

Closed Captioning Quality Control: FCC Establishes Procedures to Report Non-Certifying Video Programmers

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As part of its efforts to improve the quality of closed captions, the Federal Communications Commission (FCC) today issued a Public Notice detailing the procedures for video programming distributors (VPDs) - including broadcasters and MVPDs - to submit reports identifying those video program suppliers who do not provide widely-available certifications regarding the quality of the closed captions provided with their programming.

On March 16, 2015, new rules regulating the quality of closed captions went into effect and VPDs were required to make "best efforts" to obtain certifications from each of their video program suppliers (networks, syndicated program providers, etc.) regarding the new quality standards. These certifications must state either (1) that the programming satisfies the captioning quality standards, (2) that the programmer has adopted and follows the Best Practices for captioning quality (as specified in Section 79.1(k) of the FCC's rules), or (3) that the programmer is exempt from the closed captioning rules under one or more properly attained exemptions.

Video programmers must make these certifications widely-available. If a VPD is unable to locate such certifications on the programmer's website or another widely-available location, then the VPD must inform the programmer in writing that they need to make this certification widely available within 30 days. If the programmer still does not make the certification widely available after 30 days, the VPD must submit the name and contact information of the programmer to the FCC. The FCC will place this information in a publicly available database.

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As a VPD, if you have not received and have been unable to locate a widely-available certification from a video programmer that provides you programming, then you must immediately contact the video programmer in writing to request they make this certification available.

If the certification is not made available in response to the written request, then you must report the video programmer to the FCC within the later of (i) 40 days from the date written notification was provided to the video programmer or (ii) 30 days from the date of the Public Notice (June 4).

To submit this notification to the FCC, send an email to captioningcertification@fcc.gov with the name, address, phone number and email of the video programmer. If the video programmer subsequently makes the certification widely available, you should send a notification of compliance to this same email address.