



# Captioning Action Guide

## 2011/2012 Edition

1. **100% Captioning of TV Programs? Not Exactly.**
2. **Special Requirements for News Programs**
3. **Sending a Complaint (pg 3)**
4. **Visual Presentation of Emergency Information**
5. **Internet Captioning Regulations **\*\*NEW\*\*****

The Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN) has prepared this Caption Action Guide to give you information about what must be captioned as of April 1, 2012. We have also included up-to-date information about how you can send a complaint about programs that are not captioned as required, or have problems with the captioning.

### Section 1. 100% Captioning of TV Programs? Not Exactly.

On January 1, 2006, 100% of NEW programs, both analog and digital, must be closed-captioned. However, that does not mean that you will be able to change from channel to channel and see everything on your television with captions. Open captioning or subtitles may be used instead of closed captioning.

#### These programs do not require 100% closed captioning:

1. English language programs first shown before January 1, 1998, or for digital captions, before July 1, 2002: only 30% must be captioned.
2. All new Spanish language programs must be captioned. As of January 2012, the final benchmark of pre-rule Span-

ish language programming must be captioned has gone up to 75%

#### Many programs are also exempt, including:

1. Programs that qualify for “economically burdensome” exemptions, formerly known as ‘undue burden’ exemptions.
2. Programs shown from 2 am to 6 am local time.
3. Locally produced and distributed non-news programs with no repeat value, such as parades and school sports events.
4. Commercials of five minutes or less, intersitial material, promotional announcements, and public service announcements (PSAs) that are 10 minutes or less in duration. Note: All PSAs produced with federal funding, must be captioned, as mandated by Title IV of the ADA.
5. Instructional programs produced locally by public TV stations for use in grades K-12 or postsecondary schools.
6. Programs in languages other than Spanish and English
7. Programs shown on new networks for the first four years of the network’s operations
8. Public service announcements of less than 10 minutes and not paid for with federal dollars
9. Programs by providers with
  - a. less than four years of existence
  - b. an annual gross revenue under \$3 million
  - c. costs for captioning that exceeds 2% of total revenue

## Local Television Market Universe Estimates Designated Market Area (DMA) Ranked by Households - Top 25

Rank	2011-2012 Designated Market Area (DMA)	TV Households	% of US
1.	New York, NY	7,387,810	6.444
2.	Los Angeles, CA	5,569,780	4.858
3.	Chicago, IL	3,493,480	3.047
4.	Philadelphia, PA	2,993,370	2.611
5.	Dallas-Ft. Worth, TX	2,571,310	2.243
6.	San Francisco-Oakland-San Jose, CA	2,506,510	2.186
7.	Boston, MA (Manchester, NH)	2,379,690	2.076
8.	Washington, DC (Hagerstown, MD)	2,360,180	2.059
9.	Atlanta, GA	2,292,640	2.000
10.	Houston, TX	2,185,260	1.906
11.	Detroit, MI	1,842,650	1.607
12.	Seattle-Tacoma, WA	1,811,420	1.580
13.	Phoenix (Prescott), AZ	1,811,330	1.580
14.	Tampa-St. Petersburg (Sarasota), FL	1,788,240	1.560
15.	Minneapolis-St. Paul, MN	1,721,940	1.502
16.	Miami-Ft. Lauderdale, FL	1,583,800	1.381
17.	Denver, CO	1,548,570	1.351
18.	Cleveland-Akron (Canton), OH	1,514,170	1.321
19.	Orlando-Daytona Beach-Melbourne, FL	1,465,460	1.278
20.	Sacramento-Stockton-Modesto, CA	1,388,570	1.211
21.	St. Louis, MO	1,253,920	1.094
22.	Portland, OR	1,190,010	1.038
23.	Pittsburgh, PA	1,171,490	1.022
24.	Raleigh-Durham (Fayetteville), NC	1,143,420	0.997
25.	Charlotte, NC	1,140,900	0.995
NSI TOP 25 TOTAL U.S.		53,930,660	48.943

Source: Nielsen Media Research, Inc.  
(From [www.tvb.org/media/file/TVB\\_Market\\_Profiles\\_Nielsen\\_Household\\_DMA\\_RANKS.pdf](http://www.tvb.org/media/file/TVB_Market_Profiles_Nielsen_Household_DMA_RANKS.pdf))  
Copyright © 2011 The Nielsen Company All Rights Reserved Nielsen Station Index (NSI)

\*Estimates used throughout the 2011-2012 television season and are effective September 24, 2011

These providers must still “pass through” the captions of any programs that already have them.

## Section 2. Special Requirements for News Programs

TV news programs also must provide 100% closed captioning as of January 1, 2006. ABC, CBS, FOX, NBC and their affiliates cannot use Electronic Newsroom Technique (ENT) to caption their news in the “top 25” television markets. Realtime captioning should be used as it displays captions for everything that is being spoken throughout the entire newscast.

All other newscasts are allowed to use ENT. This type of captioning is pre-scripted, which results in significant gaps in captioning where breaking news, live news updates, ad-libbed

banter between anchors and reporters, live studio interviews, and live reports from the scene are taking place. Sports and weather segments are typically unscripted. Regardless of which captioning method is used, all audio information is still expected to be captioned and accessible.

The country’s top 25 markets are ranked by the number of households. Each September, Nielsen issues the TV Household Estimates Designated Market Area (DMA) for the upcoming television season. The current numbers are:

Non-broadcast networks (such as cable and satellite networks) serving at least 50% of households subscribing to video program services, must also caption their news in real-time.

## Section 3. Sending a Complaint

### Put it in Writing

The Federal Communications Commission (FCC) oversees and enforces the regulations for TV closed captioning. You may send your complaint either directly to the FCC and/or to your TV “distributor” within 60 days of the captioning problem. If you file with the FCC, the FCC will send your complaint to your video programming distributor. The distributor must respond within 30 days.

### Who is your Distributor?

- If you use an antenna to receive your TV signal, write to General Manager of the TV station that the program came from. You can find the address of the local station and the contact person on the station’s website or the address in your local telephone book.
- If you use cable or satellite TV service, write to the General Manager of the cable or satellite company. The address should be on your monthly bill and on their website.
- The contact information for your distributor is available in a searchable database on the FCC website at <http://esupport.fcc.gov/vpd-search/search.action#scrollThere>. Enter your zip code and the type of video distributor you use to begin your search.

### Filing Options

- **Online:** You can file your complaint by using the FCC’s online Disability Access Complaint Form #2000C at [https://esupport.fcc.gov/ccmsforms/form2000.action?form\\_type=2000C](https://esupport.fcc.gov/ccmsforms/form2000.action?form_type=2000C)
- **Email:** File your complaint by email to [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)
- **Fax:** Fax your written complaint to 1-866-418-0232
- **Letter:** Federal Communications Commission Consumer & Governmental Affairs Bureau Consumer Complaints 445 12th Street, SW Washington, D.C.

20554

**For More Information:**

- Go to <http://esupport.fcc.gov/complaints.htm> for more information about filing complaints, or call the FCC for assistance, Monday - Friday, 8 a.m. to 5:30 p.m. (EST), at 1-888-225-5322 or 1-888-835-5322 TTY.
- See the Closed Captioning Factsheet at <http://www.fcc.gov/guides/closed-captioning> for more information about closed captioning.

**OR ...**

You may file your complaint with the video programming distributor (the TV station or your cable or satellite TV service). The distributor must respond to your complaint within 30 days. If the distributor cannot solve the problem, or you are not satisfied with the response you receive (or if you receive no response), you can send your complaint to the FCC.

Video programming distributors are required to make two kinds of contact information available:

1. Contact information for the receipt and handling of immediate closed captioning concerns by consumers, such as when
  - a. captions suddenly disappear or
  - b. become garbled while watching a program.
2. Contact information for written closed captioning complaints.

Both types of contact information must be provided on the video programming distributor's website, in billing statements (when billing statements are issued), and when extended listings are published in telephone directories..

**What to Put in the Complaint**

Give as much detail as you can. This will help identify what needs to be fixed. Do include:

- Start the letter with, "This letter is sent in regard to FCC rules at 47 CFR Part 79.1"
- Give your full address, daytime phone number (TTY, Video, or Voice) and/or email address.
- List the TV show(s) that were not captioned or had a captioning problem, with the TV channel network name and number. Also include the date and time of the show(s).
- Describe with as much detail as possible the captioning problem that you are seeing.

**Examples:**

- CSI had no captioning on WBX 4 on January 4, 2009 from 9-10 pm.
- American Idol on WNYC 12 lost captions from 8:45 to 9 pm on January 6, 2010.
- Desperate Housewives on WKSR 9 captions dropped after the first commercial break at 9:10 pm.
- CNN did not have captioning from 12 to 1 pm even though it always has, and the TV listings in the newspaper said it would be captioned.

Please send a copy of your complaint to DHHCAN (in care of TDI) at this mailing address, 8630 Fenton Street, Suite 604, Silver Spring, MD 20910 or fax it to (301) 589-3797.

**What to Do After Sending the Complaint**

If you do not have a satisfactory response in 30 days, contact the FCC with a copy of the written complaint that you sent to the TV distributor. Include a copy of their distributor's response, if any. Send both letters to:

Federal Communications Commission  
445 12th Street S.W.  
Washington, DC 20554  
Attn. CICD/CGB

**Section 4. Visual Presentation of Emergency Information**

Visual presentation of emergency information is required of broadcast, cable and satellite TV providers. This is covered under a different regulation, and you can send complaints directly to the FCC using the complaint procedures outlined in Section 3.

Emergency information is defined as any information that is intended to protect life, health, safety or property. Some examples of things that qualify as an emergency are:

- Dangerous weather -- hurricane, tornado, flood, earthquake, tidal wave, icing conditions, heavy snow, widespread fire, warning and watch of impending change in weather
- Dangerous situations -- widespread power failure, discharge of toxic gas, industrial explosion, civil disorder, school closing, and changes in school bus schedules resulting from conditions.
- Information that must be presented visually if it is provided audibly:
- Specific details about the areas that will be affected by the emergency
- Evacuation orders, detailed descriptions of areas to be evacuated, specific evacuation routes
- Approved shelters or how to take shelter in one's home

- Instructions on how to secure personal property
- Road closures
- How to obtain relief assistance

Note that this requires visual information but not necessarily captioning. Theoretically, any effective means of providing all this information could be used, including holding up signs in front of the camera.

## Section 5. Internet Captioning **\*\*NEW\*\***

In a White House East Room Ceremony, President Barack Obama signed the 21st Century Communications and Video Accessibility Act (CVAA) into law on October 8, 2010. CVAA is divided into two titles. Title I covers telecommunications access, updating requirements for better relay services, interoperability with advanced communication services, and provides equipment for deaf-blind users, among other things. Title II will require captioning of online videos that were previously shown on television, requires devices that record and play back video to support captioning, and mandates a prominent button to activate captioning on television remotes and menu screens within two years..

In January 2012, the FCC released new rules for captioning television programs that are shown on the Internet that were published in the Federal Register on March 29, 2012. Here are the highlights.

- Beginning September 29, 2012, in six months, new prerecorded shows unedited for the Internet must be captioned online, and the quality must be equal to television captioning or better.
- At twelve months, on March 29, 2013, live and near-live shows must be captioned.
- At 18 months, on September 29, 2013, prerecorded programs edited for Internet distribution must be captioned.
- After two years, on March 29, 2014, archival content already in the video distributor's library must be captioned, no later than a grace period of 45 days after the program airs on television. This grace period goes down to 30 days after three years (2015), and then 15 days thereafter beginning on the fourth year (2016).
- Existing complaint procedures will be modified later this year to facilitate reporting of captioning prob-

lems on TV programming shown online.

In advance, TDI and DHHCAN express special gratitude for your interest in ensuring full compliance with the FCC regulations on TV captioning.

### About DHHCAN:

Established in 1992, the Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN) provides a forum for proactive coordination of information for addressing and influencing legislation. It also seeks to further the movement toward universal, barrier-free access with emphasis on quality, certification and standards.

Eleven consumer organizations are regular voting members of this national coalition of, for and by the deaf and hard of hearing:

- Alexander Graham Bell Association (AGBell)
- American Association of the Deaf-Blind (AADB)
- American Society for Deaf Children (ASDC)
- Association of Late-Deafened Adults (ALDA)
- Deaf Seniors of America (DSA)
- Gallaudet University Alumni Association (GUAA)
- Hearing Loss Association of America (HLAA)
- National Association of the Deaf (NAD)
- National Black Deaf Advocates (NBDA)
- Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)
- United States Deaf Sports Federation (USADSF)

In addition, there are five non-voting organizational partners supporting DHHCAN.

- American Deafness and Rehabilitation Association (ADARA)
- Communication Service for the Deaf (CSD)
- Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD)
- National Deaf Business Institute (NDBI)
- Registry of Interpreters for the Deaf, Inc. (RID)