

Closed Captioning

FCC Consumer Facts

Background

Closed captioning allows persons with hearing disabilities to have access to television programming by displaying the audio portion of a television program as text on the television screen. Beginning in July 1993, the Federal Communications Commission (FCC) required all analog television receivers with screens 13 inches or larger sold or manufactured in the United States to contain built-in decoder circuitry to display closed captioning. Beginning July 1, 2002, the FCC also required that digital television (DTV) receivers include closed captioning display capability.

In 1996, Congress required video programming distributors (cable operators, broadcasters, satellite distributors, and other multi-channel video programming distributors) to close caption their television programs. In 1997, the FCC set a transition schedule requiring distributors to provide an increasing amount of captioned programming, as summarized below.

Benefits of Closed Captioning

Closed captioning provides a critical link to news, entertainment, and information for individuals who are deaf or hard-of-hearing. For individuals whose native language is not English, English language captions improve comprehension and fluency. Captions also help improve literacy skills. You can turn on closed captions through your remote control or on-screen menu. The FCC does not regulate captioning of home videos, DVDs, or video games.

Different closed captioning schedules apply to new, pre-rule, and Spanish language programming.

“New” Programming

As of January 1, 2006, all “new” English language programming, defined as analog programming first published or exhibited on or after January 1, 1998, and digital programming first aired on or after July 1, 2002, must be captioned, with some exceptions.

“Pre-Rule” English Programming

Analog programming first shown before January 1, 1998, and digital programming first shown before July 1, 2002, are called “Pre-Rule Programming.” Pre-Rule Programming that is not exempt from the closed captioning rules must be captioned as follows:

- January 1, 2003, to December 31, 2007: 30 percent of programming per channel per quarter.
- January 1, 2008, and thereafter: 75 percent of programming per channel per quarter.

Spanish Language Programming

Because captioning is fairly new to Spanish language program providers, the FCC allows them a longer time to provide captioned programming. All Spanish language programming that was first shown after January 1, 1998, must be captioned by 2010 with some exemptions. The following schedule applies to Spanish language “new” and non-exempt programming, or programming shown after January 1, 1998:

- January 1, 2004, to December 31, 2006: 900 hours of programming per channel per quarter or all of the new, non-exempt Spanish language programming on that channel, whichever is less

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Spanish Language Programming (cont'd.)

- January 1, 2007, to December 31, 2009: 1350 hours of programming per channel per quarter or all of the new, non-exempt Spanish language programming on that channel, whichever is less.
- January 1, 2010, and thereafter: 100 percent of all programming, with some exceptions.

For Spanish language “Pre-Rule Programming” (first shown before January 1, 1998) that is not exempt from the closed captioning rules, the following schedule applies:

- January 1, 2005, to December 31, 2011: 30 percent of programming per channel per quarter.
- January 1, 2012, and thereafter: 75 percent of programming per channel per quarter.

For more information on the FCC’s closed captioning rules and requirements, go to www.fcc.gov/cgb/dro/caption.html.

Exempt Programming

There are two categories of exemptions from the closed captioning rules.

Self Implementing Exemptions

Self-implementing exemptions operate automatically and programmers do not need to petition the FCC. Examples include public service announcements that are shorter than 10 minutes and are not paid for with federal dollars, programming shown in the early morning hours (from 2 a.m. to 6 a.m. local time), and programming that is primarily textual in nature. There is also an exemption for non-news programming with no repeat value that is locally produced by the video programming distributor. To see a complete list of self-implementing exemptions, visit the FCC’s Web site at:

[www.fcc.gov/cgb/dro/exemptions from cc rules.html](http://www.fcc.gov/cgb/dro/exemptions_from_cc_rules.html).

Exempt Programming (cont'd.)

Exemptions Based on Undue Burden

The FCC has established procedures for petitioning for an exemption from the closed captioning rules when compliance would pose an undue burden. To find out about the undue burden exemption, visit the FCC’s Web site at: www.fcc.gov/cgb/dro/caption_exemptions.html.

A petition, which may be in the form of a letter, must include facts demonstrating that implementing closed captioning would impose an undue burden, which is defined as a significant difficulty or expense. There is no form to fill out. A summary of the petition process is provided at the FCC Web site address above. While a petition is pending, the programming that is the subject of the petition is exempt from the closed captioning requirements.

Subtitles in Lieu of Captioning

The rules provide that open captioning or subtitles in the language of the target audience may be used in lieu of closed captioning.

Filing a Complaint

For captioning problems during non-emergency programming, the FCC’s rules require that consumers first complain in writing to their programming distributor (i.e., your cable or satellite TV service, or the TV station if you do not pay for cable, satellite, or another subscription video service).

The FCC rules establish specific time limits for filing closed captioning complaints. Your written complaint to the distributor should be sent before the end of the calendar quarter following the calendar quarter when the problem happened.

For example, if the problem occurred on May 3, 2006 (2nd quarter), your complaint must be filed by September 30, 2006 (end of 3rd quarter). The TV distributor must respond in writing to your complaint within the time period established in the FCC’s rules at 47 CFR Part 79.1(g)(3) – that is, within about 45 days of receipt of your written complaint.

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Filing a Complaint (cont'd.)

Your written complaint addressed to the video programming distributor must provide specific information about the closed captioning problem and should include:

- the television channel number and call sign or name (e.g., Channel 22 WZZZ, Channel 106 The Story Channel);
- the date and time when you experienced the captioning problem;
- the name of the program or show with the captioning problem;
- a detailed description of the captioning problem;
- a specific reference to the FCC's closed captioning rules ("47 CFR Part 79.1");
- your name, street, city, state and zip code, and other contact information such as a phone or TTY number or e-mail address.

If the video programming distributor fails to respond to your written complaint or a dispute remains after the time allowed for the distributor to respond, you can send your complaint to the FCC as indicated below. There is no charge for filing a complaint with the FCC. When forwarding your complaint to the FCC, you must send an original and two copies within 30 days of the deadline for the TV distributor to respond - that is, within 30 days after the 45 day period in which the TV distributor should reply to your written complaint.

Your complaint to the FCC should include a signed letter from you showing that you first sent a written complaint and supporting facts or evidence to the video programming distributor. Also, you must mail a copy of the complaint and supporting evidence that you send to the FCC to the video programming distributor (to let the distributor know you have now complained to the FCC). Supporting evidence may include videotapes, copies of schedules showing the CC logo for programming that was shown without closed captioning, or other material.

Filing a Complaint (cont'd.)

You can file your complaint using an on-line complaint form found at esupport.fcc.gov/complaints.htm. You can also file your complaint with the FCC's Consumer Center by e-mailing fccinfo@fcc.gov; calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or writing to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, S.W.
Washington, DC 20554.

Note: On November 3, 2008, the Commission adopted rules revising the procedures for filing closed captioning complaints. These rules, however, will not take effect until approved by the Office of Management and Budget. Therefore, consumers must continue to follow the instructions for filing complaints that are contained in this fact sheet until further notice. Under the new rules, consumers will no longer be required to file complaints with the video programming distributor. Consumers will have 60 days from the date the captioned program aired to file a complaint either with the distributor or the Commission. If the complaint is filed with the Commission, the Commission will forward it to the distributor. After receiving a complaint, either directly from the consumer or from the Commission, the distributor will have 30 days to respond to the complaint. The Commission also adopted new rules requiring that video programming distributors make specific contact information available to consumers to assist consumers in contacting the distributors about closed captioning concerns.

What to Include In Your Complaint

The best way to provide all the information the FCC needs to process your complaint is to complete fully the on-line complaint form. When you open the on-line complaint form, you will be asked a series of questions that will take you to the particular section of the form you need to complete. If you do not use the on-line complaint form, your complaint, at a minimum, should include the additional documents described above and indicate:

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What to Include In Your Complaint (cont'd.)

- your name, address, email address, and phone number where you can be reached;
- whether you are filing a complaint on behalf of another party, and, if so, the party's name, address, email address, day time phone number, and your relationship to the party;
- preferred format or method of response (letter, fax, voice phone call, email, TRS, TTY, ASCII text, audio recording, or Braille);
- that your complaint is about closed captioning;
- the name, address, and telephone number (if known) of the company or companies involved with your complaint;
- the date and time or other details about timing of the lack of closed captioning;
- television station call sign (WZUE), TV channel (13), location (city and state), and name of program involved; and
- a brief description of your complaint and the resolution you are seeking, and a full description of the equipment or service you are complaining about, including date of purchase, use, or attempt to use.

Access to Emergency Information

Although not a closed captioning rule, the FCC requires that video programming distributors that provide emergency information do so in a format that is accessible to people who are deaf, hard of hearing, blind, or have low vision. Emergency information is information that helps to protect life, health, safety, or property. Examples include hazardous weather or dangerous situations such as the discharge of hazardous material, power failures, or civil disorders.

Emergency information that is provided in the audio portion of the programming must be provided using closed captioning or other methods of visual presentation, such as open captioning, crawls, or scrolls that appear on the screen. Emergency information must not block

Access to Emergency Information (cont'd.)

any closed captioning, and closed captioning must not block any emergency information. The information provided visually must include critical details regarding the emergency and how to respond.

Note: Effective January 1, 2006, most television broadcast stations located in the top 25 television markets must close caption their emergency information and breaking news reports, rather than making the information "visually accessible."

This same requirement to close caption emergency information applies to non-broadcast networks (e.g., cable and satellite) that serve at least 50 percent of all homes subscribing to television service, as well as to distributors that did not use the electronic newsroom technique for creating captions prior to January 1, 2006.

Distributors that are permitted to count electronic newsroom technique to create their captions may continue to use open captioning, crawls, scrolls or other visual means to convey the emergency information to viewers rather than use closed captioning. Electronic newsroom technique uses the station's news script computers to generate the closed captioning that appears on the television screen. Only text transmitted from the scripting computers to the teleprompters is captioned. Unscripted material, such as breaking news, live reports from the field, and some weather and sports reports, which do not appear on the teleprompter, are not typically captioned by the electronic newsroom technique. Pursuant to the closed captioning rules, television stations in smaller markets (as described above) are permitted to use electronic newsroom technique to create closed captions for live programming.

For more information on access to emergency information, go to www.fcc.gov/cgb/dro/emergency_access.html, or view an accessibility of emergency video programming fact sheet at www.fcc.gov/cgb/consumerfacts/emergency_video.html.

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Complaints Involving Lack of Access to Emergency Information

If you have a complaint alleging a violation of the FCC's access to emergency information rules, you can file it with the FCC by any reasonable means, including our on-line complaint form, e-mail, fax, or mail to the addresses and numbers listed above. You can also submit your complaint in an alternate format audio-cassette recording, Braille, or by phone at:

1-888-CALL-FCC (1-888-225-5322) voice or
1-888-TELL-FCC (1-888-835-5322) TTY.

Your complaint should include the name of the video programming distributor, the TV channel name and number, the date and time of the omission of access to emergency information, the type of emergency, and your contact information. With such specific information, the FCC can notify the video programming distributor of the complaint, and the distributor must reply to the FCC within 30 days.

For More Information

For more information about FCC programs to promote access to telecommunications services for people with disabilities, visit the FCC's Disability Rights Office Web site at www.fcc.gov/cgb/dro. For information about other telecommunications issues, visit the FCC's Consumer & Governmental Affairs Bureau Web site at www.fcc.gov/cgb, or contact the FCC's Consumer Center using the information provided for filing a complaint.

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For this or any other consumer publication in an accessible format (electronic ASCII text, Braille, large print, or audio) please write or call us at the address or phone number below, or send an e-mail to FCC504@fcc.gov.

To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, visit www.fcc.gov/cgb/contacts/.

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