers. Amazon, Sony, and a little company called Kobo filed a petition asking for a waiver for eBook readers. Of course, if they've got ACS features on them, we want to make them accessible. So there is a strong public opposition led by the blind groups and the deaf and hard of hearing groups joined on as well. A decision on that remains pending and should hopefully be released now that the FCC is open again.

Now a few open questions still exist. One issue floating out there is related to a permanent exemption for small business entities. The FCC proposed exempting small providers of ACS from these rules. They had a temporary extension until October and as far as I know that extension has expired.

Audience member: Define "small."

BLAKE REID: That's a good question. Definition of "small" was part of the discussion with the Small Business Association. So far as I know that discussion never reached a conclusion before the temporary waiver expired.

We're also fighting about the meaning of "interoperable." Video mail is also under question. The FCC is still disputing what it means for one person to send video messages to others for them to read.

Another thing the FCC is complaining about is requiring accessibility to information content and electronically mediated services. The biggest open question is defining what "performance objectives" entails. What exactly does the word "accessibility" mean? What are the performance objectives? The FCC has identified vague performance objectives, "it's got to be pretty good," but now they're getting into the details of what that means.

JAMES HOUSE: On to text-to-911. There are several states that have already established this application. The Emergency Access Advisory Committee, EAAC, has actually recommended an interim solution. The interim solution is part of a bigger picture that is developing, NG-911. For example, contacting 911 through Video Relay, either by interpreter, text or video doesn't necessarily have to be through a phone. It could also be through a computer. Currently, though, NG-911 is only available in a few states, Iowa, Vermont, and Maine, as well as a few counties in other states.

How do you contact 911 if you are using a wireless telephone? The FCC is recommending that, if possible, using voice is the best way, but technologies will emerge in the future that will offer other possibilities. If you can use voice, call 911, and leave the phone running because they will identify your location based on the location of the phone itself. If you use TTY or use Relay Service, it takes a few extra minutes but that will also work.

A new technology that's already well established was for areas where no text for 911 existed. Starting September 30th, 2013, all wireless phone companies are now mandated to support the bounce back text messages. Anyone who tries to text 911 should be able to get through to those areas that can support incoming text messages. For other areas, you should receive an automatic bounce back error message reply, "We apologize, but there is no text-to-911 available in your area." That text message will advise the user to contact 911 through relay or TTY. In response to consumer advocates and their demands, four major carriers decided to go ahead and implement the text-to-911 feature. They will support the entire program by May 15th, 2014.

The FCC has proposed regulations and is inviting public comment. They're also requiring all the smaller carriers to provide these same services. The telephone companies already support this and have established the service. But not all 911 centers support text-to-9-1-1. That depends on the funding and the available

resources in their respective localities. The U.S. Department of Justice believes that if a 911 center is already supporting TTY, it's an easy conversion or upgrade to offer text-to-911.

Our consumer groups have already responded to the FCC's proposal. We requested that all carriers do this, including those in rural areas and with private corporations, large and small employers such as the public safety departments in college campuses, shopping malls, train stations and other entities to support text-to-911 emergency service.

Now, if you have it, how do you use it? That kind of information is scarce, but you can find information on the Internet. What we've learned so far is that a piece of technology, "identification location technology," is missing. The GPS in your cell phone can send 9-1-1 that information but it's only good for sending them an address or where the cell tower is located. It won't actually tell them what floor you are on or which room you are in or if you are in the basement or in the parking garage. All of that specific location information is missing but it will be available soon.

Improving location identification technology is in the works. Currently, on first contacting the responder, you need to tell the responder specifically where you are. That's the number one important detail. Second, tell them what you need. Within the next 5 to 10 years, 911 services will be calling through the Internet and through video; 911 centers will be able to summon interpreters as needed to accommodate different languages. I encourage you to involve your local emergency management people in the plan. We want to do it right the first time and this will only work if all consumers and citizens get involved.

BLAKE REID: This is my favorite part of this CVAA: Title II. Do you remember at the beginning I talked about Title I and Title II? Title II is all about video programming. There are a lot of details including parts devoted to access for people with vision loss that we will skip today. What we're going to focus on is IP closed captioning, closed caption decoder capability, user interfaces and access to video programming guides.

A lot has happened with IP closed captioning since 2011 when we last got together. The FCC made its original order in January of 2012. It made an order on some exemption petitions in August of 2012. Then it just released a brand new order in June of 2013. The most important order is the initial January 2012 report and order. Watching YouTube, Hulu, Netflix and other videos connected to the Internet is what IP captioning is all about.

The rules cover IP delivered programming that has been published or exhibited on television. This major limitation in the law, "has been published or exhibited," is going to be a problem in the long term. The rule only covers material that has been on television via cable, satellite or broadcast first and then shown on the

Internet. Material that's shown exclusively on the Internet is not covered by this rule. That's a big loophole. Original YouTube videos are not covered unless they're shown on TV. The rule also only covers full-length video programming, not video clips or outtakes.

Another big issue is video clips. If you watch videos online, you may go to websites like CNN.com, MSNBC.com, or Fox News and see clips of videos. There are short pieces of programming. The FCC decided that they wouldn't be covered or captioned. We are strongly opposed to that decision and the Commission is in the process of reconsidering it.

A couple of types of entities are covered by these rules. One is Video Programming Owners, VPOs. On cable television or on broadcast or satellite, the VPOs don't have to provide the captions. Instead, your cable providers have to provide them. Your satellite provider has to provide them. Your broadcast TV station has got to provide them. All that changed with the new Internet rules. Now the VPO, the person who decides what is going to be shown on the Internet, has got to provide the captions.

Video Programming Distributors, VPDs, or Video Programming Providers just have to pass through the captions. These distributors and the providers, the VPDs and the VPPs, Netflix, Hulu, YouTube and CNN.com also have to maintain the quality of the captions. Moreover, the VPOs must provide captions in as good quality as the captions were on television. We all recognize that the quality of captions on TV is often pretty bad. But here is the good news. When we get quality captions on television, which is something the FCC is acting on, then we're going to get quality captions on the Internet. That's the good deal that we worked out and TDI, NAD, and other consumer groups did a really fantastic job advocating for that.

Let's talk about deadlines. All of these deadlines have passed. On September 30th, 2012, prerecorded, unedited content had to be captioned. March 30th, 2013, live and near-live programming had to be captioned. All of the major categories of programming, this is, everything that's covered under the rules now needs to be captioned.

What are the exceptions? Archival programming is an exception to the captioning rules. Archival programming is shown on the Internet but has not been shown on TV yet. Think of old episodes like "Seinfeld" or "Star Trek" that get shown on the Internet. Since an episode went straight to the Internet, it has not gotten shown on TV in recent years. The good news is that starting in March 2014, all of that content is going to be covered, too, once it airs on TV again.

Programmers get a 45-day grace period so that once an archival program gets shown on TV, then within 45 days it's got to be covered on the Internet. A year after that it goes down to 30 days. A year after that it goes down to 15 days.

We're still pushing to get that sunset forever so that this grace period goes away.

There are also exemptions for economic burden. People can apply for exemptions on TV; so too, on the Internet. There is another exemption with a Latin term—*de minimus*—which means that a really tiny failure doesn't count. What is “really tiny”? A one-time technical glitch? We're not sure yet.

There are complaint procedures. People can file complaints if they have problems with the captions on TV. Basically, it's the same as for TV captioning deadlines. People have 60 days from the time they observe the problem to file a complaint. You can file with the FCC or with the distributor.

Now we're going to talk about the devices, the “apparatuses” in FCC terminology. Covered apparatuses include physical devices, smart phones, tablets, personal computers, set top boxes, all of the software that's integrated on a device including recording devices like your TiVo. They also include removable media players such as DVD and BluRay™ players. A caveat here is that the FCC is still sorting out a lot of issues around DVDs and BluRay™ players, so stay tuned on that.

There are important requirements for devices. Obviously they've got to render or pass through closed captions. That means that you actually get to see the closed captions; otherwise the closed captions exist but you can't see them.

There are also some display requirements and this is really important. People have pushed for many, many years to be able to adjust the caption color, font types, the background window and opacity. Opacity means how clear the background behind the captions are with the video or if it fades into the video window. All these things make it easier to see the captions. The whole idea here is that starting in January 2014, we are going to see little implementations of this on the Internet. We will be able to change the fonts and the colors. We are going to get something that looks a little bit like that for closed captions on the Internet. That will be really great.

I know that when I watch captions, sometimes they are too small. I have a hard time seeing them. The captions may be the same color as the picture. We're working on making it so that the viewer can fix that.

As always, there are some exemptions. Exemptions include professional and commercial equipment and display-only monitors. There is also the concept of “achievable” if possible. We pushed for a high standard of achievability. Companies will come in and push for purpose-based waivers. They will say that their device is not intended for video. January 1, 2014, is the big day when the companies will begin to manufacture these devices. Unfortunately, I wish I could tell you that on January 1st you can go out and buy devices that will have the display requirements or that your existing

devices will have them. However, it will take some time for products in compliance with the FCC display requirements to show up on the store shelves.

The Digital Media Association, DiMA, is a trade association representing the likes of Amazon, MicroSoft, Apple, Google and so on. DiMA petitioned to delay the rules for distributors. The FCC denied one of their petitions and granted the other one. They gave distributors until January 1st regarding fonts, colors and the other display requirements that we discussed. The DiMA also tried to delay until January 1st doing captions at all. We fought them on that and won. The result was they had to start providing captions as of September of 2012.

In June 2013, the FCC issued an order on reconsideration, that we call an "order on recon." The Consumer Groups filed for reconsideration of the first order. The Consumer Electronics Association, CEA, really fought to revise the scope of all of the apparatus rules. They lost which is good news for us.

There is a narrow exemption that we think is not a big deal, but the rules, as they were written, actually covered still cameras and camcorders that could play back videos. It covered baby monitors that have video on them. Under the original rule they had to have closed captions. Microscopes that have little videos on them required captions. They have digital probes you can insert into the walls that your contractor uses on your house. They had to have closed captions. The FCC said that we're going to take those specialized items out of the rules.

The FCC has some open issues with DVDs and BluRay™ players. I am sure some of you who have bought DVDs over the years have noticed that they used to come with closed captions and now a new player may not have the capability to do closed captions. It's a very complicated issue that relates to the switch to digital TVs.

Another issue we've talked about a lot is the timing of captions. Captions show up too late, right? Somebody speaks, and then the caption appears a couple of seconds later. That delay can originate from a lot of places and one place is in the device itself. It might not render the captions fast enough. If the captions are encoded the wrong way at the beginning, the device isn't going to fix them. We're trying at least to get the devices to display the captions at the right time.

One more thing exists on the IP-captioning order about user interfaces. This is good news. The CVAA has won a simple but really important provision. On your remote control you get a button that turns the closed captions off and on to readily enable them. This also applies to devices such as your laptop, your Smartphone and your tablet. FCC provisions are going to require there to be something like a button or an icon you can touch to turn on the closed captions.

The last thing I want to cover is how to file a complaint. Before I get into those

details, let me make the case why you *have* to file a complaint. I know it's frustrating and takes a lot of time. You just watch one show, the captions are not right, or they're missing and you've got to go through all of this trouble to file a complaint. And what's more, you might send the complaint and the FCC might reject it, right?

It's really important to file a complaint. Even if the FCC rejects a complaint, it still goes into their pile of statistics. Even if, for example, the quality of the captions is really bad and not covered under the FCC's rules right now, the FCC takes note when somebody files a complaint about it. If they get a lot of complaints, they can go to the FCC Commissioners and point out that a problem exists. It's frustrating, it's a pain, it's a hassle, and it's not fair but I am asking you to please do it anyway because it will help us to get quality rules.

You can go to this URL: [FCC.GOV/complaints](https://www.fcc.gov/complaints). They give you this helpful number, 2000C. You can go there and you can file a complaint and you can provide your information. Let me say something about quality. The FCC's rules say it will only be a violation if the quality is so bad that it's almost as if there are no captions at all. Generally speaking, if you complain about quality, they're going to reject it. Do it anyway!

Once you open [FCC.GOV/complaints](https://www.fcc.gov/complaints), go to disability access. I think that you can file the complaint in either disability access or in the broadcast area and it will get to the right place if you want to complain about IP issues. This is going to give you a little wizard to march you through filling out your information. Give them a really detailed description of what the show was, what network it was on, what time you were watching it, what your set top box was, any information, because what happens a lot of time is that the distributor will say, "Oh that was probably a problem with their equipment. The viewer doesn't know how to turn the captions on or off."

They are going to take you more seriously if you take the time to write a letter with your complaint. I urge you to do it that. One more thing I want you to do is send your complaint to your video distributor. Send that letter to the person that you are getting your video from. Also, send it to your local paper and post it on Facebook or Twitter or whatever social media you use.

Audience member: A month ago I flew to Florida on Southwest Airlines and there was no TV screen behind the seats but they had a television signal. They allow you now to use your own smart phones and your own tablets on their satellite. So I tried my iOS 7, my Apple® device, and connected to their Dish. I could see the channel that I wanted but there was no closed captioning on their Dish, their satellite.

It was a native app, and the native video player had closed captioning support, but there was no closed captioning. I looked at all of the channels and there was

no closed captioning. That disappointed me. A few days later I did file a complaint with the FCC, the [FCC.GOV/complaints](https://www.fcc.gov/complaints) and I used the category of disability access equipment and programming, something like that. I chose both of them.

They had asked which company it was that was the problem. So I put down both Southwest Airlines and Dish because, to me, they're both responsible for the issue. I wrote out my explanation and then two weeks later I got something from the FCC at my home saying that Southwest and Dish would respond in 30 days. I assumed that they were responding to the FCC. I did do it right? Did I do things and process it correctly?

Blake Reid: You absolutely did it right. You should get a response in 30 days, and if you don't, the name of the person that you need to contact at the FCC is Susan Kimmel and her email address is Susan.Kimmel@FCC.GOV. Let me take a second to address this tricky issue. We've got TV and that's a FCC issue. We've got airplanes that are a Department of Transportation, DOT, issue. What I guess will happen is the FCC might come back to you and say, "This is a Department of Transportation issue because it's on a plane." This also happens with hotels. The FCC might say, "you have a problem at your hotel? That's a problem for the Department of Justice."

Let me tell you what's going to happen with the TV-on-airplanes complaint. You file a complaint with the Department of Transportation, and you file the same complaint with the FCC. Then, they'll each tell you, "Oh, that's the other agency's problem."

Where does that leave you? Even though that's a tight spot to be in, I want to encourage you to keep at it. They tell you to file a complaint somewhere else, do it, and if the other place comes back and tell you it's an FCC problem, go back to the FCC and say, "Hey, the Department of Transportation says that, no, this is your problem."

I also want you to loop in Andrew Phillips at the National Association of the Deaf. If we find out about any of these finger pointing situations where different agencies are saying, "No it's your problem, no it's your problem," that's something we want to know about.

James House: I want to add something. It's important to be as specific as you can about the details in your complaint. Let us know how they are responding to this complaint. If they're saying that there is something wrong with your equipment, for example, and you are saying that's not true because all of the other channels have captioning and they work fine, you point out it's only your channel that does not. Also inform the FCC how you got your TV signal, by cable, satellite, or an antenna. If it's through cable or satellite dish, then you need to involve your service provider, whether it's Comcast or Dish or whoever.

Copy the local TV stations as well.

Blake Reid: When you file a letter like this or you file a complaint, you might understandably have the inclination to be really mad. Make sure to get the details in there. A complaint that says, "I'm mad and I didn't get captions," is not going to help at all because the FCC has no details.

James House: One more thing: with your phone, take a picture of the bad captions and attach that to your comments.

Audience member: I am the Executive Director of the Arizona Commission for the Deaf and Hard of Hearing. I have been in that position for almost 16 years. My colleagues from other states and I have been having a conversation the last couple of days. We feel that filing complaints on the federal level is complex and confusing. We feel that as agency directors who work with the community we are not doing a good job of helping our clients file complaints because we don't understand the process ourselves. I know that many of us would like to have a copy of how to file a complaint. It would be nice if we had some kind of consumer alert website page with video and captioning to educate the consumer how to file comments. If there were something that you can work on with TDI, it would be nice if all of the national organizations, TDI, ALDA, HLAA, filter their feedback into one place like a consumer alert page.

BLAKE REID: Thank you for your comment. That's the second or third time I've gotten that feedback this morning. I appreciate hearing that again because that is something that TDI is working on.

James House: Those questions and those confusions is part of why we have the advocacy groups here. We have the knowledge, we have the network but we don't have the resources. So it's important that you support your favorite organization, be it TDI, ALDA, HLAA, NAD, whoever it is. Our cash flow as it's coming in is definitely going down. It's important to keep that in mind.

Audience member: I am the Director of the North Carolina Commission for Deaf Services for the Hard of Hearing. Please get the information out to all of us who run the state associations and the nonprofits, the local agencies so we can help you to spread the word to the consumers, the folks who are on the ground.

Now, speaking as an individual, I have a question for you about documentaries. I love Netflix, streaming or ordering the DVDs that arrive through the mail. Sometimes they are captioned; then that same documentary shows up on TV but the captions aren't there anymore. What do I do? We're talking about programs that don't show up on TV originally but show up first in [Amazon.com](https://www.amazon.com) or in Netflix. Does what you discussed about CVAA apply to that?

Blake Reid: If I understand you correctly, this is exactly the type of archival

programming we talked about previously. This stuff is going to start to get covered. You are describing a situation where a show is on the Internet first and eventually it makes its way to the TV, right? Folks in Congress didn't think through exactly how this ought to work. They thought programs go on TV first, then on the Internet. You've got the opposite situation here. The program goes on the Internet and then it to TV. The good news is that it's still covered under the law. The bad news is that it falls into this goofy archival category. Starting March 2014, the Internet folks get 45 days to put it captioned on the Internet. The TV folks have got to do it right off of the bat. If the TV folks aren't doing it, then you need to file a complaint.

Audience member: Some TV programs show up on disk or on the Internet but they add things like the interviews with the director or background information. Sometimes it's captioned and sometimes it's not. Will the law cover those add-ons, those bonus features, as well?

Blake Reid: The short answer is that question is way too complicated for a quick answer. The longer answer is that if it's been on TV, if it was part of what was shown on TV, it's got to be covered on the Internet. Something that only shows up on the Internet doesn't have to be covered. That exemption is in the CVAA itself. If it's never been on TV, it is not covered. Now, does that mean that we totally give up hope? No. Again, it's worthwhile to file a complaint with the FCC. It's important for the FCC to know that access is missing from these kinds of programs.

Remember when I said earlier in my presentation that you could file a complaint with the FCC or the distributor? I suggest you call the distributor and let them know that you want access to that. Post on their social media site. Send them a Tweet and say, "Hey, I really wanted to see this bonus feature, and it wasn't captioned." Post a message on your Facebook page. That's the best thing that you can do on that front.

James House: In 2011, TDI filed a petition called the Universal Captioning Petition. Again, the FCC has been sitting on it. Part of that petition is to include captions from 2:00 to 6:00 in the morning that are already exempted as well as captioning the interstitials, a legal term for advertisements, add-ons, interviews, etc. We ask for those interstitials to be covered also.

Blake Reid: Just to be clear, Jim is talking about on television. There are also exemptions for television programming that doesn't have to be captioned. When a TV program that wasn't captioned on TV, goes on the Internet, it doesn't have to be captioned because it wasn't captioned on TV. We're working on the TV issue. The Internet issue we have less to work with but that's something that you can go straight to the source and try to address. I would encourage you to do that.

James House: The first petition that we filed in 2004 had one part about filing complaints. The FCC has responded to that part but to nothing else. Formerly, you were required to file your complaint with the TV program producers, the distributors and wait 60 days for their response. Then you file with the FCC. You wait and six months later, everyone has forgotten the issue. So now the FCC responds and for up to 60 days, you can file with either the FCC or the program distributors. All video producers are required to have information on their websites about how to file a complaint and who to contact.

Audience member: When I file a complaint, I would like to cc TDI or ALDA to let them know that I've filed a complaint. Should I do that?

James House: Yes, please do that. Just copy us and send us an email of it.

Audience member: I have been very involved with a number of technical issues over the years as well as the legal issues. One thing that would be really helpful is to have a website that provides technically accurate information about many of these problems. For example, the reason that we are having problems with captioning from DVDs is that the HDMI cables aren't transmitting caption data. It's technically feasible for the HDMI cables to do that but 10 years ago they misunderstood the need to transmit the captions. The huge problem is technology is always evolving. We need to bring together accurate information about the technical issue. Over time a number of people have created serious problems. The FCC has not understood some of the issues and they have made incorrect decisions based on their limited knowledge. I would really like us to think about getting together to create a website that gathers accurate information and then explain to consumers, the public and the industry about what these issues are. The website could also provide data about how to move ahead. We have a whole lot of different people who know different pieces of the elephant. We all need to communicate so we get the best possible outcome.

Blake Reid: I completely agree. As an attorney, one thing that I can do is interpret the technical information I have for the FCC. The more accurate technical information that I can get access to, the better I can do my job and the better my students can do their jobs. I really appreciate your comment. I would be glad to put that to use.

Audience member: I would echo the comment about the HDMI interface not transmitting captions to the TV. The CVAA specifies that DVD players and BluRay™ players must have a caption decoder built in because of that misunderstood HDMI issue. That's in the rules so no problem, there. However, the FCC may backtrack on what it says because some people are trying to convince the FCC that it's impossible to put caption data on BluRay Disk™. It's *not* impossible. I have several BluRay Disks™ myself that have captioned data on them and I can play the captions. I don't play them with my HDMI interface. I have to use something else but they're on the disk. We need to write our

comments on the notice of proposed rulemaking to explain to the FCC that it's totally feasible to have caption data on BluRay Disk™ and insist that we get that caption decoder built into every player.

Blake Reid: Thanks for bringing that up. To the extent that folks have technical information, I encourage you to file that information at the FCC. The docket number for IP-Captioning is 11-154. That's one way that we can leverage your knowledge.

Audience member: Several people have commented about needing to have one central location for people to get information about the technical part, about what to do if we have a problem, plus the filing numbers and docket numbers and all of that. There is so much to try to keep straight. Right now we have three TDI Board Members here committed to improving the TDI website so that it is more user-friendly and easier to navigate and find information on. If you do have any suggestions, please use my personal email address. It's Steph@buellfamily.com.

Sheila Conlon-Mentkowski: Thank you. I would like to thank you both for the wonderful workshop. Feel free to contact the TDI Board Members if you would like to. Thank you again.

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Blake Reid is an Assistant Clinical Professor at the University of Colorado Law School in Boulder, Colorado, where he directs the Samuelson-Glushko Technology Law and Policy Clinic. He and his student attorneys have represented TDI and worked with other deaf and hard of hearing consumer groups at the FCC on the implementation of the CVAA's IP closed captioning regulations.