

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

45. None.

List of Subjects in 47 CFR Parts 2 and 95

Communications equipment.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket 99-254; FCC 99-180]

Closed Captioning Requirements for Digital Television Receivers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Commission's rules to adopt technical standards for the display of closed captions on digital television (DTV) receivers. The Commission also proposes to require the inclusion of closed captioning decoder circuitry in DTV receivers. The proposals contained herein will help ensure access to digital programming for people with disabilities. This action is taken to fulfill the Commission's obligations contained in the Television Decoder Circuitry Act of 1990.

DATES: Comments must be filed on or before October 18, 1999, and reply comments must be filed on or before November 15, 1999.

ADDRESSES: Address all comments concerning this proposed rule to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street S.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Neal McNeil, Office of Engineering and Technology, (202) 418-2408, TTY (202) 418-2989, e-mail: nmcneil@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, ET Docket 99-254, FCC 99-180, adopted July 14, 1999, and released July 15, 1999. The full text of this document is available for inspection and copying during regular business hours in the FCC Reference Center, (Room TW-A306) 445 12th Street S.W., Washington, DC. The complete text of this document also may

be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Electronic Access and Filing Addresses

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) via the Internet at <<http://www.fcc.gov/e-file/ecfs.html>>. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Summary of Notice of Proposed Rulemaking

1. Closed captioning is an assistive technology that allows persons with hearing disabilities to enjoy television programming. Through captioning, the audio portion of programming is displayed as text superimposed over the video. Closed captioning information is encoded and transmitted along with the video signal of television broadcasts. The text is not ordinarily visible. In order to display closed captioning, viewers must use either a set-top decoder or a television receiver with integrated decoder circuitry.

2. In 1990, Congress passed the Television Decoder Circuitry Act. The Act was intended to reduce the cost to consumers of receiving closed captioning, to make closed captioning more widely available, and to create market incentives for broadcasters to invest in and provide more captioned programming. The Act requires that television receivers with picture screens 33 cm (13 inches) or larger contain built-in decoder circuitry designed to display closed captioned television transmissions. The Act also requires that the Commission take appropriate action to ensure that closed captioning services continue to be available to consumers as new video technology is developed. The introduction of digital broadcasting now requires the Commission to update its rules to fulfill its continuing obligations under the Act.

3. The Electronics Industries Alliance (EIA) has adopted EIA-708-A, a standard which provides instructions for the encoding, delivery, and display of closed caption information for digital television systems. The standard provides for a larger set of captioning characters than the existing caption standard. It also supports user options which enable caption display to be

customized for a particular viewer. For example, closed caption decoders functioning pursuant to EIA-708-A may permit viewers to change various attributes of caption text such as its font, spacing, color, or screen position. This will allow viewers to change the size and appearance of captions to suit their needs. Also, using EIA-708-A, caption providers may distribute the caption text for a particular program at different reading levels. Viewers would then have the option of displaying the standard near-verbatim captions or alternate "easy-reader" captions written for younger viewers or beginner readers. Captions for that same program may also be distributed in alternate languages, simultaneously. We believe that, because of these attributes, EIA-708-A provides substantial benefits for consumers, and substantial improvements over current captioning standards.

4. The Commission proposes to incorporate Section 9 of EIA-708-A into the Commission's rules. That section contains recommendations for the operation of DTV closed captioning decoders. The recommendations are intended to provide minimum performance standards for DTV caption decoders. Because Section 9 supplies manufacturers with a set of common basic functions for DTV caption decoders, we believe that it provides sufficient guidance for the successful implementation of closed caption services with digital television receivers. We propose to transcribe the recommendations contained in Section 9 into requirements that will be contained in part 15 of the Commission's rules. DTV receivers will be required to function pursuant to the recommendations contained therein.

5. During the transition period from analog to digital broadcasting, programming will be transmitted in both analog and digital formats. Accordingly, the first few generations of DTV receivers are expected to be designed to operate in a dual mode. Dual mode receivers will allow consumers to enjoy the enhanced quality of digital broadcast stations while retaining the ability to watch programming on existing analog stations, all with the same receiver. For this type of receiver we believe that it is important to ensure that closed captioning display capability is available in both modes of operation. Accordingly, we propose to require that dual mode receivers operating in the analog mode provide closed captioning functionality pursuant to the Commission's existing rules for analog television receivers. In the digital mode,

such receivers will be required to function in accordance with EIA-708-A.

6. We note that EIA-708-A supports transport of standard analog captioning information. However, we propose to require that the decoder circuitry in digital tuners respond primarily to any digitally formatted caption information. In that way we can ensure that consumers who purchase DTV receivers will be able to take advantage of the new capabilities of captioning in the digital environment. We seek comment on this proposal.

7. We are aware that DTV reception capability will be marketed in a number of ways. During the transition period we expect that many consumers will purchase set-top DTV converter boxes that allow digitally transmitted television signals to be displayed on analog receivers. We also are aware that some manufacturers may choose to sell DTV tuners and display units separately. Consumers will have the option of customizing their DTV system in much the same way that is now done for computer systems. We believe that most set-top converters and all separately sold DTV tuners will be used with picture screens that are 13 inches or larger. Therefore, we propose to require that all such devices be subject to the provisions of the 1990 Act and provide for the display of closed captioning. Specifically, we propose to require that DTV converter boxes used with analog receivers either decode any analog caption information that is transmitted with the DTV signal or pass this information directly to the receiver in a form recognizable by the receiver's built-in caption decoder. Separately sold DTV tuners will be required to have the capability to respond to digitally encoded caption information. Although these converter boxes and tuners may be marketed without display screens, we tentatively conclude that 47 U.S.C. 330(b) provides the Commission with authority to require closed captioning capability in the devices. We seek comment.

Initial Regulatory Flexibility Analysis

8. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected significant economic impact on small entities by the policies and rules proposed in this *Notice of Proposed Rule Making* ("NPRM"). Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the NPRM provided

above. The Commission shall send a copy of this NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act.

A. Need for and Objectives of the Proposed Rule

9. In 1990, Congress passed the Television Decoder Circuitry Act ("TDCA"). The TDCA requires that any apparatus designed to receive television broadcast signals, manufactured or imported for use in the United States, must have the capability of displaying closed captioned information if its television screen is 33 centimeters (13 inches) or larger. In 1991, the FCC incorporated the TDCA into its rules by requiring that each broadcast receiver shipped in interstate commerce, manufactured, assembled, or imported after July 1, 1993 be capable of displaying closed captioned information if its television screen is 33 centimeters or larger. See 47 CFR 15.119, *Report and Order* in General Docket 91-1, 6 FCC Rcd 2419 (1991), 56 FR 27200, June 13, 1991.

10. The NPRM proposes to amend part 15 of our Rules to require that digital television receivers be capable of displaying closed captioning transmitted with television signals.

B. Legal Basis

11. The proposed action is taken pursuant to Sections 303(u) and 330(b) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 303(u) and 330(b).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

12. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdictions." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act, 15 U.S.C. 632, unless the Commission has developed one or more definitions that are appropriate to its activities. See 5 U.S.C. 601(3). Under the Small Business Act, a "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA). See 15 U.S.C. 632.

13. According to the SBA's regulations, television equipment manufacturers must have 750 or fewer

employees in order to qualify as a small business concern. See 13 CFR 121.201, (SIC) Code 3663. Census Bureau data indicates that there are 858 U.S. companies that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would be classified as small entities. See U.S. Department of Commerce, *1992 Census of Transportation, Communications, and Utilities*, SIC Code 3663 (issued May 1995). The Census Bureau category is very broad, and specific figures are not available as to how many of these firms are manufacturers of television equipment. However, we believe that many of the companies that manufacture television equipment may qualify as small entities.

D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

14. The Commission's rules require television receivers to be verified for compliance with applicable FCC technical requirements. See 47 CFR 15.101, 15.117, and 2.951, *et seq.* Documentation concerning the verification must be kept by the manufacturer or importer. The rules adopted in this proceeding require that digital television receivers comply with industry-developed standards for closed captioning display. However, testing regarding closed captioning display is not necessary because compliance with the industry-developed standards, and the associated Commission rules, can be determined easily during the equipment design process. The Commission may, of course, ask manufacturers and importers to document upon occasion how a particular television receiver or computer system complies with the closed captioning display requirements.

E. Significant Alternatives to Proposed Rules Which Minimize Significant Economic Impact on Small Entities and Accomplish Stated Objectives

15. None.

F. Federal Rules that May Duplicate, Overlap, or Conflict With the Proposed Rule

16. None.

List of Subjects in 47 CFR Part 15

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