



Canadian Association of Broadcasters
Association canadienne des radiodiffuseurs

December 2, 2008

Mr. Robert A. Morin
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Dear Mr. Morin:

Re: CRTC Public Notice 2007-54 – A New Policy with Respect to Closed Captioning

The Canadian Association of Broadcasters (CAB) is pleased to offer the enclosed report to the Commission on the above-noted matter. Also attached are proposed Closed Captioning standards and protocol manuals for both English- and French-language television. A translated version of this report will be forwarded to the CRTC shortly.

Sincerely,

Original signed by:

Pierre-Louis Smith
Vice-President, Policy & Chief Regulatory Officer



CAB | ACR

Preliminary Report on the English- and French-Language Working Groups' Recommendations on Quality Captioning

**CRTC Public Notice 2007-54 – A New Policy with Respect to
Closed Captioning**

December 2, 2008

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**PRELIMINARY REPORT ON THE ENGLISH- AND FRENCH-LANGUAGE
WORKING GROUPS RECOMMENDATIONS ON QUALITY OF CAPTIONING IN
RESPONSE TO PUBLIC NOTICE CRTC 2007-54 – A NEW POLICY WITH RESPECT
TO CLOSED CAPTIONING**

Introduction

In a letter dated 28 February 2008 the Canadian Radio-Television and Telecommunication Commission (CRTC) approved the *CAB Action Plan for Closed Captioning*, in response to *Public Notice CRTC 2007-54 - A New Policy with Respect to Closed Captioning*.

At the request of the CRTC, the CAB coordinated the establishment of working groups on captioning for each of the French-language and English-language markets. These working groups were composed of representatives from private and public television broadcasters, including the CBC/Radio-Canada, educational, over-the-air, specialty, pay, Pay-per-view (PPV) and Video-on-demand (VOD) sectors. In addition, representatives from consumer and advocacy groups also participated on behalf persons who are deaf or hard of hearing, and captioning providers.

To ensure that the Commission was kept informed of the working groups' progress, a Commission representative has also been involved as an observer on each working group.

Each group met on numerous occasions over the course of the last ten months. Specifically, the French-language working group met nine times between February 2008 and the end of November 2008. The English-language working group met five times from February 2008 to December 1st, 2008. Each representative of the English-language working group was also consulted on an individual basis on any changes, if required, to the *Closed Captioning Standards and Protocol for English-language Broadcasters* that were last updated in 2004, as well as proposals to improve the quality of captioning on Canadian English-language television programming services.

The purpose of this report is to explain the recommendations made by the working groups on issues related to the *Closed Captioning Standards and Protocol for English-language Television Programming Services* or the new guidelines (*Projet de lignes directrices et protocole du sous-titrage à l'intention des télédiffuseurs canadiens de langue française*) recommended by the French-language working group. The report also addresses the recommendations made by both working groups to improve the quality of closed captioning in the Canadian broadcasting system.

The CAB wishes to express its appreciation to the members of the two working groups. Their dedication and hard work have made it possible to file this preliminary report and the proposed codes within the timeframe proposed by the Commission.

It should be noted that a final report and possible additional changes to the proposed codes of standards on closed captioning for the English and French television markets will be filed on **February 3rd, 2009**. This will allow for the filing of a report on December 15th, 2008 on two validation exercises that will be conducted in early December 2008, one in Toronto for the English-language closed captioning user community, and one in Montreal for the French-speaking closed captioning user community. These validation exercises will be conducted to ensure that the proposed standards are acceptable to the users of captioning. It will also allow for the working groups to take into consideration any intervenor comments filed on January 12th, 2009 in the context of the Accessibility Public Proceeding initiated by the CRTC in the spring of 2008.

Finally, it should be noted that the recommendations contained in this report represent the unanimous opinion of the French-language working group. They are also supported, and agreed upon, by the vast majority of the English-language working group. Unfortunately, one of the consumer representatives, the Canadian Association of the Deaf (CAD), does not support these recommendations. Therefore, the English-language working group invites the CAD to express in more details their view point the reason why they cannot agree with the majority on the issues raised and dealt with by the English-language working group in this report in a separate filing that it could file as part of its January 12th submission.

Working Groups: Mandate

In Public Notice CRTC 2007-54, the Commission granted the following mandate to the English-language and French-language working groups:

“The objectives of the working groups will be to develop universal standards that would, at a minimum, address quality concerns, including those raised in the public process, namely consistency and style issues, and the matters specifically raised in the intervention by the Canadian Association of the Deaf (CAD), along with other concerns deemed appropriate to be addressed by the working groups themselves. The working group should also develop concrete, workable solutions with respect to other aspects of captioning quality, including reducing errors and technical problems, such as dropped or garbled captioning, or captioning that is cut off by commercials, and similar concerns. In addressing these matters, the working groups should take into consideration the differing technological approaches employed by various broadcasters. The Commission considers that a possible resource for the working groups is the experience of broadcasters in other countries. For example, the French-language group could draw on the experience of broadcasters in France, where captioning is also required.”

It is based on this mandate that the two working groups have undertaken their work on improving the quality of closed captioning in the Canadian broadcasting system.

Format of Closed Captioning

The main focus of the mandate of the English-language and the French-language closed captioning working groups has been the development of universal standards on closed-captioning: one for English-language Canadian television programming services and one for French-language television programming services. This mandate was derived from the Commission’s ruling in Public Notice CRTC 2007-54, where it is stated that:

“The Commission is of the view that a first and very important step in improving the quality of captioning in Canada is the development and implementation of universal standards. Although there are already some closed captioning standards in use, these are entirely voluntary and vary across the industry. Universal standards will, at a minimum, ensure consistency of approach across the entire broadcasting system, to the benefit of captioning consumers. They will also provide a baseline from which to judge quality in the future (including, for example, the question of the most appropriate type of captioning for different types of programs). To that end, the Commission has decided to call upon the industry to establish working groups on captioning in each of the English-language and the French-language markets for this purpose.”

While the need to develop a separate code for each linguistic market was established from the start, it should be noted that both working groups agree on many common principles and standards as they pertain to closed captioning. Therefore, each code will contain many provisions that are similar. However, there is one area where the codes will significantly differ: the recommended format of captioning for different types of programming. This issue will be discussed in greater detail below.

English-Language Television Market:

Voluntary closed captioning standards and a protocol for Canadian English-language private broadcasters was first established in 1998. This code was last updated in 2004. Accordingly, the mandate of the English-language working group on closed captioning was to review and update the code and adapt it to ensure that it would become the mandatory standard on closed captioning for all Canadian English-language private, public and educational television programming services.

Representatives of the broadcasting industry as well as closed captioning service providers requested that the code be amended as it relates to the format of captioning for pre-recorded programming, especially in the case of dramas, sitcoms and movies. The code as it currently stands stipulates that:

“Off-line pop-on captions are appropriate for all types of programming. They are the only type of captions well suited to dramas, sitcoms, movies, and music videos, and they are therefore recommended for these types of programming. They are also the preferred style for documentaries and children’s programs.”

With respect to the use of roll-up captioning the voluntary code states that:

“Off-line roll-up captions are not well suited to dramas, sitcoms, movies, children’s programs, or music videos, and their use for these types of programming is discouraged. Off-line roll-up captions are normally reserved for programs that have a live flavour, such as entertainment, sports and news magazines, awards programs, and lifestyle programs. They may sometimes be applied to other program styles. When, for example, the speaking rate is extremely fast, verbatim roll-up captions may be preferable to highly edited pop-on captions. Or, if deadlines are extremely tight, roll-up captions may be used because they can be prepared more quickly than pop-on captions.”

Broadcasters and closed captioning services providers argue that should the code become mandatory for the Canadian English-language television programming industry, without being amended, broadcasters would not be able to comply with the provisions of the code as it relates to the recommended use of pop-on captioning, especially in the case of dramatic programming.

In support of their position, they mentioned that they have no control over the format of captioning used in programs Canadian broadcasters acquire from foreign distributors, in particular American programming distributors. They also noted that there are currently no quality standards or stylistic codes in use in the United States, and because of this lack of standards, many US dramatic programming currently aired by Canadian broadcasters is provided with roll-up, rather than pop-on, captioning.

As an example, all US “soap operas” currently acquired by Canadian English-language broadcasters are provided with roll-up captioning. This is because these programs are shot and packaged by their producers very close to air time, which does not allow them the latitude to provide them in pop-on captioning. Since 2006, the producers or the distributors of these programs have provided them with roll-up captioning in order to meet the FCC’s requirement stipulating that every program produced be closed captioned. For the most part these programs are aired by Canadian broadcasters at the

same time as they are broadcast on a US network in order to benefit from simultaneous substitution of the US signal. For these reasons, it is virtually impossible for Canadian broadcasters to replace the captioning provided to them in roll-up format.

There are currently on average 7.5 hours of US soap opera programming per day aired on Canadian television, representing 37.5 hours of programming per week or 1,950 hours per year. At the time of this report, these programs are:

- *Days of Our Lives* (an hour per day, five days a week, aired on Global)
- *As the World Turns* (an hour per day, five days a week, aired on Global)
- *The Young and the Restless* (an hour a day, five days a week, aired on Global)
- *All My Children* (an hour a day, five days a week, aired on A Channel)
- *One Life to Live* (an hour a day, five days a week, aired on A Channel)
- *The Bold and the Beautiful* (half hour a day, five days a week, aired on CTV)
- *General Hospital* (an hour a day, five days a week, aired on CTV)
- *Guiding Light* (an hour a day, five days a week, aired on E!)

Each of these programs is captioned by US producers or distributors using the roll-up captioning format.

Broadcasters also note that foreign programs produced in Europe and acquired by Canadian broadcasters must be re-captioned due to the use of non-NTSC broadcast transmission standards. In many cases, these programs are sent to the Canadian broadcaster close to airtime, which means that it is difficult and costly to re-caption the European program using pop-on rather than roll-up captioning.

Finally, broadcasters point out that the cost of captioning prerecorded shows in pop-on must be taken into account. Indeed, on average, the cost of pop-on captioning is two to two and a half times more expensive than the cost of providing roll-up captioning. Given the sheer volume of programs they need to caption to comply with the CRTC closed captioning policy (PN 2007-54), and the fact that many of these shows are delivered close to airtime, they stress that expecting Canadian television programming services to guarantee that all prerecorded shows, Canadian and foreign, be closed captioned in pop-on is therefore unreasonable.

In light of the above, English-language broadcasters and closed caption service providers have recommended that the Closed Captioning Standards and Protocol for English-language Television Services be amended to stipulate that: *“the use of roll-up captioning is acceptable for all kind of TV programming and therefore can be used for prerecorded captioning.”*

The representatives of the Canadian Association of the Deaf strongly opposed this recommendation, arguing that pop-on captioning was the only suitable captioning format for dramatic programming and that adopting this recommendation would be to the detriment of Canadian English-speaking users of closed captioning. They also argued that there are quality standards in the United States that have been widely adopted by the captioning industry, and that the Canadian broadcasting industry should adopt the standards that have been developed by Telecommunication for the Deaf Inc. (TDI)

To this end, representatives of the users circulated to the working group a document entitled *PETITION FOR RULEMAKING before the FEDERAL COMMUNICATION COMMISSION in the matter of Closed Captioning of Video programming, Implementation of Section 305 of the Telecommunications Act of 1996 Video Programming Accessibility*, submitted in July 2004 by Telecommunications for the Deaf Inc

(hereinafter “*TDI Petition*”). The representatives of captioning users also argued that Canadian broadcasters should adopt all of the recommendations made in the TDI Petition.

The English language working group reviewed the TDI Petition, and noted the comprehensive nature of the document. In particular, the working group noted that the TDI Petition specifically requests that the FCC:

- 1) create a Commission-maintained database with updated contact information for video programming distributors and providers and a captioning complaint form;
- 2) establish compliance reporting requirements and undertake audits to ensure effective implementation of the captioning requirements;
- 3) revise the complaint rules to require responses to consumer complaints regarding captioning quality issues within 30 days;
- 4) establish fines or penalties for non-compliance with the captioning rules;
- 5) require continuous monitoring of captioning by the video programming distributors or providers to ensure that technical problems are remedied promptly and efficiently;
- 6) require video programming distributors to reformat edited or compressed captioning;
- 7) require that for a program to be considered “captioned” under the existing rules, it must meet minimum standards set by the Commission for completeness, accuracy, readability, and synchronicity with the audio portion of the program; and
- 8) adopt non-technical standards to ensure that video programming is “fully accessible” to deaf and hard of hearing individuals.

With respect to the issue of adopting specific stylistic standards, which TDI qualifies as “non-technical quality standards”, the working group notes that the TDI Petition states:

“In particular, the Commission should consider and examine the feasibility of adopting the following captioning quality standards: (a) require that captioned data and information contained in the soundtrack be delivered intact throughout the entire program; (b) require that captioning must transmit information about the audio portion of the program which is functionally equivalent to the information available through the program’s soundtrack; (c) require that captions must include all elements of the soundtrack necessary for accessibility, including verbal information, identification of the speaker (if it is not apparent), sound effect, and audience reaction; (d) adopt standards for proper spelling, grammar, timing, accuracy, and placement; and (e) require captions to be provided in the style and standards that are appropriate for the particular type of programming that is being captioned, e.g., real-time captioning should be required for live programming (including local newscasts, as is required for major news broadcasters pursuant to Rule 79.1) but should not be used in most cases for pre-recorded programming.” (Emphasis added)

The TDI Petition also states that:

“The time is ripe for the Commission to adopt non-technical captioning quality standards in order to ensure that video programming is fully accessible to deaf and hard of hearing individuals.”

The working group acknowledges that the FCC undertook a review of its closed captioning rules in July 2005 in response to the TDI Petition. The working group notes that in Notice of Proposed Rulemaking (NPRM) FCC 05-142, dated 14 July 2005, the FCC stated that:

“Currently there are no standards for non-technical quality aspects of closed captioning. The Commission has considered non-technical aspects of captioning to include matters such as accuracy of transcription, spelling, grammar, punctuation, placement, identification of nonverbal sounds, pop-on and roll-up style, verbatim or edited for reading speed, and type font.” (Emphasis added)

The FCC's NPRM also stressed that:

"In adopting the closed captioning rules, the Commission declined to set standards, but instead encouraged video programming providers to establish standards through their arrangements and contracts with captioning companies. (...) In the Closed Captioning Report and Order, the Commission rejected the idea that program producers would not strive for high quality captioning via their contracts simply because they are not the actual consumers of the captions, stating that "consumers can demonstrate their satisfaction or lack of satisfaction with what is shown through their purchase of advertising products, subscriptions to programming services, or contacts with the video programming providers or video programmers." The Commission stated it would consider revisiting this issue if it becomes apparent that the Commission's assumptions regarding the marketplace incentives for quality captioning were incorrect."

In NPRM FCC 05-142, the FCC requested comments on Non-technical Quality Issues. Specifically, it asked the public to provide comments on the need for the FCC to establish standards for the non-technical quality of closed captioning, including the use of pop-on or roll-up captioning. It also asked what would constitute an "error", as well as if there were valid reasons not to set standards for the non-technical quality aspects of closed captioning.

Finally, it should be noted that the FCC deemed it important to indicate in the conclusion of its NPRM 05-142 that: *"After review of the record we will determine what rules or other next steps are appropriate."*

The English-language working group acknowledges that in a decision released on 7 November 2008, the FCC ruled on the TDI Petition submitted in July 2004 and the subsequent FCC closed captioning rules review initiated in 2005. In DECLARATORY RULING, ORDER, AND NOTICE OF PROPOSED RULEMAKING, FCC 08-255, adopted on November 3rd, 2008, and subsequently released on November 7th, 2008, the FCC indicated that:

"In the accompanying Order, we amend our rules to provide for (a?) more efficient complaint process and methods for consumers to contact distributors with concerns about closed captioning. Finally, in the attached Notice of Proposed Rulemaking, we seek comment on how the exemption in section 79.1 (d) (12) of the Commission's rules should apply to digital broadcasters that multicast. We find that these actions will ensure that the Commission's closed captioning rules are consistent with Congress's goal that "all Americans ultimately have access to video services and programs, particularly as video programming becomes an increasingly important part of the home, school, and workplace."

FCC 08-255 also refers to the fact that:

"On July 23, 2004, several advocacy groups filed a joint petition for rulemaking, seeking to establish additional enforcement mechanisms to better implement the captioning rules, and to establish quality standards to ensure high quality and reliable closed captioning. The TDI Petition also requested that the Commission revise the process for submitting closed captioning complaints and create a database of contact information for video programming distributors and providers."

The English language working group notes that in its unanimous ruling the FCC addressed concerns raised in the TDI Petition as it relates to a complaint process and methods for consumers to contact distributors with concerns about closed captioning, but elected not to provide a ruling on the other elements where TDI was seeking a ruling, including the issue of quality standards for closed captioning. The working group further notes that the FCC elected to remain silent on this issue as well as on the vast majority of the recommendations contained in the TDI Petition.

In light of this decision, it is considered highly unlikely that the FCC will adopt standards for non-technical quality aspects of closed captioning, including matters such as accuracy of transcription, spelling, grammar, punctuation, placement, identification of nonverbal sounds, pop-on and roll-up style, verbatim or text edited for certain reading speed and type font.

It is anticipated that Canadian English-language broadcasters will, for the foreseeable future, continue to acquire US programming that has been captioned in the US. This captioning will, first and foremost, be designed to meet the requirements of the FCC's closed captioning rules, which currently only apply to programs produced after January 1st, 2006. The captioning provided by US producers or distributors will not be subject to quality standards and, accordingly, will continue to vary in quality from one service provider to the next.

Given this situation, and given that the *Closed Captioning Standards and Protocol for English language Television Programming Services* cannot apply only to Canadian programming but to all programming broadcast by these services, it will be impossible for Canadian English-language broadcasters to guarantee that all dramatic programming will be captioned using the pop-on format.

Accordingly, it is recommended that the *Closed Captioning Standards and Protocol for English language Television Programming Services* be amended as follows:

In the section Pop-on Captions (pages 7 and 16), the current wording be replaced by:

With "pop-on captions", a phrase or sentence appears on the screen all at once – not line by line – stays there for a few seconds and then disappears or is replaced by another full caption. The captions are timed to synchronize with the program and placed on the screen to help identify the speaker. Pop-on captions are used for prerecorded captioning.

In the section Roll-up Caption (page 7 and 19), the current wording be replaced by:

"Roll-up captions" roll onto and off the screen in a continuous motion. Usually two or three lines of text appear at one time. As a new line comes along, it appears generally on the bottom (except for live sportscast), pushing the other lines on the screen up. Roll-up captions are used for all live captioning and can also be used for prerecorded captioning.

French-Language Television Market:

French-language television programming services do not experience the same problems as English-language television programming services when it comes to the issue of captions on foreign programming. They have a problem of a different nature.

Traditionally, French-language television programming services have aired much of their foreign programming - a substantial portion of which is of US origin - dubbed into French. In most cases, these programs are acquired at least one year or more after they were first aired in English. This provides French-language broadcasters with sufficient time to caption these programs in the pop-on format. However, it also means that, contrary to their English Canadian counterparts, they must caption all of their foreign programming to meet the CRTC's closed captioning requirements.

It should also be noted that Canadian French-language television programming services cannot rely on the acquisition of closed captioned versions of US shows from such sources France. This is because, as with English-language programming, European broadcasters do not use the same transmission standards for television signals as broadcasters operating in North America.

Furthermore, while it is true that France's Conseil Supérieur de l'Audiovisuel (CSA) requires that, as of January 1st, 2010 all programs aired by France's public broadcasters be closed captioned, it appears highly unlikely that a similar requirement will be imposed on private broadcasters and cable services. Indeed, the French-language working group notes that currently, TF1, the biggest private broadcaster operating in France, is only required to caption 1,000 hours of programming each year. This represents less than 25 % of this broadcaster's annual programming schedule.

It is of interest to note that TF1's advertising revenues; - \$1.2 billion in 2007 - exceed the revenue generated by the combined Canadian French-language television sector for the same year. Yet, as set out in Public Notice CRTC 2007-54, Canadian French-language television programming services are required to caption 100 % of their programming schedule.

Notwithstanding this fact, the French-language working group on closed captioning unanimously recommended that all dramatic programming aired by Canadian French-language television programming services be captioned in pop-on format.

Standards for captioning in HDTV

Both working groups have discussed the need to adopt specific standards for closed captioning in HD. They both recognize that HD technology allows for greater flexibility and choice of formats for captioning. However, participants raised the concern that since the FCC in the US is requiring that captioning remain available in the CEA-608 (analog) standard after February 17, 2009 (at which point most of the American television services will broadcast only on HD), it would be premature to adopt closed captioning standards in Canada for HDTV.

The working groups note that in FCC 08-255, released on November 7, 2008, it is stated that:

"The Commission's rules require that each digital-to-analog converter box manufactured after June 30, 2002, pass available analog caption information to an attached television receiver in a form recognizable by the receiver's built-in caption decoder circuitry. Because these viewers will receive digital television programming on analog sets, in order for program distributors to count captioned digital programming towards the closed captioning requirements of section 79.1, they must transmit captions that can be decoded by the decoders in those analog sets. As a practical matter, this means that video programming distributors, including broadcasters and MVPDs, must continue to transmit captions in the CEA-608 (analog) standard after February 17, 2009."

In light of this ruling, both working groups believe that it would be premature to adopt quality standards for closed captioning in HD for the time being. The working groups are of the view that, a few years from now, it might well be appropriate to revisit the issue of standards for captioning in HD.

Industry Standards on "Error rate"

Both working groups have discussed the issue of industry standards that would define an acceptable "error rate" in order to ensure a high level of quality captioning in the Canadian broadcasting system.

Both working groups recognized that the error rate issue is, for the most part, related to the provision of real time or “live” captioning, which generally takes place in the context of a live newscast, or the broadcast of live sporting events. In the opinion of the working groups, prerecorded captioning should, for all intents and purposes, be provided error free. Indeed, all interveners in the context of the Accessibility Hearing indicated that the quality of prerecorded captioning was not an issue in this country.

The issue therefore is to determine what actually constitutes an “error” in live captioning, and subsequently, what is the acceptable rate of errors should be.

The working groups note that in FCC 05-142 NPRM, reviewing the closed captioning rules in the US, the FCC stated that:

“We also seek comment on whether any non-technical quality standards should be different for pre-recorded programs versus live programming. For example, when this issue was raised in 1997, one commenter proposed that the Commission set a maximum error rate of no more than two tenths of a percent (0.2 %) of the words in a prerecorded show, and require that no more than 3 % of the words in a live show may be wrong, misspelled, or absent. We seek comment on whether these error rates are appropriate and, if not, what error rates would be appropriate.”

The working groups further note that in its rulemaking decision FCC 08-255, the FCC did not make a determination on this issue, and it appears unlikely that it will adopt a position on this issue for the foreseeable future.

Finally, it is noted that the representative of the users on the French-language working group as well as the representative of the CRIM who have conducted studies on the error rate issue and have worked with CPAC to help them assess acceptable levels of error, have both indicated that more studies and analysis are required before a recommendation can be made to the CRTC on this issue.

In light of this, the working groups are not at this time recommending a specific acceptable error rate for the provision of captioning on live programming. Rather, they are of the view that more time is required to conduct further research and analysis on this issue before making any recommendations to the Commission.

The Best Approach: Complaints about Captioning and Captioning Quality

One of the issues raised in PN 2007-54 was the possibility of adopting a self-regulatory approach with a third party body like the Canadian Broadcast Standards Council (CBSC) to adjudicate complaints about captioning and captioning quality. Both working groups discussed this concept.

Broadcasters have indicated that, in many cases they receive complaints related to captioning when, in fact, the problems do not originate at their end. Broadcasters do not control the quality or the level of captioning once the signal has left either the transmitting antenna or the fiber optic line used to carry their signal to cable or DTH Broadcast Distribution Undertakings (BDUs). Accordingly, broadcasters argue that it would not solve the problem to request that the CBSC adjudicate complaints about captioning and captioning quality, since it has no jurisdiction over BDUs. Rather, broadcasters are of the view that the system should continue to deal with captioning complaints on an individual basis.

The working groups agree that the users of closed captioning should not have to be concerned with who is ultimately responsible for fixing the problem. It should be noted that in the United States, it is the BDUs who are ultimately responsible to respond to complaints relating to the provision of captioning on the programs that they carry. Accordingly, the working groups are recommending that Canadian BDUs be also involved in the process of addressing complaints about the quality of captioning on the programming that they distribute.

One simple procedure would be that the Commission require a user who is filing a complaint on a program seen on a Canadian television programming service to indicate if they are subscribing to a BDU service provider and, if so, which carrier. With this simple requirement, the broadcaster receiving a captioning complaint could copy the concerned BDU and work in collaboration with that company to ensure that the problem is promptly corrected.

Measures to Ensure Quality Control of Closed Captioning

The issue of how to ensure quality control of closed captioning was discussed in detail by both working groups. In each case, it was agreed that a “one size fits all” approach to quality control will not be practical.

Every broadcaster operates under a unique set of circumstances. A television programming service like Showcase in English Canada or *Séries +* in French Canada that broadcasts only pre-recorded shows does not have the same level of difficulty, insofar as captioning is concerned, as a service like the Weather Network or TSN, or their French-language counterparts *Météomédia* and RDS. Therefore, it only makes sense that these services not adopt the same types of closed captioning measures.

The working groups notes that in its 2004 submission to the FCC, *TDI* indicated that:

“Petitioners believe that many of these technical problems could be prevented in the first instance if the video programming distributor and providers had mechanisms in place to monitor captioning and routinely check their engineering equipment and procedures. (...) Petitioners respectfully submit that monitoring by both distributors and providers is of critical importance to minimize (and ultimately eliminate) the types of technical problems that continue to occur which prevent deaf and hard of hearing individuals from having access to captioned programs.”

According to the *TDI* Petition, *“the need for filing complaints would be greatly minimized if video programming distributors and providers actively monitored and maintained their equipment in order to eliminate the occurrence of technical problems in the first instance and to quickly and efficiently repair such problems that do occur.”*

The working groups consider that such an approach is both logical and warranted. And although the working groups note that the FCC did not adopt the recommendation of *TDI* on this issue, they are of the view that each Canadian television programming service should develop their own mechanisms and rules of procedures to monitor captioning and ensure they are providing quality captioning on their programming.

Therefore, the working groups are recommending that each Canadian television programming licensee develop its own mechanisms and rules of procedure on closed captioning, which include the use of the code of standards on closed captioning applicable to its service, and submit these mechanisms and rules of procedures as part of its CRTC licence renewal proceeding.

Other Recommendations

Finally, the working groups are requesting that their mandate be extended by the Commission, so that the broadcasting industry, the captioning service providers and the captioning users can continue to benefit from having a forum that is solutions-driven, and where they can discuss issues relating to the provision of quality closed captioning.

Further, the working groups are recommending that the composition of the working groups be widened to include representatives of the BDUs in order to ensure that in the future all aspects of the communication chain regarding the provision of closed captioning can be discussed. The working groups are convinced that such an approach is warranted and would help ensure that solutions to problems related to closed captioning will be explored by all interested parties.

Conclusion:

As noted in the introduction of this document, this is a preliminary report. A final report and possible additional changes to the proposed codes of standards on closed captioning for the English television market and the French television market will be filed on February 3rd, 2009. This will allow for the filing of a report on December 15th, 2008 on two validation exercises that will be conducted in early December 2008, one in Toronto for the English-language closed captioning user community, and one in Montreal for the French-speaking closed captioning user community.