

Closed Captioning of Video Programming Delivered Using Internet Protocol, and Apparatus Closed Caption Requirements**SUPPORTING STATEMENT****A. Justification:**

1. The Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA)¹ directed the Commission to revise its regulations to mandate closed captioning on IP-delivered video programming that was published or exhibited on television with captions after the effective date of the regulations.² Accordingly, the Commission requires video programming owners (VPOs) to send program files to video programming distributors and providers (hereinafter VPDs) with required captions, and it requires VPDs to enable the rendering or pass through of all required captions to the end user.³ The CVAA also directed the Commission to revise its regulations to mandate that all apparatus designed to receive, play back, or record video programming be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming, except that apparatus that use a picture screen that is 13 inches or smaller and recording devices must comply only if doing so is achievable.⁴ These rules are codified at 47 CFR §§ 79.4 and 79.100 – 79.104.⁵

In July 2024, the Commission adopted rules requiring manufacturers of covered apparatus and multichannel video programming distributors (MVPDs) to make closed captioning display settings readily accessible to individuals who are deaf and hard of hearing.⁶ The Commission will determine whether settings are readily accessible to consumers by evaluating the following factors: proximity, discoverability, previewability, and consistency and persistence. The compliance deadline will be after the Office of Management and Budget completes its review of any new or modified information collection requirements under the Paperwork Reduction Act or August 17, 2026, whichever is later. The previously approved burden estimates set forth below for requests for a Commission determination of technical feasibility of apparatus closed caption requirements, requests for a Commission determination of achievability of apparatus closed caption requirements, and complaints alleging violations of the apparatus closed caption requirements, all are sufficient to encompass any such filings resulting from the new rule. The *2024 Caption Display Settings Order* imposes two new information collection requirements set forth as (i) and (j) below.

¹ Pub. L. No. 111-260, 124 Stat. 2751 (2010).

² See CVAA at Title II, § 202(b). Closed captioning is the visual display of the audio portion of video programming that provides access to individuals who are deaf or hard of hearing. Previously existing regulations require the provision of closed captioning on video programming that is published or exhibited on television. See 47 CFR § 79.1.

³ See *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, MB Docket No. 11-154, 27 FCC Rcd 787 (2012) (*Report and Order*).

⁴ See CVAA at Title II, § 203. Previously existing regulations require closed caption decoder capability on certain apparatus. See 47 CFR §§ 15.119 and 15.122, redesignated and amended by the *Report and Order* as 47 CFR §§ 79.101 and 79.102. See also 47 CFR §§ 79.100, 79.103, and 79.104 adopted by the *Report and Order*.

⁵ A separate information collection, OMB control number 3060-0874, includes the online form used by consumers to file complaints with the Commission alleging violations of the FCC's disability accessibility requirements.

⁶ See *Accessibility of User Interfaces, and Video Programming Guides and Menus*, MB Docket No. 12-108, FCC 24-79 (2024) (*2024 Caption Display Settings Order*).

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- (a) Mechanism for information about video programming subject to the IP closed captioning requirements.

Pursuant to 47 CFR §§ 79.4(c)(1)(ii) and (c)(2)(ii) of the Commission's rules, VPOs and VPDs must agree upon a mechanism to make information available to VPDs about video programming that becomes subject to the requirements of 47 CFR § 79.4 on an ongoing basis. VPDs must make a good faith effort to identify video programming that must be captioned when delivered using IP using the agreed upon mechanism.

For example, VPOs and VPDs may agree on a mechanism whereby the VPOs provide captions or certifications that captions are not required, and update those certifications and provide captions when captions later become required. A VPD may rely in good faith on a certification by a VPO that the programming need not be captioned: (1) if the certification includes a clear and concise explanation of why captions are not required; and (2) if the VPD is able to produce the certification to the Commission in the event of a complaint. VPOs may provide certifications for specific programming or a more general certification, for example, for all programming covered by a particular contract.

VPDs may seek Commission determinations that other proposed mechanisms provide adequate information for them to rely on in good faith by filing an informal request and providing sufficient information for the Commission to make such determinations.

- (b) Contact information for the receipt and handling of written closed captioning complaints.

Pursuant to 47 CFR § 79.4(c)(2)(iii), VPDs must make their contact information available to end users for the receipt and handling of written IP closed captioning complaints. The required contact information includes the name of a person with primary responsibility for IP captioning issues and who can ensure compliance with these rules, as well as the person's title or office, telephone number, fax number, postal mailing address, and e-mail address. VPDs must keep this information current and update it within 10 business days of any change. The Commission expects that such contact information will be prominently displayed in a way that it is accessible to all end users. A general notice on the VPD's website with such contact information, if provided, must be provided in a location that is conspicuous to viewers.

- (c) Petitions for exemption based on "economic burden."

Pursuant to 47 CFR § 79.4(d), a VPO or VPD may petition the Commission for a full or partial exemption from the closed captioning requirements for IP-delivered video programming based upon a showing that they would be economically burdensome. Petitions for exemption must be supported with sufficient evidence to demonstrate economic burden (significant difficulty or expense). The Commission will consider four specific factors when determining economic burden and any other factors the petitioner deems relevant, along with any available alternatives that might constitute a reasonable substitute for the closed captioning requirements. Petitions and subsequent pleadings must be filed electronically.

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The Commission will place such petitions on public notice. Comments or oppositions to the petition may be filed electronically within 30 days after release of the public notice of the petition, and must include a certification that the petitioner was served with a copy. The petitioner may reply to any comments or oppositions filed within 20 days after the close of the period for filing comments or oppositions, and replies must include a certification that the commenting or opposing party was served with a copy. Upon a finding of good cause, the Commission may lengthen or shorten any comment period and waive or establish other procedural requirements. Petitions and responsive pleadings must include a detailed, full showing, supported by affidavit, of any facts or considerations relied on.

- (d) Complaints alleging violations of the closed captioning rules for IP-delivered video programming.

Pursuant to 47 CFR § 79.4(e), a written complaint alleging a violation of the closed captioning rules for IP-delivered video programming may be filed with the Commission or with the VPD responsible for enabling the rendering or pass through of the closed captions for the video programming. Complaints must be filed within 60 days after the date the complainant experienced a problem with captioning. Such complaints should (but are not required to) include certain information.

If a complaint is filed first with the VPD, the VPD must respond in writing to the complainant within 30 days after receipt of a closed captioning complaint. If a VPD fails to respond timely, or the response does not satisfy the consumer, the complainant may re-file the complaint with the Commission within 30 days after the time allotted for the VPD to respond. If a consumer re-files the complaint with the Commission (after filing with the VPD) and the complaint satisfies the requirements, the Commission will forward the complaint to the named VPD, and to any other VPD and/or VPO that Commission staff determines may be involved, who then must respond in writing to the Commission and the complainant within 30 days after receipt of the complaint from the Commission.

If a complaint is filed first with the Commission and the complaint satisfies the requirements, the Commission will forward the complaint to the named VPD and/or VPO, and to any other VPD and/or VPO that Commission staff determine may be involved, who must respond in writing to the Commission and the complainant within 30 days after receipt of the complaint from the Commission. In response to a complaint, a VPD and/or VPO must provide the Commission with sufficient records and documentation. The Commission will review all relevant information provided by the complainant and the subject VPDs and/or VPOs, as well as any additional information the Commission deems relevant from its files or public sources. The Commission may request additional information from any relevant entities when, in the estimation of Commission staff, such information is needed to investigate the complaint or adjudicate potential violation(s) of Commission rules. When the Commission requests additional information, parties to which such requests are addressed must provide the requested information in the manner and within the time period the Commission specifies.

- (e) Requests for Commission determination of technical feasibility of apparatus closed caption requirements.

Pursuant to 47 CFR § 79.103(a), as of January 1, 2014, all digital apparatus designed to receive or play back video programming that uses a picture screen of any size must be equipped with built-

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in closed caption decoder circuitry or capability designed to display closed-captioned video programming, if *technically feasible*. Pursuant to 47 CFR § 79.103(e), manufacturers of apparatus subject to paragraph (a) of the rule and MVPDs will be required to ensure that consumers are able to readily access user display settings for closed captioning on apparatus designed to receive or play back video programming transmitted simultaneously with sound, if such apparatus is manufactured in the United States or imported for use in the United States and uses a picture screen of any size, if *technically feasible*. If new apparatus or classes of apparatus for viewing video programming emerge on which it would not be technically feasible to include closed captioning or readily accessible user display settings for closed captioning, parties may raise that argument as a defense to a complaint or, alternatively, file a request under 47 CFR § 1.41 for a Commission determination of technical feasibility before manufacturing or importing the product.⁷

- (f) Requests for Commission determination of achievability of apparatus closed caption requirements.

Pursuant to 47 CFR § 79.103(a), as of January 1, 2014, all digital apparatus designed to receive or play back video programming that use a picture screen less than 13 inches in size must be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming, only if doing so is *achievable*. In addition, pursuant to 47 CFR § 79.104(a), as of January 1, 2014, all apparatus designed to record video programming must enable the rendering or the pass through of closed captions such that viewers are able to activate and de-activate the closed captions as the video programming is played back, only if doing so is *achievable*. Pursuant to 47 CFR § 79.103(e), the requirement that closed captioning display settings are readily accessible will only apply to apparatus that use a picture screen of less than 13 inches in size if compliance is *achievable*.

Manufacturers of such apparatus and MVPDs may petition the Commission, pursuant to 47 CFR § 1.41, for a full or partial exemption from the closed captioning requirements before manufacturing or importing the apparatus or may assert as a response to a complaint that these requirements, in full or in part, are not achievable. Pursuant to 47 CFR § 79.103(b)(3), such a petition or response must be supported with sufficient evidence to demonstrate that compliance is not achievable (meaning with reasonable effort or expense) and the Commission will consider four specific factors when making such determinations. In evaluating evidence offered to prove that compliance was not achievable, the Commission will be informed by the analysis in the *ACS Order*.⁸

- (g) Petitions for purpose-based waivers of apparatus closed caption requirements.

Manufacturers seeking certainty prior to the sale of a device may petition the Commission, pursuant to 47 CFR § 79.103(b)(4), for a full or partial waiver of the closed captioning requirements based on one of the following provisions:

- (i) The apparatus is primarily designed for activities other than receiving or playing back video

⁷ See 47 CFR § 1.41 (permitting parties to file informal requests for Commission action, based on a clear and concise showing of the facts relied on, relief sought, among other requirements).

⁸ See *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, 26 FCC Rcd 14557, 14607-14619, ¶¶ 119-148 (2011) (*ACS Order*).

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- programming transmitted simultaneously with sound; or
- (ii) The apparatus is designed for multiple purposes, capable of receiving or playing back video programming transmitted simultaneously with sound but whose essential utility is derived from other purposes.

Petitions for waiver filed pursuant to this section are generally put on public notice for comment or opposition.

- (h) Complaints alleging violations of the apparatus closed caption requirements.

Consumers may file written complaints alleging violations of the Commission's rules, 47 CFR §§ 79.101 – 79.104, requiring apparatus designed to receive, play back, or record video programming to be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captions, and requiring that consumers are able to readily access user display settings for closed captioning on covered apparatus. A written complaint filed with the Commission must be transmitted to the Consumer and Governmental Affairs Bureau through the Commission's online informal complaint filing system, U.S. Mail, overnight delivery, or facsimile. Such complaints should include certain information about the complainant and the alleged violation.⁹ The Commission may forward such complaints to the named manufacturer or provider, as well as to any other entity that Commission staff determines may be involved, and may request additional information from any relevant parties when, in the estimation of Commission staff, such information is needed to investigate the complaint or adjudicate potential violations of Commission rules.

- (i) Application programming interface (API) notification to application developers.

Pursuant to 47 CFR § 79.103(e)(1)(iv)(A), with regard to an MVPD's provision of navigation devices, it will be required to expose closed caption display settings via an API or similar method that an over-the-top application provider can use upon launch of their application on the device. The API or similar method will need to enable the application provider to use the device-level caption settings for its own content, if it chooses, and covered entities will be required to notify application developers about this API or similar method through any reasonable means. One example of a "reasonable means" for the required notice is a developer portal that a developer must utilize for its application to appear on the device.

- (j) Customer notice of new operating systems.

The *2024 Caption Display Settings Order* provides that MVPDs should provide notice to customers who are deaf or hard of hearing when new operating systems are deployed.

The statutory authority for this collection of information is contained in the Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751, and Sections 4(i), 4(j), 303, 330(b), 713, and 716 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. §§ 154(i), 154(j), 303, 330(b), 613, and 617.

2. VPDs will use the information provided by VPOs on an ongoing basis through certifications or other mechanisms to determine whether captions are required for the video programming they deliver using IP.

⁹ *Report and Order*, 27 FCC Rcd at 859-60, para. 123.

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The Commission will use the information submitted by a VPD to determine whether a proposed mechanism provides adequate information about whether captions are required for the VPD to rely on in good faith. Consumers will use the contact information of and provided by VPDs to file written IP closed captioning complaints. The information submitted as part of, or in response to, a petition for exemption pursuant to 47 CFR § 79.4(d) will be used by the Commission to determine whether an “economically burdensome” exemption is warranted. VPDs will use the information provided by consumers in IP closed captioning complaints to investigate and resolve such complaints. The Commission will use the information provided by consumers in IP closed captioning complaints filed under 47 CFR § 79.4(e) and responses provided by VPOs and VPDs to enforce 47 CFR § 79.4. The Commission will use the information submitted by a party to determine whether it is technically feasible for new apparatus or classes of apparatus for viewing video programming to comply with the closed caption requirements. The Commission will use the information submitted by a party to determine whether it is achievable for apparatus designed to receive or play back video programming and that use a picture screen that is 13 inches or smaller, or designed to record video programming to comply with the apparatus closed caption requirements. The Commission will use the information submitted by manufacturers or others to determine whether to grant a full or partial purpose-based waiver of the closed caption requirements for certain apparatus. The Commission will use the information provided by consumer complaints and responses provided by manufacturers to enforce the Commission’s apparatus closed caption requirements. Application developers will use the notification about the API or similar method to use device closed caption display settings upon launch of their application on the device. Finally, customers who are notified of the deployment of new operating systems will be able to consider whether to seek new equipment.

This information collection includes personally identifiable information (PII) with respect to complainants.

- (a) As required by OMB Memorandum M-03-22 (September 26, 2003), and by Section 208 of the E-Government Act of 2002, 44 U.S.C. § 3501, the FCC completed a Privacy Impact Assessment (PIA) on June 28, 2007, that gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys the PII covered by these information collection requirements. The FCC updated the relevant PIA in July 2023. The PIA may be viewed at: http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.
 - (b) Furthermore, as required by the Privacy Act, 5 U.S.C. § 552a, the FCC also published a system of records notice (SORN), FCC/CGB-1, “Informal Complaints, Inquiries, and Requests for Dispute Assistance” in the *Federal Register* (79 FR 48152). The FCC published a revised SORN on September 1, 2023 (88 FR 60459), which became effective on October 2, 2023.
3. VPOs and VPDs may agree on any method for transmitting information or certifications about program caption requirements on an ongoing basis, including automated or electronic transmissions. The contact information for VPDs may be provided by any method, including through a general notice on the VPD’s website. Petitions requesting an exemption based on the economically burdensome standard and subsequent pleadings must be filed electronically with the Commission. Once placed on public notice, comments, oppositions, or replies relating to petitions for exemption may be transmitted electronically to the Commission. Written complaints about IP closed captioning may be submitted through the Commission’s online informal complaint filing system, U.S. Mail, overnight delivery, or facsimile. Complainants may indicate the preferred format or method of response to the complaint, such as letter, facsimile transmission, telephone (voice/TRS/TTY), e-mail, or some other method that would best

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accommodate the complainant. Requests for Commission determination of technical feasibility or achievability of apparatus closed caption requirements may be filed pursuant to 47 CFR § 1.41. Petitions for purpose-based waivers of the apparatus closed caption requirements may be filed electronically (preferred) or filed by U.S. Mail or overnight delivery. Written complaints alleging violations of the apparatus closed caption requirements may be submitted through the Commission's online informal complaint filing system, U.S. Mail, overnight delivery, or facsimile. Commission staff may assist consumers with disabilities with the filing of written complaints. The Commission's overall purpose is to make the filing of such complaints as easy as possible for consumers. MVPDs will be permitted to notify application developers about the applicable API or similar method through any reasonable means, one example of which is a developer portal. Finally, MVPDs should notify customers who are deaf or hard of hearing when new operating systems are deployed, and there is no required method for doing so.

4. No other agency imposes similar information collections on the respondents. There is no similar data available.
5. In conformance with the Paperwork Reduction Act of 1995, we are making an effort to minimize the public burden for small business concerns, including those with fewer than 25 employees.

For example, the Commission requires VPOs and VPDs to agree upon a mechanism to inform such VPDs on an ongoing basis whether video programming is subject to the IP closed captioning requirements. The Commission considered and rejected adopting a single specific mechanism that could impose greater information collection burdens on small businesses. The Commission also permits VPOs and VPDs to request a full or partial exemption from our IP closed captioning requirements when those requirements are economically burdensome. While there is some burden associated with requesting an exemption, when granted, an exemption will relieve the entity from complying with the IP closed captioning requirements. In addition, the Commission permits consumers to file written complaints alleging a violation of the IP closed captioning rules with the Commission or with VPDs and requires VPDs to publish their contact information for this purpose. When a complaint is filed with a VPD, the VPD must reply within 30 days. While this complaint procedure imposes an information collection burden, the requirement to publish contact information and respond to consumer complaints provides an opportunity to resolve complaints without Commission involvement, thereby minimizing the information collection burdens on small business concerns, including businesses with fewer than 25 employees.

The Commission also requires all digital apparatus designed to receive or play back video programming that uses a picture screen of any size to be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming, if technically feasible. Apparatus that uses a picture screen less than 13 inches in size and apparatus designed to record video programming must comply, if doing so is achievable. The requirement that closed captioning display settings must be "readily accessible" includes comparable provisions regarding technical feasibility and achievability. Manufacturers and MVPDs may file an informal request with the Commission seeking a determination as to whether compliance with these rules is technically feasible or achievable for certain apparatus. Further regulatory relief is provided through the adoption of rules permitting manufacturers to petition the Commission for waivers for apparatus whose essential utility is derived from purposes other than receiving or playing back video programming, or apparatus primarily designed for other activities. The Commission did not adopt specific procedural requirements for such determination or waiver requests, and expects that this flexibility will minimize

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the information collection burden on small business concerns. We provide procedural guidance for consumers to file written complaints with the Commission alleging violations of the closed caption decoder and display capability requirements. These complaint procedures provide us with flexibility to request additional information from any relevant party when such information is needed, thereby minimizing the information collection burden on small business concerns, including businesses with fewer than 25 employees.

Finally, the Commission will afford covered entities flexibility in how they make closed captioning display settings readily accessible to consumers, and it will determine whether settings are readily accessible to consumers by evaluating certain factors. This approach will ensure that small and other covered entities can choose how to make closed captioning display settings available, as long as such settings are readily accessible to consumers, enabling these entities to decide what works best for them. The meaning of the “consistency and persistence” factor evolved from a previously proposed broader definition, which industry objected to as raising several problems, to a meaning that focuses largely on the use of APIs or comparable tools and the coordination between covered entities. This narrow approach should also make it easier and simpler for small and other covered entities to comply.

6. These information collections are necessary for us to carry out the purposes of and to comply with the CVAA and with the Television Decoder Circuitry Act of 1990 (TDCA). Completion of these information collections will ensure that the closed captioning mandated by Congress under sections 303(u), 303(z), 330(b), and 713 of the Communications Act of 1934, as amended by the CVAA, will provide individuals with disabilities with better access to video programming.

For example, if these information collections are not completed, VPDs will not be informed about video programming that must be captioned when delivered using IP. Further, individuals with disabilities may be unable to contact VPDs to report and resolve IP closed captioning problems, resulting in greater numbers of complaints being directed to the Commission. In addition, these requirements enable us to investigate complaints alleging violations of and to enforce the IP closed captioning rules and apparatus requirements, and to ensure that application providers have access to closed caption display settings via an API or similar method.

Without these requirements, we would not be able to exercise our authority to exempt entities from IP closed captioning obligations that are economically burdensome. In addition, these requirements enable us to provide greater certainty to apparatus manufacturers and MVPDs about what closed captioning capabilities are technically feasible or achievable. Moreover, without these requirements, we would be unable to exercise our authority to waive the closed captioning requirements for certain apparatus whose essential utility is derived from purposes other than receiving or playing back video programming, or apparatus primarily designed for other activities. Finally, these requirements provide individuals with disabilities a mechanism to file informal apparatus closed captioning complaints with us for enforcement of our rules, and provide notice to consumers who are deaf or hard of hearing when new operating systems are deployed.

7. The collections are not being conducted in any manner inconsistent with 5 CFR Part 1320.
8. The Commission published a notice in the *Federal Register* seeking comments from the public on the requirements contained in this supporting statement. See 89 FR 76827 on September 19, 2024. No comments were received from the public regarding the information collection requirements.

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9. No payment or gift will be provided to respondents.
10. Some assurances of confidentiality are being provided to the respondents.

Parties filing petitions for exemption based on economic burden, requests for Commission determinations of technical feasibility and achievability, requests for purpose-based waivers, or responses to complaints alleging violations of the Commission's rules may seek confidential treatment of information they provide pursuant to the Commission's existing confidentiality rules.¹⁰

We are not requesting that individuals who file complaints alleging violations of our rules (complainants) submit confidential information (*e.g.*, credit card numbers, social security numbers, or personal financial information) to us. We request that complainants submit their names, addresses, and other contact information, which enables us to process complaints. Any use of this information is covered under the routine uses listed in the Commission's SORN, FCC/CGB-1, "Informal Complaints, Inquiries, and Requests for Dispute Assistance."

PII is contained in the Commission's Consumer Complaint Center database, which is covered under the Commission's SORN, FCC/CGB-1, "Informal Complaints, Inquiries, and Requests for Dispute Assistance". The revised SORN for "Informal Complaints, Inquiries, and Requests for Dispute Assistance" was published in the *Federal Register* on September 1, 2023 (88 FR 60459), which became effective on October 2, 2023. The PII covered by this SORN is used by Commission personnel to handle and to process informal complaints from individuals and groups. The Commission will not share this information with other federal agencies except under the routine uses listed in the SORN.

The PIA that the FCC updated in July 2023 gives a full and complete explanation of how the FCC collects, stores, maintains, safeguards, and destroys the PII, as required by OMB regulations contained in Memorandum M-03-22 (September 22, 2003) and the Privacy Act, 5 U.S.C. § 552a. The PIA may be viewed at: http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.

11. There are no questions of a sensitive nature with respect to the information collected.
12. Public burden estimates:

For purposes of making these estimates, we assume that there is a total of 50 video programming owners (VPOs),¹¹ 545 video programming distributors and providers (VPDs),¹² and 65 manufacturers

¹⁰ See 47 CFR § 0.459.

¹¹ We believe this is a reasonable estimate of the total number of people or entities that either: (i) license the video programming to a video programming distributor or provider that makes the video programming available directly to the end user through a distribution method that uses IP; or (ii) act as the video programming distributor or provider, and also possess the right to license the video programming to a video programming distributor or provider that makes the video programming available directly to the end user through a distribution method that uses IP. See *Report and Order*, 27 FCC Rcd at 868 (Appendix B, § 79.4(a)(4)). In making this estimate, we have taken into account our knowledge of the total number of studios and smaller content owners.

¹² We believe this is a reasonable estimate of the total number of people or entities that make available directly to the end user video programming through a distribution method that uses IP. See *Report and Order*, 27 FCC Rcd at

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of apparatus that receive, play back, or record video programming.¹³ We also estimate that a total of 600 MVPDs are subject to the requirement that closed captioning display settings are readily accessible.¹⁴ All estimates are based on Commission staff's knowledge and familiarity with the availability of the data required.

- (a) Mechanism for information about video programming subject to the IP closed captioning requirements.

VPOs and VPDs must agree upon a mechanism to make information available to the VPDs about video programming that becomes subject to the IP closed captioning requirements on an ongoing basis. For example, VPOs and VPDs may agree on a mechanism whereby the VPOs provide the captions or certifications that captions are not required, and update those certifications and provide captions when captions later become required. VPDs may seek Commission determinations that other proposed mechanisms provide adequate information for them to rely on in good faith by filing an informal request and providing sufficient information for the Commission to make such determinations.

- (1) We estimate that **50 VPOs** will send an average of 20 certifications each to VPDs per year. We expect the VPO will need 0.25 hours (15 minutes) to complete and send each certification. This work will be done "in house" using the VPO's staff at \$48.08 per hour.

50 VPOs x 20 certifications/VPO = **1,000 certifications sent annually**

1,000 certifications x 0.25 hours/certification = **250 hours**

250 hours x \$48.08/hour = **\$12,020**

- (2) We estimate that 1,000 annual certifications will be sent to approximately **245 of the 545 VPDs**.¹⁵ We expect VPDs will require 0.084 hours (five minutes) to file and retain each certification. This work will be completed "in house" at \$26.00 per hour.

1,000 certifications received annually¹⁶

868 (Appendix B, § 79.4(a)(3)). In making this estimate, we have taken into account our knowledge of the total number of television stations, cable operators, direct broadcast satellite service providers, and others who make IP-delivered video programming that has been published or exhibited on television available directly to end users.

¹³ We believe this is a reasonable estimate of the total number of manufacturers of apparatus that receive, play back, or record video programming. This is based in part on a study of manufacturers exhibiting at the industry's largest trade show and other information in the record identifying entities that would be subject to these rules.

¹⁴ We believe this is a reasonable estimate of the total number of MVPDs that will be subject to the requirement to make closed captioning display settings readily accessible, and we expect this estimate is likely over inclusive.

¹⁵ The Commission assumes that many VPDs will not receive certifications, but will be informed about video programming that is subject to 47 CFR § 79.4 through other mechanisms. Of the estimated 545 VPDs, we estimate that about 245 VPDs will receive certifications.

¹⁶ The number of responses assessed for this requirement is already accounted for in the number of certifications sent annually.

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1,000 certifications x 0.084 hours/certification = **84 hours**

84 hours x \$26.00/hour = **\$2,184**

- (3) We estimate that annually **10 of the 545 VPDs** will file informal requests seeking Commission determinations that other proposed mechanisms provide adequate information for them to rely on in good faith. We expect that five (5) of the requests are prepared “in house” at \$48.08 per hour requiring five (5) hours per request. In addition, we estimate 5 of the requests will be prepared using outside legal counsel. VPDs will spend two (2) hours per request to coordinate with their outside legal counsel to prepare and submit the request.

5 requests x 5 hours x \$48.08 hour = **\$1,202**

5 requests x 2 hours x \$48.08/hour = **\$480.80 (rounded to \$481)**

Total Number of Respondents: 50 VPOs + 245 VPDs + 10 VPDs = **305 respondents**

Total Annual Number of Responses: 1,000 certifications + 10 requests = **1,010 responses**

Total Annual Hourly Burden: 250 + 84 + 25 + 10 = **369 hours**

Total Annual “In House” Costs: \$12,020 + \$2,184 + \$1,202 + \$481 = **\$15,887**

- (b) Contact information for the receipt and handling of written closed captioning complaints.

VPDs must make their contact information available to end users for the receipt and handling of written IP closed captioning complaints. A general notice on the VPD’s website with such contact information, if provided, must be provided in a location that is conspicuous to viewers. VPDs must keep this information current and update it within 10 business days of any change. We estimate that **545 VPDs** will provide and maintain their contact information as required¹⁷ and each will spend approximately 0.50 hours (30 minutes) per year for this work. We expect the respondents use “in house” personnel at \$26.00 per hour.

Total Number of Respondents: **545 respondents**

Total Number of Responses: **545 responses**

Total Annual Hourly Burden: 545 x 0.50 hours = 272.50 hours (rounded to 273)

Total Annual “In House” Costs: 273 hours x \$26.00/hour = **\$7,098**

- (c) Petitions for exemption based on “economic burden.”

(1) We estimate that **6 VPDs or VPOs** will file **6 petitions** annually requesting exemption from the IP closed captioning requirements. We estimate that 3 petitions will be filed using “in house”

¹⁷ The estimate of 545 VPDs is intended to include all potential VPDs, and thus this estimate is over inclusive.

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personnel at five (5) hours per petition. We expect respondents use “in house” personnel at \$48.08 per hour. In addition, we estimate VPDs and VPOs will spend six (6) hours with outside legal counsel to prepare and file each of the three (3) other petitions. The respondents will use “in house” personnel at \$48.08 per hour.

3 petitions x 5 hours/petition = **15 hours**

15 hours x \$48.08/hour = **\$721.20 (rounded to \$721)**

3 petitions x 2 hours = **6 hours to consult with outside legal counsel**

6 hours x \$48.08/hour = **\$288.48 (rounded to \$288)**

(2) We estimate that one (1) commenter will file comments or oppositions for each petition, for a total of **six (6) commenters**. We estimate that all 6 comments will be prepared using pro bono outside legal counsel. The respondent will require two (2) hours to consult with pro bono outside legal counsel.

6 petitions filed by VPDs or VPOs x 1 comment/petition = **6 comments**

6 comments x 2 hours = **12 hours to consult with pro bono outside counsel**

12 hours x \$48.08/hour = **\$576.96 (rounded to \$577)**

(3) We estimate that petitioners will file replies to one-third of the comments and oppositions, for a total of two (2) replies annually. The hourly burdens for replies are already included in 12(c)(1).

Total Number of Respondents: 6 VPDs or VPOs + 6 commenters = **12 respondents**

Total Annual Number of Responses: 3 petitions + 3 petitions + 6 comments + 2 replies = **14 responses**

Total Annual Hourly Burden: 15 + 6 + 12 = **33 hours**

Total Annual “In House” Costs: \$721 + \$288 + \$577 = **\$1,586**

(d) Complaints alleging violations of the closed captioning rules for IP-delivered video programming.

A written complaint alleging a violation of the closed captioning rules for IP-delivered video programming may be filed with the Commission or with the VPD responsible for enabling the rendering or pass through of the closed captions for the video programming. If a complaint is filed first with the VPD, and the VPD fails to respond timely, or the response does not satisfy the consumer, the complainant may re-file the complaint with the Commission. If the complaint satisfies the requirements, we will forward the re-filed complaint to the named VPD, and to any other VPD and/or VPO that we determine may be involved, who then must respond in writing to the Commission and the complainant. If a complaint is filed first with the Commission and the

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complaint satisfies the requirements, we will forward the complaint to the named VPD and/or VPO, and to any other VPD and/or VPO that we determine may be involved, who must respond to the Commission and the complainant. In response to a complaint, a VPD and/or VPO must provide the Commission with sufficient records and documentation.

- (1) Complaint respondents. We estimate that 500 complaints will be filed first with VPDs.¹⁸ To be most inclusive in our estimates, we assume that each complaint will be filed by a unique consumer, and that these complaints will be filed against 119 (20%) of the total universe of 595 VPOs and VPDs.

Respondents: 500 unique consumers + 119 unique VPDs and VPOs = **619**

- (2) Complaints. We estimate that 500 complaints will be filed with VPDs.¹⁹ Each complainant will require approximately 0.50 hours (30 minutes) preparation time.

500 complaints filed with VPDs = **500 responses**

500 responses x 0.50 hour/complaint = **250 hours**

Annual "In House" Costs: **\$0**

- (3) Responses to complaints. The Commission assumes that VPDs and VPOs will respond to each complaint. In this information collection, we include the burdens for responding to all complaints, including those filed or re-filed with the FCC.²⁰ Accordingly, we include a response to each of the 500 complaints filed first with VPDs and resolved, the 25 complaints filed first with VPDs but unresolved and re-filed with the FCC, and the 50 complaints filed first with the FCC, for a total of **575 responses to complaints**.

We expect that VPDs will use "in house" personnel at \$48.08 per hour to prepare responses to 500 of these complaints. Response time is three (3) hours per complaint. We expect that VPDs and VPOs will use outside legal counsel to respond to the remaining 75 complaints. VPDs and VPOs are likely to spend an average of 1 hour per complaint to coordinate with their outside legal counsel to prepare and submit the response.

500 responses to complaints x 3 hours/response = **1,500 hours**

1,500 hours x \$48.08/hour = **\$72,120**

¹⁸ Of these 500 complaints, we estimate that 400 will be resolved to the satisfaction of the complainants, 75 of the unresolved complaints will not be re-filed with the Commission, and 25 of the unresolved complaints will be re-filed with the Commission. We further estimate that an additional 50 complaints will be filed directly with the Commission. The number of respondents and burdens associated with filing complaints with the Commission are currently included in information collection OMB control number 3060-0874 (as general complaints).

¹⁹ See *supra* note 18.

²⁰ See *supra* note 18. While the number of respondents and burdens associated with filing complaints with the Commission are maintained in information collection OMB control number 3060-0874, the number of respondents and burdens associated with responding to complaints is retained in this information collection.

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75 responses to complaints x 1 hour/response = **75 hours to consult with outside legal counsel**

75 hours x \$48.08/hour for “in house” staff = **\$3,606**

- (4) Recordkeeping in support of complaint responses. We estimate that the recordkeeping burden to enable making information available upon request to the Commission is 10 hours for each VPD or VPO.²¹ The VPDs and VPOs will perform these activities “in house” at \$26.00 per hour.

50 VPOs + 545 VPDs = **595 respondents²²** and **595 responses** (sets of records)

595 responses x 10 hours/recordkeeping = **5,950 hours**

5,950 hours x \$26.00/hour = **\$154,700**

Total Number of Respondents: 619 respondents (complaints and responses) (500 unique consumers + 119 unique VPDs and VPOs) and **595 respondents (recordkeeping)**

Total Annual Number of Responses: 500 complaints + 575 responses + 595 sets of records = **1,670**

Total Annual Hourly Burden: 250 + 1,500 + 75 + 5,950 = **7,775**

Total Annual “In House” Costs: \$0 + \$72,120 + \$3,606 + \$154,700 = **\$230,426**

- (e) Requests for Commission determination of technical feasibility of apparatus closed caption requirements.

As of January 1, 2014, all digital apparatus designed to receive or play back video programming that uses a picture screen of any size must be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming, if *technically feasible*. In addition, manufacturers of apparatus subject to paragraph (a) of the rule and MVPDs will be required to ensure that consumers are able to readily access user display settings for closed captioning on apparatus designed to receive or play back video programming transmitted simultaneously with sound, if such apparatus is manufactured in the United States or imported for use in the United States and uses a picture screen of any size, if *technically feasible*. Manufacturers may file a request under 47 CFR § 1.41 for a Commission determination of technical feasibility before manufacturing or importing the product.

We estimate that **1 of the manufacturers or MVPDs** will file a single request annually requesting a determination that the closed caption requirements or the readily accessible caption

²¹ The Commission considers all of these recordkeeping and information provision requirements to constitute one response per VPD or VPO, or one set of records kept per VPD or VPO, with the 10 hours per response encompassing the burdens associated with fulfilling these requirements.

²² The estimate of 595 (50 VPOs and 545 VPDs) is intended to include all potential VPOs and VPDs, and thus this estimate is over inclusive.

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display settings requirements are not technically feasible. We estimate that this request will be prepared using outside legal counsel, *e.g.*, attorneys in private law firms. This will require two (2) hours at \$48.08 per hour to coordinate with outside legal counsel to prepare and submit the request.

1 request x 2 hours/request = **2 hours to consult with outside legal counsel**

2 hours x \$48.08/hour = **\$96.16 (rounded to \$96)**

Total Number of Respondents: 1 manufacturer or MVPD

Total Annual Number of Responses: 1 request

Total Annual Hourly Burden: 2 hours

Total Annual “In House” Costs: \$96

- (f) Requests for Commission determination of achievability of apparatus closed caption requirements.

As of January 1, 2014, all digital apparatus designed to receive or play back video programming that uses a picture screen of less than 13 inches size must be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming, and all apparatus designed to record video programming must enable the rendering or the pass through of closed captions, if doing so is *achievable*. In addition, the requirement that closed captioning display settings are readily accessible will only apply to apparatus that use a picture screen of less than 13 inches in size if compliance is *achievable*. Manufacturers of such apparatus and MVPDs may petition the Commission, pursuant to 47 CFR §1.41, for a full or partial exemption from the closed captioning requirements. Such a petition must be supported with sufficient evidence to demonstrate that compliance is not achievable (meaning with reasonable effort or expense) and the Commission will consider four specific factors when making such determinations.

We estimate that **1 of the manufacturers or MVPDs** will file a single request annually requesting a determination that the closed caption requirements are not achievable. We estimate that this request will be prepared using outside legal counsel. This will require two (2) hours per request at \$48.08 per hour to coordinate with outside legal counsel to prepare and submit the request.

1 request x 2 hours/request = **2 hours to consult with outside legal counsel**

2 hours x \$48.08/hour for “in house” staff = **\$96.16 (rounded to \$96)**

Total Number of Respondents: 1 manufacturer or MVPD

Total Annual Number of Responses: 1 response

Total Annual Hourly Burden: 2 hours

Total Annual “In House” Costs: \$96

(g) Petitions for purpose-based waivers of apparatus closed caption requirements.

Manufacturers of apparatus may petition the Commission for a full or partial waiver of the closed captioning requirements based on one of the following provisions:

- (i) The apparatus is primarily designed for activities other than receiving or playing back video programming transmitted simultaneously with sound; or
- (ii) The apparatus is designed for multiple purposes, capable of receiving or playing back video programming transmitted simultaneously with sound but whose essential utility is derived from other purposes.

Petitions for waiver filed pursuant to this section are generally put on public notice for comment or opposition.

We estimate that **1 of the estimated 65 manufacturers** will file 1 petition for a purpose-based waiver. We expect that the purpose-based waiver request will be prepared using outside legal counsel. The respondent will spend one (1) hour at \$48.08 per hour to coordinate with outside legal counsel.

1 petition x 1 hour/request = **1 hour to consult with outside legal counsel**

1 hour x \$48.08/hour = **\$48.08 (rounded to \$48)**

We estimate that up to **6 comments or oppositions** will be filed by interested parties for each waiver petition. We estimate that each response will be prepared in-house and will require approximately 5 hours at \$48.08 per hour for the submission of a comment or opposition.

6 interested parties filing comments/oppositions x 1 waiver petition = **6 responses**

6 comments/oppositions x 5 hours = **30 hours**

30 hours to submit comments or oppositions x \$48.08/hour = **\$1,442.40 (\$1,442 rounded)**

We estimate that up to **3 respondents** (the petitioner and/or commenters) will file reply comments. Of those 3 reply comments, we estimate that 66% (2 reply comments) will be filed by an in-house attorney. We estimate that each response will require approximately 5 hours at \$48.08/hour for preparing the reply comments. We estimate that the remaining 1 reply comment will be filed using outside counsel. The reply commenter will spend one (1) hour at \$48.08 per hour to coordinate with outside legal counsel

2 replies x 5 hours = **10 hours**

10 hours to prepare reply comments x \$48.08/hour = \$480.08 (**\$480 rounded**)

1 reply x 1 hour = **1 hour**

1 hour to consult on reply comment x \$48.08/hour = \$48.08 (**\$48 rounded**)

Total Number of Respondents: 1 manufacturer + 6 commenters/reply commenters = **7 respondents**

Total Annual Number of Responses: 1 petition + 6 comments + 3 reply comments = **10 responses**

Total Annual Hourly Burden: 1 + 30 + 10 + 1 = **42 hours**

Total Annual “In House” Costs: \$48 + \$1,442 + \$480 + 48 = **\$2,018**

(h) Complaints alleging violations of the apparatus closed caption requirements.

Consumers may file written complaints alleging violations of the closed captioning rules for apparatus designed to receive, play back, or record video programming, and they also will be permitted to file written complaints alleging violations of the caption display settings requirements. We may forward such complaints to the named manufacturer or provider, or to any other entity that we determine may be involved. We may request additional information from any relevant parties when such information is needed to investigate the complaint or adjudicate potential violations of Commission rules.

Complaint respondents and complaints. We estimate that 25 complaints will be filed with the Commission by 25 unique consumers against 13 manufacturers or MVPDs.²³

13 unique manufacturers or MVPDs = **13 respondents**

Responses to complaints. We will forward complaints to the manufacturer or MVPD and expect the manufacturer or MVPD will respond to each complaint. The manufacturers and MVPDs will use “in house” personnel at \$48.08 per hour to respond to 13 of the complaints. We expect this work to require three (3) hours to respond to a complaint, including responding to any Commission request for additional information. In addition, we expect manufacturers and MVPDs will use one (1) hour working with outside legal counsel to respond to the remaining 12 complaints.

13 responses to complaints prepared by “in house” personnel

13 responses x 3 hours/response = **39 hours**

39 hours x \$48.08/hour = **\$1,875.12 (rounded to \$1,875)**

12 responses to complaints prepared by outside legal counsel

12 responses x 1 hour/response = **12 hours to consult with outside legal counsel**

12 hours x \$48.08/hour for “in house” staff = **\$576.96 (rounded to \$577)**

²³ The number of respondents and burdens associated with filing complaints with the Commission will be included in information collection OMB control number 3060-0874 (as general complaints).

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Recordkeeping in support of complaint responses. We estimate an annual burden of 1 hour for each manufacturer and MVPD to perform recordkeeping to enable making information available upon request to the Commission.²⁴ This work will be performed “in house” at \$26.00 per hour

65 manufacturers + 600 MVPDs = **665 respondents**²⁵ and **665 responses** (sets of records)

665 responses x 1 hour/recordkeeping = **665 hours**

665 hours x \$26.00/hour = **\$17,290**

Total Number of Respondents: 13 respondents (responses to complaints) (13 unique manufacturers) and **665 respondents (recordkeeping)**

Total Annual Number of Responses: 25 responses + 665 sets of records = **690 responses**

Total Annual Hourly Burden: 39 + 12 + 665 = **716 hours**

Total Annual “In House” Costs: \$1,875 + \$577 + \$17,290 = **\$19,742**

- (i) Application programming interface (API) notification to application developers.

MVPDs will be required to notify application developers about the API or similar method they use to enable the application provider to use the device-level caption settings for its own content, if it chooses. This notification may be accomplished through any reasonable means, one example of which is a developer portal that the developer must utilize for its application to appear on the device. We estimate that in the first year after the rule goes into effect approximately 600 MVPDs will prepare and provide the notification, and that in subsequent years approximately 20 MVPDs per year will prepare and provide the notification.²⁶ Accordingly, for this three-year cycle, we estimate an average of 213 MVPDs providing API notifications per year. We estimate that the notifications will be provided in a manner such as a developer portal that can be achieved once for all application developers. This work will be performed “in house” at \$26 per hour, and we estimate that each notification will require one hour.

²⁴ The Commission considers all of these recordkeeping and information provision requirements to constitute one response per manufacturer, or one set of records kept per manufacturer, with the average of 1 hour per response encompassing the burdens associated with fulfilling these requirements. While some of the recordkeeping obligations on manufacturers or MVPDs may require more than 1 hour, we expect that in many instances the recordkeeping obligations will require far less than 1 hour. Specifically, records demonstrating compliance with the four factors that are part of the requirement that caption display settings are made readily accessible often will be maintained in the normal course of business, without much if any additional time burden. For this reason, we estimate an average of 1 hour per response. We believe that with regard to these requirements, the estimate of an average of 1 hour per response is more accurate than the prior estimate of 10 hours per response, and we have revised our estimates accordingly.

²⁵ The estimate of 65 is intended to include all potential manufacturers, and thus this estimate is over inclusive. In addition, the estimate of 600 MVPDs is intended to include all potential MVPDs that do not obtain waivers or exemptions from the rule, and this estimate likely is also over inclusive.

²⁶ We expect that each MVPD will prepare and provide the notification once, and that it will remain available, such as on a developer portal, and will only need to be updated occasionally.

Total Number of Respondents: 213 MVPDs

Total Annual Number of Responses: 213 responses (notifications provided)

Total Annual Hourly Burden: 1 hour x 213 = 213 hours

Total Annual “In House” Costs: 213 x \$26 = \$5,538

(j) Customer notice of new operating systems.

MVPDs should provide notice to customers who are deaf or hard of hearing when new operating systems are deployed. We estimate that each year approximately 15 MVPDs will prepare and provide the notification, and we estimate that each such MVPD notification will be sent to an average of approximately 8,000 customers. This work will be performed “in house” at \$26 per hour, and we estimate that each notification will require 1 minute (0.017 hours).

Total Number of Respondents: 15 MVPDs

Total Annual Number of Responses: 15 x 8,000 = 120,000 responses (customer notifications)

Total Annual Hourly Burden: 0.017 hours x 120,000 = 2,040 hours

Total Annual “In House” Costs: 2,040 x \$26 = \$53,040

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TOTAL INFORMATION COLLECTION REQUIREMENTS:

Information Collection	Respondents²⁷	Estimated Annual Number of Responses	Estimated Annual Burden Hours Per Response	Annual Burden Hours	Total Annual "In House" Costs
(a) Mechanism for information	50 VPOs + 245 VPDs + 10 VPDs	1,010	0.084 (5 minutes) – 5 hours	369	\$15,887
(b) Contact information	545 VPDs	545	0.50 hours	273	\$7,098
(c) Petitions for exemption	6 VPDs or VPOs + 6 commenters	14	2 – 5 hours	33	\$1,586
(d) Complaints (IP closed captioning)	500 consumers + 119 VPDs and VPOs + 595 VPDs and VPOs	1,670	0.50 (30 minutes) – 10 hours	7,775	\$230,426
(e) Requests for technical feasibility determinations	1 manufacturer or MVPD	1	2 hours	2	\$96
(f) Requests for achievability determinations	1 manufacturer or MVPD	1	2 hours	2	\$96
(g) Petitions for purpose-based waivers	1 manufacturer + 6 commenters	10	1 – 5 hours	42	\$2,018
(h) Complaints (apparatus closed caption requirements)	13 manufacturers or MVPDs + 65	690	1 – 3 hours	716	\$19,742

²⁷ The total number of 1,772 respondents is calculated to include and report only unique individual respondents that are not otherwise accounted for in this information collection. In other words, the total number of unique individual respondents are 6 commenters filing responses to petitions for economic burden waivers; 500 consumers filing complaints with VPDs and/or with the Commission; estimated total of 545 VPDs and 50 VPOs (595 VPDs and VPOs); 6 commenters filing comments or oppositions to purpose-based waiver petitions; and the estimated total of 65 manufacturers and 600 covered MVPDs.

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	manufacturers + 600 MVPDs				
(i) API notification	213 MVPDs	213	1 hour	213	\$5,538
(j) Customer operating system notice	15 MVPDs	120,000	0.017 hours (1 minute)	2,040	\$53,040
Totals	6 commenters + 500 consumers + 595 VPDs and VPOs + 6 commenters + 65 manufacturers + 600 MVPDs = 1,772	124,154	0.017 – 10 hours	11,465	\$335,527

13. Annual cost burden (excluding the value of the burden hours in #12, above).

Total annualized capital/start-up costs: None

Total annual cost (operational and maintenance): \$95,700

Total annualized cost requested: \$95,700

(a) Mechanism for information about video programming subject to the IP closed captioning requirements.

In #12(a)(3), above, we estimated that outside legal counsel annually will file five (5) informal requests seeking Commission approval of an alternative mechanism. We estimate that this task will require five (5) hours per request, and that outside counsel will charge approximately \$300 per hour.

$$5 \text{ requests} \times 5 \text{ hours} = 25 \text{ hours} \times \$300 = \$7,500$$

(b) None.

(c) Petitions for exemption based on “economic burden.”

In #12(c), above, we estimated three (3) petitions will be filed using outside counsel (\$300 per hour) and we estimate that five (5) hours are required per petition.

$$3 \text{ requests} \times 5 \text{ hours} \times \$300 = \$4,500$$

(d) Complaints alleging violations of the closed captioning rules for IP-delivered video

programming.

In #12(d), above, we estimated 75 responses to complaints forwarded to VPDs and VPOs will be prepared using outside legal counsel (\$300 per hour). Three (3) hours is needed for this work.

$75 \text{ responses} \times 3 \text{ hours} \times \$300 = \$67,500$

- (e) Requests for Commission determination of technical feasibility of apparatus closed caption requirements.

In #12(e), above, we estimated one (1) request will be filed using outside legal counsel (\$300 per hour). Five (5) hours is needed to prepare this request.

$1 \text{ request} \times 5 \text{ hours} \times \$300 = \$1,500$

- (f) Requests for Commission determination of achievability of apparatus closed caption requirements.

In #12(f), above, we estimated one (1) request will be filed using outside legal counsel (\$300 per hour). Five (5) hours are needed to prepare this request.

$1 \text{ request} \times 5 \text{ hours} \times \$300 = \$1,500$

- (g) Petitions for purpose-based waivers of apparatus closed caption requirements.

In #12(g), above, we estimated that one (1) of the petition for purpose-based waivers that manufacturers file will be prepared using outside legal counsel (\$300 per hour). Five (5) hours are needed to prepare each such petition.

$1 \text{ petition} \times 5 \text{ hours} \times \$300 = \$1,500$

We also estimated that one (1) of the reply comments will be prepared using outside legal counsel (\$300 per hour). Three (3) hours are needed to prepare each such reply.

$1 \text{ reply comment} \times 3 \text{ hours} \times \$300 = \$900$

- (h) Complaints alleging violations of the apparatus closed caption requirements.

In #12(h), above, we estimated that 12 responses to complaints will be prepared using outside legal counsel (\$300 per hour). Three (3) hours are needed to prepare and submit each such response.

$12 \text{ responses} \times 3 \text{ hours} \times \$300 = \$10,800$

- (i) None.

- (j) None.

14. Estimates of annualized costs to the Federal government:²⁸

Total Cost to Federal Government: \$49,145.20

- (a) Mechanism for information about video programming subject to the IP closed captioning requirements.

In #12(a) above, we will use GS 15/5 (\$89.04) staff attorneys to review requests for Commission determinations regarding proposed mechanisms. Processing time is five (5) hours per request.

10 requests x 5 hours/request x \$89.04/hour = \$4,452.00

- (b) None.

- (c) Petitions for exemption based on “economic burden.”

In #12(c), above, we will use GS 15/5 (\$89.04) staff attorneys to review these petitions and related filings. Processing time is five (5) hours per petition.

14 documents x 5 hours x \$89.04/hour = \$6,232.80

- (d) Complaints alleging violations of the closed captioning rules for IP-delivered video programming.

In #12(d), above, we will use GS 13/5 (\$64.06) staff analysts to review and forward complaints to VPDs and VPOs. Processing time is one (1) hour per complaint.

75 complaints x 1 hour x \$64.06/hour = \$4,804.50

In addition, we will use GS 15/5 (\$89.04) staff attorneys to review complaint responses and related documents. We estimate an average 3 hours per complaint response.

75 responses x 3 hours/responses x \$89.04/hour = \$20,034.00

- (e) Requests for Commission determination of technical feasibility of apparatus closed caption requirements.

In #12(e), above, we will use GS 15/5 (\$89.04) staff attorneys to review these requests. Processing time is 5 hours per request.

1 request x 5 hours x \$89.04/hour = \$445.20

- (f) Requests for Commission determination of achievability of apparatus closed caption requirements.

In #12(f), above, we will use GS 15/5 (\$89.04) staff attorneys to review these requests.

²⁸ Generally, each request or petition and its associated records will be part of a single proceeding, and each complaint and its associated records will be part of a single proceeding. The burden estimates in this section consider the total time Commission staff would allocate to each such proceeding.

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Processing time is 5 hours per request.

1 request x 5 hours x \$89.04/hour = \$445.20

(g) Petitions for purpose-based waivers of apparatus closed caption requirements.

In #12(g), above, we will use GS 15/5 (\$89.04) staff attorneys to review these petitions and related filing. Processing time is 5 hours per petition.

10 documents x 5 hours x \$89.04/hour = \$4,452.00

(h) Complaints alleging violations of the apparatus closed caption requirements.

In #12(h), above, we will use GS 13/5 (\$64.06) staff analysts to review and forward these informal complaints. Processing time is 1 hour per complaint.

25 complaints x 1 hour/complaint x \$64.06/hour = \$1,601.50

In addition, we will use GS 15/5 (\$89.04) staff attorneys to review the responses and related documents. Processing time on average is 3 hours per response.

25 responses x 3 hours x \$89.04/hour = \$6,678.00

(i) None.

(j) None.

15. There are program changes to this information collection as a result of information collection requirements adopted in the *2024 Caption Display Settings Order*. These program changes are as follows: increases to the total number of respondents from 1,172 to 1,772 (+600); increases to the total number of responses from 3,341 to 124,154 (+120,813); and increases to the total annual burden hours from 9,197 to 11,465 (+2,268).

16. The Commission does not intend to publish the results of these collections of information.

17. We are not requesting approval regarding non-display of an expiration date.

18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods: None.